

December 17, 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 8:00 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: John Reardon, Chairman  
Michael Bechtel, Theresa Kroening, Donald Robinson, Peter Smith  
Also present: Michael Sieczkowski, alternate  
Clifford Burch, Building Inspector  
James McCann, 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:

**(11-19-12) JAMIE WASIK**, 4879 Saunders Settlement Road, Lockport, N.Y. 14094, for an Area Variance to permit applicant to construct a shelter for livestock with dimensions of 12 feet by 24 feet upon said premises to be located approximately 80 feet from the west side lot line, whereas the Zoning Ordinance does not permit construction of such a structure closer to a side lot line than 100 feet.

**(11-26-12) VITALY DEDOVETS**, 661 Fairmont Avenue, North Tonawanda, N.Y. 14120, for an Area Variance to permit applicant to construct a residence 160 feet from the road right-of-way upon premises located at 4299 Lockport Road, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of a residence farther from the road right-of-way than 125 feet.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to approve minutes of meeting of November 26, 2012, as presented. Unanimously approved, motion carried.

#### **RENEWALS** (current)

**1991-18 Joseph Ohol**, 5817 Comstock Road, Lockport, N.Y. 14094  
Special Permit to store and sell used landscape timbers (railroad ties) from premises at 4220 Saunders Settlement Road

Mr. Ohol, present at this meeting, said he would like to continue with Special Permit for the sale of railroad ties and to expand the Special Permit to include landscape stone and bulk stone, to be located in an area 80 feet by 100 feet in front of existing house, approximately 50 feet from the road right-of-way. He showed to board members pictures of the landscape stone. He said he would like to display a few of the different grades of railroad ties.

Counsel asked Mr. Ohol if the stone and railroad ties could be placed back further from the road right-of-way? Mr. Ohol agreed to go back 80 feet.

Mr. Ohol said house is about 300 feet from the road. Area is zoned Agriculture

Building Inspector had no comments on the issue.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to amend the Special Permit of Joseph Ohol to add “store and sale of landscaping stone and bulk stone” to his existing Special Permit which is for sale of railroad ties, to be approximately 80 feet from the road right-of-way for a period of one (1) year. Mr. Ohol said he would also like to erect a sign, dimensions, twelve (12) square feet per Zoning Ordinance regulation. Unanimously approved, motion carried.

**2001-15 (10-04-01) Crown Castle International**  
**Voicestream Wireless** – co-location  
Site #875128 located west of 4219 Lockport Road  
Renewal of Special Permit for the co-location

A check in the amount of \$500.00 renewal fee was received dated Dec.11, 2012 for renewal of Special Permit for co-location on tower located west of 4219 Lockport Road.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **renew** Special Permit to Voicestream Wireless for co-location on tower (owned by Crown Castle) for a period of five (5) years retroactive to October 2012. Unanimously approved, motion carried.

**PUBLIC HEARINGS:**

**(11-19-12) JAMIE WASIK**, 4879 Saunders Settlement Road, Lockport, N.Y. 14094 was present at this meeting and has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, copy of portion of Town map and sketch of their property showing buildings, house, grain bins, etc.

Mrs. Wasik said they would like to construct a 12 foot by 24 foot shelter for livestock not less than 80 feet from west property line and Zoning Ordinance requires 100 foot setback.

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

Mrs. Wasik said the area beyond the 80 feet is low and wet at times. Total acres on the north side of Saunders Settlement Road where their barn, house, bins, etc are located is approximately 95 acres and 7.8 acres is pasture. The area does not drain well in the 20 feet beyond the useable 80 feet.

Counsel had no comments, applicant is asking for a relief of 20 feet.

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

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **approve** application for Area Variance to permit applicant to construct a shelter for livestock with dimensions of 12 feet by 24 feet upon said premises to be located approximately 80 feet from the west side lot line. Unanimously approved, motion carried.

**(11-26-12B) VITALY DEDOVETS**, 661 Fairmont Avenue, North Tonawanda, N.Y. 14120. Mr. and Mrs. Dedovets were present at this meeting and have submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey.

Mr. Dedovets said they would like to build a home further back from the road, namely, 160 feet from the road right-of-way upon premises located at 4299 Lockport Road. He said both of his neighbors are further back and their future home will not affect anyone's view.

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

Concerns of board members:

Chairman asked about drainage on this property?

Mr. and Mrs. Dedovets' primary concern is for the safety of their children and that is the reason for wanting to build their home further back from the road.

Mr. Burch said applicants' future home would line up and the house to the east would be a little further back. There is an existing driveway on their property now that had been put in by former owner, Mr. Duerr.

Counsel said the Niagara County Planning Board recommended approval of application of Mr. and Mrs. Dedovets.

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

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **approve** application of Vitaly Dedovets for an Area Variance to permit applicants to construct a residence 160 feet from the road right-of-way upon premises located at 4299 Lockport Road, Lockport. Unanimously approved, motion carried.

End of Public Hearings.

**(08-04-10) Chris and Curt Rechin**, 5700 Shawnee Road, Sanborn, N.Y. 14132  
Re: removal of fill from premises at 5700 Shawnee Road, Sanborn, N.Y. 14132  
Request for Use Variance to temporarily store excavated material closer than 500 feet from the road.

Mr. Chris Rechin said the dirt is all cleaned up. Some of the broken concrete and rock remain for a barrier so no one will drive off into the ditch. There is some brush to the north still there which has been on the property since the Rechins moved there.

Board members had no concerns.

Counsel said applicants can now withdraw the Use Variance.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to accept applicants voluntary withdrawal of the application. Unanimously approved, motion carried.

REPORTS:

Counsel said he received communication from the Town Clerk's office regarding renewal of Special Permit for **2011-09 (08-25-11)** to **Roberta Sherwood**, pertaining to November 19<sup>th</sup> Zoning Board meeting minutes regarding dog licensing to Ms. Sherwood, as there appears to be a discrepancy in information. Counsel will write a letter to Ms. Sherwood asking her to come to the January Zoning Board meeting to clarify the issue of the dogs' licensing. No action taken this evening.

Chairman said Mrs. Kroening, Vice Chairman, has agreed to act as Chairperson in the absence of the Chairman for the year 2013.

The Town Board anticipates paying a new benefit, namely, when alternate board member attends meetings in which he/she is not acting in the absence of a regular board member, a figure will be determined by the Town Board beginning January 2013. This issue to be considered at the regular organizational meeting and addition to be incorporated into the budget.

Town Attorney – no further report this evening

Building Inspector (Clifford Burch) said tonight will be the last Zoning Board meeting he will be attending as he is retiring at the end of the year.

Chairman (John Reardon) thanked Mr. Burch for all of his help with the Zoning Board of Appeals and he has been very helpful throughout all the years he has been building inspector.  
James McCann will be the new building inspector beginning January 1, 2013.

Board member (Donald Robinson) said he will not be present at the January meeting.

A motion was made by Mr. Robinson and seconded by Mr. Smith to adjourn at 8:32 p.m.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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