

February 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 8:00 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  
Robert Blackman, Councilman, liaison  
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 application:

**(02-09-12) LEE MILLEVILLE**, 2744 Saunders Settlement Road, Sanborn, N.Y. 14132, for an Area Variance to permit applicant to construct a farm building containing dimensions of 80 feet by 150 feet upon premises on the west side of Cambria Road south of 5434 Cambria Road within approximately 15 feet of the south side lot line, whereas the Zoning Ordinance does not permit construction of a farm building closer to a side lot line than 100 feet.

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

#### **SPECIAL PERMIT RENEWAL (current)**

**1992-02 Terry Zastrow**, 4258 North Ridge Road, Lockport, N.Y. 14094  
Special Permit for “Shaklee” products’ business

There was no one present at this time on behalf of Mrs. Zastrow.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **table** action on renewal of Special Permit of Mrs. Zastrow until the end of the meeting and see if someone appears on her behalf. Unanimously approved, motion carried.

#### **PUBLIC HEARING:**

**(02-09-12) LEE MILLEVILLE** was present at this meeting and has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, and copy of portion of town map showing his property. Also attached is an email from Robert Klavoon, Wendel Duchscherer Eng. to Mr. Burch stating “the distance from the southernmost building to the railroad right-of-way is approximately 137 feet”.

Mr. Milleville is requesting to construct a new farm building, dimensions 80 feet by 150 feet, not less than 15 feet from the south property line and Ordinance requires 100 feet from property line.

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

Public Hearing closed.

Concerns of board members:

Chairman asked applicant why he chose that area?

Mr. Milleville said it will be closer to the existing building and not use up workable farm land. It will be used primarily for storage of agricultural products, such as hay, straw, etc.

Chairman asked if it would be the same height as existing building?

Mr. Milleville said new building will be twenty (20) feet high, about two (2) feet higher than existing building.

Chairman asked how long has the existing building been there?

Mr. Milleville said building has been there approximately 10 to 12 years. It will be similar style, similar color, a Morton building. There are approximately 97 acres on that farm.

There were no further concerns from board members.

Building Inspector said the applicant keeps everything on the property looking nice.

Town attorney had no concerns.

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

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **approve** request of Mr. Milleville for an Area Variance to permit applicant to construct a farm building containing dimensions of 80 feet by 150 feet upon premises on the west side of Cambria Road, south of 5434 Cambria Road within approximately 15 feet of the south side lot line. Unanimously approved, motion carried.

#### REPORTS:

Chairman - New York Planning Federation Annual Conference April 15 to 17, 2012 at Saratoga Springs. "Those attending the full conference will receive 8 credits during the 3 days, enough for 2 years of certification".

Re: Kenith and Dolores Hill, 3262 Lower Mountain Road, Sanborn 14132  
Letter received dated January 24, 2012 to the Town of Cambria Zoning Board, which stated "in previous correspondence dated February 18, 2011, made a request that their horse farm be released from the Special Permit required based on their compliance with definitions in the New York State Agriculture law. Since their initial request, the law has been revised and more accurately describes their activities, per Mr. Hill. They are once again asking the Zoning Board to recognize that a Special Permit should not be required for them for the farm activities they operate." The letter dated February 18, 2011 and reply from Gary Billingsley, Attorney, dated May 12, 2011 are on file.

Mr. Burch said he saw an advertisement for a day camp on the Hill's farm which is not allowed per Zoning Ordinance and would need a Special Permit.

The Agriculture and Markets law was changed “stabling at least ten horses, regardless of ownership”, is a commercial equine operation.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to request Attorney and/or Building Inspector to respond to this letter, dated January 24, 2012, from Kenith and Dolores Hill. Unanimously approved, motion carried.

**(08-04-10) Chris Rechin** – Use Variance to temporarily store excavated material upon premises commonly known as 5700 Shawnee Road, Sanborn, N.Y. 14132

Copy of letter dated January 20, 2012 to Mr. Curt Rechin from Shaina R. Souder, Department of The Army, Buffalo District, Corps of Engineers, received. This letter pertains to the filling in on the wetlands on Rechin property.

SUBJECT: Resolution of Unauthorized Activities, Department of the Army Processing Enforcement

Restoration activity conducted as a result of unauthorized activity performed on property located at 5700 Shawnee Road. “Restoration activities performed on the subject parcel are satisfactory”. Letter on file.

Applicant is to come back to the Zoning Board in April or May for an update on the progress of temporarily storing excavated material closer to the road right-of-way than 500 feet.

**(10-17-11) Carol Vosburgh and Lori Kendzia** 3117 Lower Mountain Road, Sanborn, N.Y. 14132  
Re: Variance to permit parking of Used Cars for Sale upon premises at 2970 Saunders Settlement Road in B-2 Business District within 30 feet of the road right-of-way.

Public Hearing was held in December 2011 and request was for 30 feet from the road right-of-way. Representatives (applicants) attending this meeting, indicated they actually wanted 10 feet from the road right-of-way to park the vehicles. The matter was tabled as additional information was requested. As of today, no additional information has been received by the town.

Attorney wrote a letter dated January 27, 2012 regarding the issue and stated their application would be on the February 27<sup>th</sup> Planning Board and Zoning Board agendas. There was no one present at the aforementioned meetings and no further information received.

Building Inspector said there is not enough room to meet setback requirements per Zoning Ordinance. The vehicles that were on the premises have all been removed. Nothing has been done regarding the trees. They could reapply with a new application.

A motion was made by Mr. Bechtel and seconded by Mrs. Kroening to **table** application of Vosburgh / Kendzia for one (1) month. Unanimously approved, motion carried.

Building Inspector - Communications to people regarding cleaning up of property

OTHER business:

**2011-10 (10-06-11) Modern Recycling, Inc.**

Request for Special Permit Amendment for “composting” operation on property at 5204 Lockport Junction Road

Documents have been submitted to D.E.C. but no determination on Neg. Dec. as of this date. No action can be taken yet and still remains tabled.

NEW business:

David Cloy, 3130 Ridge Road, Ransomville, N.Y. 14131

Mr. Burch said there are people interested in buying Mr. Cloy’s business, a slaughterhouse. He would like to subdivide off a parcel, 50 to 75 feet frontage, on the east side to keep for a driveway back to the pond for people hauling out clay. Also wishes to keep a lot on the northwest corner.

Mr. Cloy hopes to have a survey for the March meeting. The pond is on a separate deed and is landlocked.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **table** issue of David Cloy until next month., Unanimously approved, motion carried.

Terry Zastrow – Special Permit renewal for “Shaklee” products’ business. No one appeared at this meeting on behalf of Mrs. Zastrow.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **table** action on renewal of Special Permit of Terry Zastrow for one month. Unanimously approved, motion carried.

A motion was made by Mr. Robinson to adjourn at 8:27 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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