

August 27, 2012

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by John Reardon, Chairman, at 8:03 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: John Reardon, Chairman  
Michael Bechtel, Theresa Kroening, Donald Robinson, Peter Smith  
Also present: Michael Sieczkowski, alternate  
Matthew Foe, Councilman  
Clifford Burch, Building Inspector  
Gary Billingsley, Attorney

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

**(06-25-12) MARY ANN H. KRAEMER**, 4490 Plank Road, Lockport, N.Y. 14094, for an Area Variance to permit applicant to park a motor home closer to the road right-of-way than the front foundation of the dwelling near an existing detached garage upon said premises, whereas the Zoning Ordinance does not permit parking of such a vehicle closer to the road right-of-way than the front foundation of said dwelling.

**(07-30-12) ROBERT WARD and RENEE' WARD**, 3755 Ridge Road, Lockport, N.Y. 14094, for an Area Variance to permit applicants to construct an accessory building upon said premises with dimensions of 16 feet by 32 feet, said accessory building to be located 5 feet from the east side property line, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of an accessory building closer to a side lot line than 15 feet.

**(06-11-12) DAVID WYLIER**, 3072 Upper Mountain Road, Sanborn, N.Y. 14132, for an Area Variance to permit applicant to construct an open porch on the north and west sides of his residence upon said premises approximately 35 feet from the road right-of-way, whereas the Zoning Ordinance does not permit construction of a porch closer to the right-of-way than 60 feet.

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of July 23, 2012 as presented. Unanimously approved, motion carried.

**SPECIAL PERMIT RENEWAL** (tabled from July 23, 2012)

**2008-05 ( 06-02-08) Paul Wendt, Christ Centered Properties**, 5910 Ward Road, Sanborn, N.Y. 14132  
Special Permit for warehousing, sale of bulk foods and pet supplies in an existing building at 2990 Carney Drive, Sanborn, N.Y. 14132

Building Inspector reported he had received information from Mr. Wendt that the building is For Sale and he doesn't intend to proceed with the warehousing, sale of bulk foods, etc. and no longer needs the Special Permit.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to let the Special Permit expire on its own terms. Unanimously approved, motion carried.

**SPECIAL PERMIT RENEWAL (Current)**

**2001-10 (07-11-01) Crown Castle**, 3530 Tarringdon Way, Suite 300, Charlotte, N.C. 28277  
Special Permit for Telecommunications Tower, located at 4160 Upper Mount. Rd., Sanborn 14132  
Crown Castle Site: NY Cambria East / BU# 804258

A letter was received dated August 16, 2012 from Crown Castle which included the following: a check for renewal fee in the amount of \$500.00, requested Special Permit be renewed for an additional five (5) years, no notable changes to the Special Permit and no representative would be available to attend the meeting on August 27<sup>th</sup>

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **renew** Special Permit for telecommunications tower located at 4160 Upper Mountain Road for a period of five (5) years. Unanimously approved, motion carried.

**PUBLIC HEARINGS:**

**(06-25-12) MARY ANN H. KRAEMER** was present at this meeting and has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of survey.

Mrs. Kraemer said she would like to park her motor home RV in her driveway in front of existing detached garage. She said she uses this motor home to go camping, is licensed, inspected and insured. She said she uses it several times in the Summer and has to plug it in for electricity. It would be there in the Summer only and has it stored in her sister's garage in the Winter. She said it will not fit in her garage. There are pine trees on the property which block some of the view of the motor home.

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

Concerns of Board members, Building Inspector and Attorney:

Mr. Reardon said the vehicle is in and out?

Mrs. Kraemer said she uses it several times in the Summer to go camping. When home, it is parked near the garage for electric hook-up; parked back from the road and not at edge of the road. It doesn't obstruct view of the traffic.

Building Inspector said the vehicle will not obstruct view of the traffic, but is closer to the road than the front of her house.

Counsel had no concerns.

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

A motion was made by Mr. Bechtel and seconded by Mrs. Kroening to **approve** application for Area Variance to permit applicant to park a motor home closer to the road right-of-way than the front

foundation of the dwelling near an existing detached garage upon said premises. Unanimously approved, motion carried.

**(07-30-12) ROBERT and RENEE' WARD**, were present at this meeting and have submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of deed.

Mr. Ward said they would like to construct a storage building, five (5) feet from the property line and will be taking down two smaller existing buildings.

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

Concerns of Board members and Attorney:

Mr. Bechtel reiterated, dimensions of the new building will be 16' by 32'.

Mr. Reardon asked applicant how tall will the new building be?

Mr. Ward said it will be 8 feet tall and will take the place of two existing sheds.

Mr. Reardon asked if the building could be placed further back on the lot?

Mr. Ward said any further back would interfere with leach bed. He said he plans to store lawnmower and various other personal items.

Counsel asked applicant if where it says "Demo" on deed, is that where small buildings are?

Mr. Ward said "yes" and new building will be on a pad.

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

A motion was made by Mr. Bechtel and seconded by Mr. Robinson to **approve** application for Area Variance to permit applicants to construct an accessory building upon said premises with dimensions of 16 feet by 32 feet, said accessory building to be located 5 feet from the east side property line. Unanimously approved, motion carried.

**(06-11-12) DAVID WYLIER**, 3072 Upper Mountain Road, Sanborn, N.Y. 14132  
Mr. Wylier was not present at this meeting.

The Public Hearing was scheduled for the July 23, 2012 meeting but there was no one present on behalf of Mr. Wylier at that meeting and action was tabled for one (1) month.

Mr. Wayne Giambrone, 4822 Upper Mountain Road, Lockport, 14094, appeared on behalf of Mr. Wylier this evening and was authorized to appear by Mr. Wylier as stated on the Notice of Public Hearing to Mr. Wylier dated August 23, 2012.

Received this evening: Public Hearing Notice that was mailed to Mr. Wylier with authorization for Mr. Giambrone to represent Mr. Wylier at tonight's meeting and a copy of sketch of Mr. Wylier's home, highlighting where the porch on the north and west sides of his residence will be.

The porch will be approximately 35 feet from the road right-of-way on the front and per Zoning Ordinance, construction of the porch is not permitted closer to the road right-of-way than 60 feet.

Public Hearing open: there were no comments from members of the public.

Public Hearing closed.

Comments from Board members, Building Inspector and Attorney:

Mr. Smith asked Mr. Giambrone if there is an existing porch there now?

Mr. Giambrone said there is an open porch on the back of the house.

Picture shows Tyvek paper on one side of house.

Mr. Giambrone said Mr. Wylier plans to finish the siding on the house and do the porch all at one time. Regarding the garage, never completed, and that was started several years ago and received a permit to construct it.

Mr. Giambrone said the garage is on hold and wishes to concentrate on the house first. The old garage was torn down and new footers put in.

It was asked if Mr. Wylier lives there now and answer was "yes".

Mrs. Kroening inquired about the permit for the garage, does it have an expiration date?

Build. Inspector said a Variance was granted for the garage. Building Permits are good for a year.

Counsel said term of Building Permit is for six (6) months and then can be renewed for another six (6) months, one year total and then becomes void.

Counsel said there are several issues with this particular project and need some clarification from Mr. Wylier, applicant.

Counsel asked representative if he could ask Mr. Wylier to be at the September Zoning Board meeting to answer some of the questions on existing concerns.

Mr. Giambrone said he would inform Mr. Wylier of the request.

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

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **table** application for Area Variance to permit applicant to construct an open porch on the north and west sides of the residence upon said premises approximately 35 feet from the road right-of-way, and that Mr. Wylier be requested to attend the September 24<sup>th</sup> meeting of the Zoning Board to address some of the issues discussed this evening. Unanimously approved, motion carried.

REPORTS:

Mr. Reardon - Training Seminar at N.C.C.C. on September 25<sup>th</sup> 5:00 p.m. to 9:30 p.m.  
Budget for 2013 – if board members have any requests or issues, please advise Mr.  
Reardon by Sept. 4<sup>th</sup>.

Building Inspector – no report

Attorney – no report

Board members – no report

A motion was made by Mr. Bechtel and seconded by Mr. Robinson to adjourn at 8:40 p.m.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: \_\_\_\_\_