

August 25, 2014

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by Michael Sieczkowski, Chairman, at 8:00 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag and then announced the agenda for this evening.

Members present: Michael Sieczkowski, Chairman
Thomas Andrews, Craig Powley, Donald Robinson, Peter Smith
Also present: Alan Johnson, alternate
James McCann, Building Inspector
Gary Billingsley, Attorney

Chairman announced that Marjorie Meahl, Recording Secretary, was not present this evening, and that the Attorney would be responsible for recording the minutes of tonight's meeting.

Attorney read Notice of Public Hearing as it appeared in the Lockport Union Sun and Journal to consider the following applications:

2014-04 (07-16-14) JAMES BURANDT, 3462 Lower Mountain Road, Sanborn, N.Y. 14132, for a Special Permit to permit applicant to maintain a private kennel permitting applicant to harbor four (4) dogs over six (6) months old registered to applicant as permitted by the Special Permit Ordinance of the Town of Cambria.

2014-05 (08-04-14) MANCENE E. SINCLAIR, 4140 Burch Road, Ransomville, N.Y. 14131, for a Special Permit to permit applicant to maintain a private kennel permitting applicant to harbor six (6) dogs over six (6) months old registered to applicant as permitted by the Special Permit Ordinance of the Town of Cambria.

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of July 25, 2014 with amendment of adding "is" at bottom of Page 2. Unanimously approved as amended, motion carried.

PUBLIC HEARINGS:

2014-04 (07-16-14) JAMES BURANDT was present at this meeting and has submitted the following: Application for Special Permit, Short Environmental Assessment Form and Agricultural Data Statement.

Applicant said he had a few questions regarding town's limits on number of dogs, and explained that in 2009, he was not aware of the three dog limit. He added that his dogs were always registered and spayed or neutered. He has a fenced in yard, and feels

that he keeps his dogs where they are supposed to be. He explained why he ended up with more than three dogs, including fact that he obtained his fourth dog at recommendation of his veterinarian so that his other young dog would have a playmate. He is now aware of the three dog limit and is before this board for permission for fourth dog so that he will be able to comply with Town requirements. He does not believe any of his neighbors will have problems with his application.

Public Hearing open: there were no concerns expressed from members of the public.
Public Hearing closed.

Chairman asked what type of dogs applicant owns?

He answered older dogs are American Eskimos, and younger dogs are Bichon Fares.

Chairman asked how waste was cleaned up?

Mr. Burandt explained it was cleaned up daily and then disposed of properly.

Chairman asked if applicant owns all of the dogs?

He said öyesö. Applicant stated he would not be getting any more dogs. He added that his fence has been up for many years, stated his dogs do not bark excessively and added that when they are allowed outside, it is usually for ten or fifteen minutes at a time.

There were no further questions from board members, Building Inspector or the Attorney.

A motion was made by Mr. Robinson and seconded by Mr. Smith to declare **negative declaration under SEQR** on application of Mr. Burandt. Unanimously approved, motion carried.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **approve** application of Mr. Burandt for a Special Permit to permit applicant to maintain a private kennel to harbor four (4) dogs over six (6) months old, registered to applicant, with condition that applicant not obtain additional dogs in the future that would result in his having more than three dogs total, and that the requested use will not result in a change in the character of the neighborhood, would not result in depreciation of property values, and would not result in excessive noise or disturb the neighborhood.

Special Permit is to be for a period of one (1) year initially. Unanimously approved, motion carried.

PUBLIC HEARING:

2014-05 (08-04-14) MANCENE E. SINCLAIR was present at this meeting and has submitted the following: Application for Special Permit, Short Environmental Assessment Form and Agricultural Data Statement.

Applicant stated she had no idea that the Town had a three dog limit when she moved here ten years ago. She owns five (5) Siberian Huskeys and a mixed breed Springer Spaniel. She is not registered as a breeder.

Even though she has an underground fence, the dogs stay inside at night most of the time. She does not intend to have the dogs breed again.

Public Hearing open: there were no concerns expressed from members of the public.
Public Hearing closed.

Mr. Powley asked applicant if there were any problems with dogs barking?
Applicant stated there were no problems, no excessive barking.

Chairman asked about layout and other details?
Applicant said that there was underground fence, and that a couple of the dogs are leashed on occasion.

The chairman asked about waste disposal?
Applicant stated that the waste is collected in garbage bags and properly disposed of.

Applicant confirmed that she will not get additional dogs, and as dogs expire, the number of dogs she owns will then not exceed three ((3) dogs.

There were no further questions from the board, the Building Inspector or the Attorney.

A motion was made by Mr. Robinson and seconded by Mr. Smith to declare **negative declaration under SEQR** on application of Mrs. Sinclair. Unanimously approved, motion carried.

A motion was made by Smith and seconded by Mr. Robinson to **approve** application of Mrs. Sinclair for a Special Permit to permit applicant to maintain a private kennel to harbor six (6) dogs over six (6) months old registered to applicant with condition that applicant not obtain additional dogs in the future that would result in her having more than three dogs total, and that the requested use will not result in a change in the character of the neighborhood, would not result in depreciation of property values, and would not result in excessive noise or disturb the neighborhood.

Special Permit is to be for a period of one (1) year initially. Unanimously approved, motion carried.

OLD BUSINESS:

Chairman advised that requested paper work on Ryndak application did not arrive until this past Friday, and that matter should be on September agenda.

NEW BUSINESS: none

REPORTS:

Chairman ó advised that the Town Board is working on its 2015 Budget, and that if board members had any suggestions, they should submit them to the Supervisor by September 2, 2014.

The last training session for board members is at NCCC on October 9, 2014.

Building Inspector ó no report

Attorney ó no report

Chairman announced the next regular meeting is scheduled on September 22, 2014.

A motion was made by Mr. Robinson and seconded by Mr. Powley to adjourn at 8:31 P.M.

Respectfully submitted,

Gary Billingsley, Attorney

Minutes approved: _____

