

February 25, 2013

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, Donald Robinson, Peter Smith
Michael Sieczkowski, alternate
Member absent: Theresa Kroening
Also present: Matthew Foe, Councilman
Robert Blackman, Councilman and liaison to the Town Board
James McCann, Building Inspector
Gary Billingsley, Attorney

Minutes of meeting of January 28, 2013, there is one correction.

The person who represented Tim Donut US Limited, Inc. was Robert *Bender. There are six (6) places in the minutes with incorrect spelling, namely Robert *Benderson.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to approve the minutes of meeting of January 28, 2013 as corrected. Unanimously approved, motion carried.

SPECIAL PERMITS and VARIANCE RENEWALS (current)

Outdoor Equipment Sales, 4287 Ridge Road, Lockport, N.Y. 14094

Variance for small engine repair shop, sell lawnmowers, rotor tillers, chain saws, etc.

Vicki Piekos was present on behalf of Outdoor Equipment Sales and said there have been no changes in the business and wishes to renew the Variance.

Board members had no concerns on this business.

Building Inspector said there have been no problems with this business.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **renew** Variance of Outdoor Equipment Sales to operate a small engine repair shop, sell lawnmowers, rotor tillers, chain saws, etc. for another five (5) years. Unanimously approved, motion carried.

2002-01 (02-04-02A) Donna Mc Michael (Donna's Paintin' Place), 4700 Thrall Road, Lockport, N.Y. 14094 Special Permit to conduct painting classes in existing building

Mrs. Mc Michael was not present at this meeting but a letter was received from her dated February 19th stating that she wished to renew the Special Permit for a period of five years.

Board members and Building Inspector had no concerns on this business.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **renew** Special Permit to Donna Mc Michael to conduct painting classes in an existing building for a period of five (5) years. Unanimously approved, motion carried.

2004-02 (02-02-04) Omnipoint Communications (T-Mobile USA), 103 Monarch Drive, Liverpool, N.Y. 13088 Renewal of Special Permit for co-location on cell tower at 4621 Ridge Road, Lockport, N.Y. 14094

A Facsimile was received dated February 20, 2013 from Matthew T. Kerwin, Hiscock & Barclay LLP, who represents T-Mobile Northeast LLC (“T-Mobile”). Some of the information in this letter is as follows: “T-Mobile requests renewal of Special Permit for the aforementioned facility. The town received renewal fee of \$500.00 directly from T-Mobile. T-Mobile USA, Inc. has combined certain subsidiaries including Omnipoint Communications, Inc. The assets of Omnipoint Communications, Inc. were conveyed to and assumed by T-Mobile Northeast LLC effective July 1, 2009”.

Also “requested that the Special Permit renewal and any subsequent notices or correspondence concerning this matter be issued under the new entity name – **T-Mobile Northeast LLC**. The address remains the same but its new contact person is **Peter Berie**. The preceding letter is on file.

There was no one present on behalf of the above this evening.

A motion was made by Mr. Robinson and seconded by Mr. Sieczkowski to **renew** Special Permit to **T-Mobile Northeast LLC** for co-location on cell tower at 4621 Ridge Road, Lockport, N.Y. 14094 (formerly Omnipoint Communications, Inc.) for a period of three (**3**) years. Unanimously approved, motion carried.

A letter was received dated February 7, 2013 from Donna Schluter, AT&T Zoning Coordinator, “for New Cingular Wireless PCS, LLC (“AT&T”) for a building permit for the installation of transmission equipment on the existing tower and within the existing equipment compound at the above-referenced property”

Re: Introduction to **Section 6409**

“AT&T applies for the building permit under Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, signed into law by the President on February 22, 2012. While your town (Cambria) retains discretionary zoning review over the construction of new towers, simple co-locations and/or equipment upgrades such as reflected in this application must now be approved with the issuance of a building permit.”

“The new law authorizes the immediate installation of these eligible facilities to help improve the economy, create jobs and speed the deployment of the services they provide.” Letter is on file.

The Zoning Boards do not regulate co-locations any more, Federal law changed.

Mr. Sieczkowski made a suggestion that the Attorney and Zoning Board look at our current Zoning Ordinance and see if it is in compliance with new Federal regulations on co-locations.

2009-01 (12-31-08) Gary Bell, 4379 Plank Road, Lockport, N.Y. 14094
Special Permit for personal dog kennel

Mr. Bell was present at this meeting and said he would like the Special Permit renewed and there have been no changes.

Building Inspector said there have been no problems with this Special Permit.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **renew** Special Permit to Gary Bell for a period of five (5) years for a personal dog kennel. Unanimously approved, motion carried.

REPORTS:

Chairman – no report, March meeting on the 25th

Building Inspector – no report

Attorney – no report

Board members – no report

Other Business:

2011-09 (08-25-11) Roberta Sherwood, 5838 Shawnee Road, Sanborn, N.Y. 14132

There was no one present this evening on behalf of Miss Sherwood. There has been no response to letters sent from the Attorney or communication to Building Inspector's office regarding the discrepancy between Town Clerk's understanding and the Zoning Board's understanding of the circumstances regarding Special Permit for private kennel.

Attorney recommends the Special Permit be terminated for personal dog kennel because of no response to letters or any type of communication with the Building Inspector's office and applicant has had ample time to provide the information requested.

A motion was made by Mr. Robinson and seconded by Mr. Smith to terminate the Special Permit of Roberta Sherwood for personal dog kennel as of February 25, 2013 based on the preceding paragraph. Unanimously approved, motion carried.

A motion was made by Mr. Bechtel and seconded by Mr. Siczkowski to adjourn at 8:15 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____