

February 22, 2016

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by Michael Sieczkowski, Chairman, at 7:00 P.M. followed by the Pledge to the Flag and then welcomed everyone to this meeting.

Members present: Michael Sieczkowski, Chairman
Thomas Andrews, Alan Johnson, Donald Robinson, Peter Smith
Also present: Matthew Foe, Councilman
Randy Roberts, Councilman and liaison to the Town Board
James McCann, Building Inspector
Gary Billingsley, Attorney

Board members reviewed the January 25, 2016 minutes which were passed out tonight.

A motion was made by Mr. Smith and seconded by Mr. Johnson to approve the minutes of meeting of January 25th as presented. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWALS (current)

1996-01 **David W. Cloy II**, 4269 Burch Road, Ransomville, N.Y. 14131
Special Permit to operate a fabricating and duct work business in an existing building.

Mr. Cloy said he would like to renew the Special Permit for the above business. There have been no changes in the business per Mr. Cloy.

Building Inspector said there have been no problems with this business.
Attorney and Board members had no concerns.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **renew** the Special Permit to Mr. Cloy to operate fabricating and duct work business for another five (5) years. Unanimously approved, motion carried.

1998-02 **Modern Recycling, Inc.**, 4746 Model City Road, P.O. Box 209, Model City, N.Y. 14107
Special Permit to use existing building located at 5204 Junction Road, Lockport, N.Y. 14094 for warehousing.

Mr. James Goehrig was present on behalf of Modern Recycling and said they would like to renew the Special Permit for another five years. Previous renewal was for 5 years. He said there have been no changes in the operation of the aforementioned.

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

Counsel said awhile ago Modern had submitted an application to do composting on this property at 5204 Junction Road.

Mr. Goehrig said there are no plans at this time to proceed with the composting operation.

He was asked to send a letter to the Zoning Board to withdraw the application for the composting operation.

Mr. Goehrig said he would take care of the withdrawal.

Board members had no concerns on the existing Special Permit.

A motion was made by Mr. Smith and seconded by Mr. Johnson to **renew** the Special Permit to Modern Recycling, Inc. for the warehousing at 5204 Junction Road for a period of five (5) more years. Unanimously approved, motion carried. Original Special Permit was granted in 1997 and amended in 2011.

2005-03 (02-03-05B) Donald Robinson, 3677 North Ridge Road, Lockport, N.Y. 14094
Special Permit to maintain temporary living quarters for farm laborers. Previous term was for 5 years.

Counsel said Mr. Robinson no longer needs a Special Permit for living quarters for farm laborers in an Agricultural District.

A motion was made by Mr. Smith and seconded by Mr. Johnson to allow Special Permit of Donald Robinson to expire on its own terms as he no longer needs it because he is in an Agricultural District. Mr. Robinson abstained from voting because of conflict of interest. Motion approved by 4 board members, and carried.

TABLED from January 25, 2016

ZB-AV-2015-016 (12-9-15) Paul Swisher, 4296 Green Road, Lockport, N.Y. 14094, applied for an Area Variance to permit a lot to be 167 feet in depth and Zoning Ordinance requires 200 feet in depth. Public Hearing was held on January 25th. The former owner of the subject property said the lot was 200 feet in depth and 300 feet in width. The lot was measured from the center of the road instead of from the right-of-way. Due to the discrepancy, action was tabled for one month to allow Mr. Swisher time to see if he could find any additional documents on the **167 feet by 300 feet.**

Mr. and Mrs. Swisher were present at tonight's meeting and said they did find a copy of the deed and the measurement was from the center of the road. The figures on the deed dated 2009 are correct but should have measured from the right-of-way. Mr. Swisher said he could not purchase any more land in depth, for a legal size potential building lot, because Mr. Valery, owner, already had sold some of the adjacent property.

It was suggested if the Board wishes to grant a variance for a lot with 167 feet in depth, a single-family residence could be built on that lot, since the square footage of the lot is larger than customary due to the footage of 300 feet in width.

If the Board does grant this variance, it would be subject to subdivision approval, 167 feet from road right-of-way by 300 feet in width. Applicant must go to the Planning Board for approval. It would be subject to applicant obtaining Subdivision approval.

If granted, Counsel recommended permitting single-family residence only on this lot.

Building Inspector had nothing to add to this issue.

Counsel reiterated 167 feet in depth by 300 feet in width would be for a single-family residence **only** subject to approval by the Planning Board for this lot.

A motion was made by Mr. Smith and seconded by Mr. Johnson to grant an Area Variance to approve an undersized lot to be 167 feet in depth by 300 feet in width, subject to approval of the subdivided lot by the Planning Board, with a condition that any future residence could only be a single-family residence. Unanimously approved, motion carried.

Old Business ó none
New Business ó none

REPORTS:

Chairman ó no report

Building Inspector ó no report

Attorney ó no report

Board members ó no report

Councilman Roberts ó no report from the Town Board this evening.

A motion was made by Mr. Robinson and seconded by Mr. Smith to adjourn at 7:27 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec.Secy.

Minutes approved _____

