

January 23, 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, Peter Smith
Michael Sieczkowski, alternate
Member absent: Donald Robinson
Also present: 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 applications

2012-01 (01-04-12A) PETER SMITH, 4472 Van Dusen Road, Lockport, New York, 14094 for a Special Permit to permit applicant to maintain temporary living quarters for farm laborers upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria.

2012-02 ((01-04-12B) MICHAEL BAMPION, 74 Main Street, Tonawanda, New York 14150, for a Special Permit to permit applicant to conduct animal husbandry on a parcel containing less than 5 acres upon premises commonly known as 4528 Ridge Road pursuant to the Special Permit Ordinance of the Town of Cambria.

(01-05-12) LARRY and JUDITH KUHN, 4650 Budd Road, Lockport, New York 14094, for an Area Variance to permit applicants to construct an addition with dimensions of 30 feet by 64 feet to an existing detached garage with dimensions of 30 feet by 24 feet, a distance of 12 feet from the south side property line, whereas the Zoning Ordinance does not permit detached garages which exceed 720 square feet, nor a side lot setback of less than 15 feet.

(01-09-12) THOMAS G. CARTER, 4556 Plank Road, Lockport, New York 14094, for an Area Variance to permit applicant to construct a residence upon premises to the east of 4545 Van Dusen Road, a distance of approximately 200 feet from the road right-of-way, whereas the Zoning Ordinance does not permit construction of a residence farther from the road right-of-way than 125 feet.

Minutes of meeting of December 19, 2011 – there is one correction on Page 5 under Reports, Second line “May” leave off letter after May.

A motion was made by Mr. Bechtel and seconded by Mr. Smith to approve minutes of meeting of December 19, 2011 as corrected. Unanimously approved, motion carried.

RENEWAL: (tabled action from December 19, 2011)

2004-14 (08-04-04B) SBA Tower II LLC, NY 13792-A Site ID #TX 13792
The check for the renewal fee was received.

Attorney received communication from them requesting renewal of the tower at 5105 Lockport Road for five (5) years. The town had requested applicant to keep the town informed of current contact person.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **renew** Special Permit to SBA Tower II LLC, located on property at 5105 Lockport Road, Lockport, N.Y. for a period of five (5) years retroactive to December 2011 with provision that applicant keep the Town of Cambria informed of any change in contact person. Unanimously approved, motion carried.

RENEWALS: Current)

2011-01 (12-31-10) Mrs. Susan Abraham, 3531 Upper Mountain Road, Sanborn, N.Y. 14132
Special Permit to maintain a private kennel to keep up to eight (8) dogs

Mrs. Abraham was present at this meeting and wishes to renew the Special Permit with no changes requested.

Board members and Building Inspector had no concerns on this Special Permit.

A motion was made by Mrs. Kroening and seconded by Mr. Sieczkowski to **renew** Special Permit to Mrs. Susan Abraham to maintain a private kennel for up to eight (8) dogs for a period of three (3) years. Unanimously approved, motion carried.

2011-02 (01-03-11) Mrs. Debra Martinez, 4324 Ridge Road, Lockport, N.Y. 14094
Special Permit to house four (4) dogs

Mrs. Martinez was present at this meeting and wishes to renew the Special Permit with no changes requested.

Board members and Building Inspector had no concerns on this Special Permit.

A motion was made by Mr. Bechtel and seconded by Mr. Smith to **renew** Special Permit to Mrs. Martinez to house four (4) dogs for a period of three (3) years. Unanimously approved, motion carried.

2011-03 (01-06-11) Mrs. Elizabeth Copeland, 3061 Moore Road, Ransomville, N.Y. 14131
Special Permit for a private kennel to house up to eight (8) dogs.

Mrs. Copeland was present at this meeting and wishes to renew the Special Permit and requested no changes.

Board members and Building Inspector had no concerns on this Special Permit.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **renew** Special Permit to Mrs. Elizabeth Copeland to maintain a private kennel to house up to eight (8) dogs for a period of three (3) years. Unanimously approved, motion carried.

PUBLIC HEARINGS:

2012-01 (01-04-12A) PETER A. SMITH

Mr. Smith has submitted the following: Application for Special Permit, Short Environmental Assessment Form, Agricultural Data Statement, pictures of his property and a sketch plan.

Mr. Smith said he would like to place a trailer on his property behind an existing barn for seasonal farm laborers.

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

Concerns of board members:

Mrs. Kroening asked applicant how many people would be housed in this trailer?
Mr. Smith said there would be a maximum of four (4) people.

Chairman asked applicant what would the season be?
Mr. Smith said season would be approximately February until July.

Building Inspector said there are some facilities in the town now for the same purpose.

Attorney had no concerns on this application.

A motion was made by Mrs. Kroening and seconded by Mr. Sieczkowski to declare **negative declaration under SEQR** on application of Peter Smith to have trailer on his property to house farm laborers. Four board members voted “aye”. Mr. Smith abstained because of conflict of interest. Motion carried.

A motion was made by Mrs. Kroening and seconded by Mr. Bechtel to **approve** application for Special Permit to permit applicant to maintain temporary living quarters for a maximum of four (4) farm laborers, from February through July of each year, upon said premises. The Special Permit shall be for a period of one (1) year. Four board members voted “aye”. Mr. Smith abstained because of conflict of interest. Motion carried.

2012-02 (01-04-12B) MICHAEL BAMPTON

Mr. Bampton was present at this meeting and has submitted the following: Application for Special Permit, Short Environmental Assessment Form, Agricultural Data Statement and copy of portion of deed.

Mr. Bampton said he has 3 hogs, 2 lambs and 15 chickens. He would like a Special Permit for animal husbandry to keep the aforementioned on his property at 4528 Ridge Road, Lockport, N.Y. 14094.

Public Hearing open:

Nina Nanula, 2990 Lower Mountain Road, Sanborn, N.Y. 14132, inquired as to the size of the property

Stephen Perriello, 4223 Plank Road, Lockport 14094, said the chickens do not stay on Mr. Bampton's property. His property is small.

Chairman said he received a phone call from Roger Taylor, 4524 Ridge Road, Lockport, N.Y. 14094, next door neighbor to applicant, said he is not opposed to Mr. Bampton having the animals but he would like the applicant to keep them on his own property. Chickens run on Mr. Taylor's property. Please keep the chickens on applicant's own property.

Public Hearing closed.

Board members concerns:

Mr. Bechtel asked applicant if these are the only animals he has or does he have more?

Mr. Bampton said he will not have more animals.

Mr. Smith asked applicant what is he going to do with the pigs?

Mr. Bampton said he raises them for himself.

Chairman said according to town records, applicant has approximately three-fourths of one acre.

Mr. Bampton said the hogs and lambs are penned and do not run loose. The chickens have free range. He said he was not aware that the chickens went on to other people's property. He said no one had contacted him on that issue.

Applicant agreed to fence the chickens in.

Mr. Sieczkowski said from the deed it looks like building No. 2 is about five (5) feet from the ditch. Mr. Sieczkowski then asked applicant if he plans to exceed the number of animals requested in the Special Permit?

Mr. Bampton said he does not plan to exceed this number of animals.

Building Inspector asked applicant how he takes care of the waste?

Mr. Bampton said he puts the waste on the east side of Building No. 2 and in the Spring spreads it on his garden. Building No. 1 is for the chickens and Building No. 2 is where he houses hogs and lambs.

Attorney recommends applicant control odor and to fence area for the chickens.

Mrs. Kroening asked applicant how long has he had these animals?

Mr. Bampton said he has had the chickens approximately 3 years and the hogs and lambs 1 year. The chickens are used for eggs and hogs are for the meat.

Board members had no further concerns.

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

Public Hearings – cont.
Bampton – cont.

A motion was made by Mrs. Kroening and seconded by Mr. Bechtel to **approve** application for Special Permit to Michael Bampton for a period of one (1) year to permit applicant to conduct animal husbandry on a parcel containing less than five (5) acres upon premises commonly known as 4528 Ridge Road, Lockport 14094, with stipulation, agreed to by applicant, to fence in area for the chickens, and applicant is to dispose of animal waste so as not to create an odor problem for 3 hogs, 2 lambs and 15 chickens. Unanimously approved, motion carried.

(01-05-12) LARRY and JUDITH KUHN

Cory Kuhn was present at this meeting on behalf of his parents.

The following have been submitted: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey.

Mr. Kuhn said they would like to construct an addition with dimensions of 30 feet by 64 feet to an existing detached garage with dimensions of 30 feet by 24 feet for storage purpose, namely, cars, tractor, etc.

Public Hearing open: there were no concerns expressed by members of the public.
Public Hearing closed.

Concern of board member:

Mr. Sieczkowski asked applicant if the addition would have the same color, red and white, as existing garage and Mr. Kuhn said “yes”, will match existing building, and will be for storage purpose only.

Building Inspector, Attorney and Board members had no concerns on this issue.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to declare **negative declaration under SEQR** on application of Larry and Judith Kuhn to build an addition to existing garage. Unanimously approved, motion carried.

A motion was made by Mr. Sieczkowski and seconded by Mrs. Kroening to **approve** application of Larry and Judith Kuhns for an Area Variance to permit applicants to construct an addition with dimensions of 30 feet by 64 feet to an existing detached garage with dimensions of 30 feet by 24 feet, a distance of 12 feet from the south side property line. Unanimously approved, motion carried.

(01-09-12) THOMAS G. CARTER

Mr. Carter was present at this meeting and has submitted the following: Application for an Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, copy of portion of Town map and a sketch of subject property.

Mr. Carter said the approximate distance from the road edge (Van Dusen Road) to proposed front of new house will be a maximum of **280** feet.

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

Public Hearing – cont.
Carter – cont.

Public Hearing closed.

Concerns of board members:

Mr. Sieczkowski asked applicant if the new home would be in line with home next door?

Mr. Carter said front of new house will be somewhere near back line of the house next door.

Chairman asked applicant why is he going back that far?

Mr. Carter said it is higher ground, other part of the property is low. The parcel consists of approximately 6 acres and there is a Maple tree which will have to be taken down.

Building Inspector said there is 3.6 acres per survey.

Attorney had no comments.

A motion was made by Mrs. Kroening and seconded by Mr. Sieczkowski to declare **negative declaration under SEQR** on application of Thomas G. Carter Unanimously approved, motion carried.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **approve** application of Thomas G. Carter for an Area Variance to permit applicant to construct a residence upon premises to the east of 4545 Van Dusen Road a distance not to exceed 280 feet from the road right-of-way. Unanimously approved, motion carried.

End of Public Hearings.

REPORTS:

Chairman – received the following message from Robert Klavoon, Wendel Duchscherer Eng. regarding 2011-10 (10-06-11) Modern Recycling, proposed “composting” operation dated January 18, 2012, on property located on Lockport Junction Road as follows: “I spoke to Kristin Price at Modern. They just have finalized their response to the NYS DEC comments and will be submitting in early next week. They have not received their Neg. Dec. yet, so no action from the Town of Cambria in January. I will keep checking in with her monthly to see if the Neg. Dec. has been issued.”

Chairman – Used car sales business at 2970 Saunders Settlement Road – no communication received as of this date. It was suggested that Attorney write a letter to the applicants on the status of the proposed business.

Board member, Mr. Sieczkowski, said there was one car on the property today.

Building Inspector – wrote a letter to Carol Vosburgh and Lori Kendzia, applicants, dated January 5th stating that since the application for a Variance had not been approved, there should not be any vehicles on that property for sale.

A motion was made by Mrs. Kroening and seconded by Mr. Smith to request Attorney to send a letter to Carol Vosburgh and Lori Kendzia as to what their plans are regarding the proposed Used car sales business at 2970 Saunders Settlement Road? Unanimously approved, motion carried.

Reports – cont.

Chairman asked Mrs. Kroening to be Vice Chairman of the Zoning Board for the year 2012 and she accepted.

Attorney – no report

Building Inspector – no report

Board members – no report

Next meeting will be February 27th at 8:00 P.M.

A motion was made by Mr. Sieczkowski and seconded by Mr. Bechtel to adjourn at 8:40 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____