

January 25, 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, Peter Smith
Bradley Rowles, alternate for Donald Robinson
Members absent: Alan Johnson and Donald Robinson
Also present: Matthew Foe, Councilman
Randy Roberts, Councilman and liaison to Town Board
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:

(ZB AV 2015 016) PAUL SWISHER of 4296 Green Road, Lockport, New York 14094 for an Area Variance to permit applicant to construct a residence upon premises located adjacent to and northerly of 4296 Green Road to contain dimensions of 300 feet in frontage and 167 feet in depth, whereas the Zoning Ordinance does not permit construction of a residence upon premises containing less than 200 feet in depth.

(ZB UV-2015-017)ERIC WISOR of 2958 Ridge Road, Ransomville, New York 14131 for a Use Variance to permit applicant to sell motor vehicles upon said premises, whereas the Zoning Ordinance does not permit the sale of motor vehicles in the A-R Zoning District.

A motion was made by Mr. Smith and seconded by Mr. Rowles to approve minutes of meeting of December 21, 2015 as presented. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWAL (current)

Re: 2001-12 Mr. and Mrs. Mark Woleben, 5152 Shawnee Road, Sanborn, N.Y 14132
Renewal of Special Permit for in-law apartment

Mr. and Mrs. Woleben were present at this meeting and said they would like to renew the Special Permit. Previous renewal was for 5 years.

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

A motion was made by Mr. Smith and seconded by Mr. Rowles to **renew** Special Permit to Mr. and Mrs. Woleben for another five (5) years for in-law apartment. Unanimously approved, motion carried.

PUBLIC HEARING:

1. **(ZB AV-2015-016)** **MR. and MRS. PAUL SWISHER** were present at this meeting and have submitted the following: Application for an Area Variance, Agricultural Data Statement and a sketch of the property.
(12-9-15)

Mr. Swisher said they are requesting a variance for a smaller lot, namely, 167 feet in depth and per Zoning regulations, must be 200 feet in depth. The subject lot is located adjacent to and northerly of 4296 Green Road, their residence.

Applicant said John Vallery owned where their residence is and subject property lot was figured from the center line of Green Road. When the Swishers purchased the lot, they were told it was 300 feet frontage by 200 feet in depth.

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

Mr. Swisher said before purchasing the property, he met with the former building inspector and assistant on the issue.

Public Hearing closed.

Applicant said they have no intention of building on that lot. They want to have a buffer on the property their home is on. Perhaps in the future, a potential buyer would wish to use as a building lot, or leave as is. He said on August 12, 2008, per his records, Mr. Vallery said the lot was 300 feet by 200 feet or supposed to be.

Counsel had a suggestion for applicant. Who owns the adjacent property? That person might be willing to sell 33 feet to Mr. Swisher to make subject lot legal.

Mr. Swisher said based upon what he has already paid for the lot, he is not interested and has no intentions of buying additional property to make that lot legal. The survey should have shown 200 feet from road right-of-way, or a measurement of 233 feet from center line of road.

Mr. Swisher was advised to look into this issue further and no decision to be made this evening.

A motion was made by Mr. Rowles and seconded by Mr. Smith to **table** application for Area Variance for Mr. Swisher until February meeting and see if Mr. Swisher can find additional documents on this 167 foot by 300 foot lot. Unanimously approved, motion carried

PUBLIC HEARING:

- 2. (ZB UV-2015-017) MRS. ERIC WISOR** was present at this meeting and the following has been submitted: Application for Use Variance, Short Environmental Assessment Form Part 1 – Project Information (3 pages), Short Environ. Assess. Form Part 2 – Impact Assessment (2 pages), Agricultural Data Statement and Survey.

Mrs. Wisor said they would like to sell vehicles for their friends and called the State and were told by the State that they could sell no more than five (5) a year on the corner of Ridge Road and Town Line Road, without first registering with New York State as a dealer. With a Use Variance, would be able to display and sell one or two vehicles at a time. The Wisor's premises are used as a residence and a business selling new and used motor cycle parts by Special Permit.

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

It was asked where do the vehicles come from?

Mrs. Wisor said the vehicles come from friends of Mr. Wisor and from a friend of hers.

There have been various vehicles on that corner for sale, such as cars, pick-up trucks, trailer and boats.

Chairman asked Mrs. Wisor how many do you plan to have?

She said one or two vehicles per month for sale.

Chairman said that could be 24 vehicles per year.

Mr. Smith asked Mrs. Wisor how many have you sold in the past year?

Mrs. Wisor said they have sold about twelve (12) vehicles in the past year.

There would be no signs, only have a sign on the windshield. of the vehicle for sale.

Is maintenance being performed on the vehicles for sale on the premises?

Mrs. Wisor said Mr. Wisor may work on vehicles for friends.

A reasonable rate for allowing vehicles to be placed on the corner, a small fee as token of appreciation.

No New York State Inspection will be done and will not accept trade-ins, no office work and no employees.

Chairman mentioned if requesting Use Variance, whether regulations or restrictions caused unnecessary hardship. Applicant must show proof of the following:

1. If reasonable return can be realized from property as is.
2. If alleged hardship is unique in the community.
3. If requested change will alter character of neighborhood.
4. If alleged hardship is self-created.

Per Zoning Ordinance, the Town Board has made provisions for this type of business use permitted in the B-2 District. Applicant has to supply information to show that he met criteria for Use Variance listed on the first page of application.

The Niagara County Planning Board recommended denial because the criteria for Use Variance was not met.

Building Inspector said that corner has a continuous flow of vehicles.

A motion was made by Mr. Rowles and seconded by Mr. Andrews to **deny** Application of Eric Wisor for a Use Variance to permit applicant to sell motor vehicles on premises at 2958 Ridge Road, Ransomville, N.Y. 14131; and to add Niagara County Planning Board's documentation to Town records as follows: **NCPB ACTION, Case No. 6421 The Niagara County Planning Board has reviewed the proposal and makes the following recommendations and comments: "THE NIAGARA COUNTY PLANNING BOARD RECOMMENDED DENIAL BECAUSE THE CRITERIA FOR A USE VARIANCE AND THE UNNECESSARY HARDSHIP WAS NOT MET."** Signed by Chairman of Niagara County Planning Board Dated **1-25-16** (The entire Site Plan Review/Zoning Referral Form for applicant - **ERIC WISOR**, 2958 Ridge Road, Ransomville, N.Y. 14131 is on file with the Town Clerk of the Town of Cambria. As not all board members voted "Aye" for denial, Secretary was directed to poll the board:

Bradley Rowles -	Aye for denial of variance
Thomas Andrews -	Aye for denial of variance
Peter Smith -	Nay for approval of variance
Michael Sieczkowski -	Aye for denial of variance

Three (3) Ayes for denial One (1) Nay for approval
Use Variance denied

Old Business - none

New Business - none

REPORTS:

A motion was made by Mr. Rowles and seconded by Mr. Andrews to appoint Peter Smith, Vice Chairman of the Zoning Board of Appeals for the Town of Cambria for the year 2016. Unanimously approved, motion carried.

Building Inspector - no report

Attorney - no report

Board members – no report

Mr. Roberts – no report from the Town Board this evening

The next regular Zoning Board meeting will be February 22, 2016 at 7:00 P.M.

Motion made by Mr. Smith and seconded by Mr. Andrews to adjourn at 7:55 P.M.

Respectfully submitted,

Marjorie E. Meahl
Recording Secretary

Minutes approved: _____