

**Town of Cambria  
Zoning Board of Appeals Meeting  
September 26, 2016**

The regular monthly meeting of the Zoning Board of the Town of Cambria was called to order by Michael Sieczkowski, Chairman at 7:01 PM. Everyone was welcomed to the meeting, followed by the Pledge to the Flag.

**Members Present:** Michael Sieczkowski, Chairman  
Thomas C. Andrews  
Donald Robinson  
Alan Johnson  
Peter Smith  
Bradley Rowles, Alternate

**Members Absent:** None

**Also Present:** Marjorie Meahl, Retired Planning/Zoning Secretary  
James McCann, Building Inspector  
Randy Roberts, Councilman and Liaison to the Town Board  
Matt Foe, Councilman  
Gary Billingsley, Attorney

A motion was made by Mr. Johnson and seconded by Mr. Smith to approve the Minutes for the August 22, 2016 Meeting, Unanimously approved, All in favor, motion carried.

The public hearing notice was read as it appeared in the town newspaper.

**Special Permit Termination**

**ZBSP-1998-02      Modern Recycling, Inc.  
5204 Lockport-Junction Rd, Lockport, NY 14094  
SBL#107.00-2-35**

In a letter to the Town of Cambria dated September 1, 2016 James P. Goehrig, P.E. states that Modern Recycling, Inc. is in the final stages of selling the property located at 5204 Lockport-Junction Road to Cambria Asphalt. Effective immediately. Modern requests that the Special Use Permit for the property be discontinued. Modern has already sent notice to the New York State Department of Environmental Conservation (NYDEC) to discontinue permits as well. Mr. McCann stated that he was aware that the property was being sold. Mr. Billingsley stated that the Special Permit would terminate with the sale of the property but if the board was so inclined they could make a motion to terminate this Special Permit. A motion was made by Mr. Smith and seconded by Mr. Robinson to terminate this special permit effective September 1, 2016 effective immediately, all in favor, motion carried.

**Special Permit Termination**

**ZBSP-2010-06      Jac-Lynne Ward**  
**4587 Ridge Road, Lockport, New York 14094**  
**SBL# 79.00-1-12.2**

In a letter to the Town of Cambria received September 26, 2016, Ms. Ward stated that she no longer needs a Special Permit for a private kennel for her dogs. She stated that they are deceased, and she has no further interest in having six dogs. A motion was made by Mr. Robinson and seconded by Mr. Johnson to terminate Ms. Ward's Special Permit, all in favor, motion carried.

**Special Permit Termination**

**ZBSP-2010-11      Linda Rodger**  
**4772 Ridge Road, Lockport, New York 14094**  
**SBL#79.00-1-20.1**

Ms. Rodger was present at the meeting and stated that she no longer needs the Special Permit she no longer has dogs. A motion was made by Mr. Smith and seconded by Mr. Robinson to terminate this Special Permit, all in favor, motion carried.

**Public Hearings:    Area Variance**

**ZBAV-2016-008    Jeff Rodger**  
**4772 Ridge Rd, Lockport, New York 14094**  
**SBL#79.00-1-20.1**

United Wind, applicant, by Tyler Palmer of 2726 Angling Road, Medina, New York 14103, and Jeffery Rodger, owner, of 477 Ridge Road, Lockport, New York 14094, for a Special Use Permit and Area variance to permit applicant to construct a Commercial Wind Energy System, namely a windmill with a height of 153 feet, 8 inches, upon said premises to be located approximately 350 feet from the road right-of-way as permitted by Local Law No. 1 of the Year 2009, a Local Law to Regulate Wind Energy Systems within the Town of Cambria. An area variance is being requested due to the fact that said Local Law does not permit such structures to exceed 100 feet in height.

**Public Hearing Open**

No Comments from the public.

**Public Hearing Adjourned**

A motion was made by Mr. Smith, seconded by Mr. Johnson to adjourn consideration of this application for Wind Turbines in the Town of Cambria until further notice.

**ZBAV-2016-009     Area Variance**  
**Kelly Strade-Crowley**  
**4453 Green Rd, Lockport, New York 14094**  
**SBL # 93.00-1-1.1**

United Wind, applicant, by Tyler Palmer of 2726 Angling Road, Medina, New York 14103, and Kelly Strade-Crowley, owner, of 4453 Green Road, Lockport, New York 14094, for a Special Use Permit and Area variance to permit applicant to construct a Commercial Wind Energy System, namely a windmill with a height of 153 feet, 8 inches, upon said premises to be located approximately 350 feet from the road right-of-way as permitted by Local Law No. 1 of the Year 2009, a Local Law to Regulate Wind Energy Systems within the Town of Cambria. An area variance is being requested due to the fact that said Local Law does not permit such structures to exceed 100 feet in height.

**Public Hearing Open**

No Comments from the public.

**Public Hearing Adjourned**

A motion was made by Mr. Smith, seconded by Mr. Johnson to adjourn consideration of this application for Wind Turbines in the Town of Cambria until further notice.

Mr. Billingsley explained that because the public hearing was adjourned, no further notices will need to be published in the town newspaper. He further explained that the Planning Board acts as the lead agent for proposed Wind Turbines in the Town of Cambria, and will also make a recommendation to this board on the applications for wind turbines. This board could then grant an area variance and special permit. After the zoning board receives planning board SEQR determination and recommendation it can precede to consider the applications. Finally, if the special permit and area variance are granted the planning board will do its site plan review.

Tyler Palmer, Permitting Manager with United Wind was present at the meeting, fielding questions for Mr. Rodger and Ms. Strade-Crowley. Mr. Palmer stated that both are considered residential wind turbines. The additional height is necessary for power production. The wind turbines will be 153 feet, 8 inches at the highest point. Both wind turbines will be very similar to the one located at Arrowhead Springs Vineyard located at 4746 Cambria-Lockport Townline Road.

**Old Business:**

**Area Variance           ZBAV-2016-005**  
**Mark and Mary Jane Fremont**  
**204 Hinds Street, Tonawanda, New York 14150**  
**Relating to 5012 Baer Road, Sanborn, New York 14132**  
**SBL # 105.00-1-90**

Mr. and Mrs. Fremont would like to obtain an Area Variance to permit construction of a residence on their property located at 5012 Baer Road. This parcel is currently the subject of a subdivision application for a division into two (2) parcels to be used for residential purposes which application is currently in the process of being considered by the Town of Cambria Planning Board. This division requires approval because the parcel contains 66 feet frontage, whereas the Zoning Ordinance does not permit construction of a residence upon a parcel containing less than 150 feet of frontage.

Mr. and Mrs. Fremont were present at the meeting with their Lawyer Mr. Joseph Gannon. Mr. Gannon explained that the Fremont's would like to build a house on the property adjacent to the church. The church was previously known as the Abundant Life Baptist Church, which applicant proposes to convert into a private residence. The properties will be entirely separate; the church has its own septic system. This property is a little over 12 acres. They plan to divide the property so their son can live in the renovated church with 5 acres and they will build a new home and retain the remaining 7+ acres. They plan to build an 1800-2200 square foot ranch home. This property is accessed using a 10' common driveway located on a 66 foot wide strip providing access to the back portion of land that would be used for the two residences if approved. Issues may arise in the future with the creation of a land locked parcel. This issue was tabled at the July Planning Board Meeting to allow applicant to request an area variance from the Zoning Board.

Jeff Brooks, 3339 Upper Mountain Rd, Sanborn, NY 14132, Joseph Fazzolari, 1700 Pallister Ave, Barker NY 14012, Lisa Caldwell, 3339 Upper Mountain Rd, Sanborn, NY 14132, attended the meeting.

The Brooks family feels there may be an issue regarding location of a property line, and that the property may not have been surveyed correctly. They further requested that no further action is taken by this board until the issue is resolved. According to Mr. Gannon the Fremont's have already provided two surveys in an effort to resolve this issue. Mr. Gannon further stated that the boundary line dispute is not relevant as it involves the opposite side of the property in question.

**Fremont-Area Variance Continued**

Mr. Brooks stated that he has the original survey that clearly shows the boundary line that is in dispute. Mr. McCann explained that Mr. Brooks has a tax map and not a survey.

Mr. Brooks explained that he has hired Niagara Boundaries a Surveyor who will be completing a survey to address this boundary line dispute. According to Mr. McCann the company has been in contact with the Town of Cambria and they are moving forward with the survey.

Mr. Fazzolari believes that there is a 66 foot error. Mr. Gannon stated that a 66 foot error would put the center line for the property in the center of the church. Mr. Brooks stated that the Fremont's survey is "way off" where the Brooks Family has always understood the boundary line to be located.

Mr. Billingsley stated that both parties have had an opportunity to be heard. It was hope of the board that Mr. Leone, Attorney for the Brooks Family would be present at this meeting. Mr. Sieczkowski suggested that the board hold off another month to give the Brooks Family additional time to complete the survey.

A motion was made by Mr. Robinson and seconded by Mr. Johnson to grant this additional time to the Brooks Family to complete the survey with the stipulations that it must be mailed to Mr. Gannon the Attorney for the Fremont's and presented to the Town of Cambria Building Inspector, Mr. James McCann on or before October 19, 2016. Motion approved, all in favor, motion carried.

Adam Walek, 5042 Baer Rd, Sanborn NY 14132-expressed concerns about the location of the church, where it was built in relation to the property line, and if the church had a special use permit. Mr. McCann explained to Mr. Walek that the church was built in 1970. Mr. Walek also expressed concern on how the property in question will be taxed. Mr. Walek was encouraged to direct his questions regarding the calculation of taxes on properties in the Town of Cambria to the Assessor, Debra Littere.

**New Business:** Nothing at this time

**Reports:**

**Chairman-**Mr. Sieczkowski shared a thank you card from Marjorie Meahl.

Mr. Robinson will also be stepping down as a member of the Zoning Board; Mr. Sieczkowski thanked him for his many years of service to the Town of Cambria. Bradley Rowles, alternate will take Mr. Robinson's place on the Zoning Board.

**Building Inspector-** Nothing at this time.

**Attorney-**Nothing at this time

**Board Members-** Nothing at this time.

Zoning Board  
-continued

September 26, 2016

The next meeting of the Zoning Board of Appeals will take place October 24, 2016  
at 7:00PM.

A motion was made by Mr. Smith and seconded by Mr. Robinson to adjourn the meeting  
at 8:03PM.

Respectfully Submitted by

Melinda Olick