

July 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, Donald Robinson, Peter Smith  
Michael Sieczkowski, alternate  
Member absent: Theresa Kroening  
Also present: Robert Blackman, Councilman and liaison to Town Board  
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 applications:

**(05-21-12) JAMES BODLE**, 2989 Ridge Road, Ransomville, N.Y. 14131 for an Area Variance to permit applicant to construct a 16 foot by 24 foot accessory building upon said premises 5 feet from the west side lot line, whereas the Zoning Ordinance does not permit construction of an accessory building closer to a side lot line than 15 feet.

**(06-11-12) DAVID WYLIER**, 3072 Upper Mountain Road, Sanborn, N.Y. 14132, for an Area Variance to permit applicant to construct an open porch on the north and west sides of his residence upon said premises approximately 35 feet from the road right-of-way, whereas the Zoning Ordinance does not permit construction of a porch closer to the road right-of-way than 60 feet.

**(07-03-12) JOSEPH HILTY and JUDITH HILTY**, 3500 Wildwood Drive, Niagara Falls, N.Y. 14304, for an Area Variance to permit applicants to construct a single family residence upon premises commonly known as 3095 Upper Mountain Road between 350 feet and 400 feet from the road right-of-way, whereas the Zoning Ordinance does not permit construction of a residence farther from road right-of-way than 125 feet.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to approve minutes of Work meeting of June 25, 2012 as presented. Unanimously approved, motion carried.

Minutes of regular meeting of June 25, 2012 – Page 2 – Public Hearing; first line should read as follows 2012-07 (06-07-12) “Mr. John Soto was present at this meeting and has submitted the”

A motion was made by Mr. Bechtel and seconded by Mr. Sieczkowski to approve minutes of regular meeting of June 25, 2012 as corrected. Unanimously approved, motion carried.

#### **SPECIAL PERMIT REQUEST** (tabled from May 2012)

**2012-06 (05-03-12)** Property location – 4177 Lower Mountain Road, Lockport, N.Y. 14094  
**Milleville Brothers** – owner of property  
**Brian Whyte** (Niagara Forestry) – applicant

Mr. Whyte was present at this meeting and said he had furnished additional information to the County Planning Board and Town Planning Board as requested. He said he did attend the County Planning Board meeting on July 16<sup>th</sup>. His application for Site Plan Approval and request for Special Permit to operate a logging operation and to make maple syrup at 4177 Lower Mountain Road were approved.

Counsel said the County Planning Board did approve the Site Plan and request for Special Permit at their meeting on the 16<sup>th</sup>. Also, the Town Planning Board granted conditional approval to Mr. Whyte contingent on the Zoning Board granting a Special Permit for the logging operation and to make maple syrup on premises at 4177 Lower Mountain Road, Lockport 14094.

Mr. Whyte has modified his application as follows:

1. There will be no sawing of wood on the saw mill on Sunday;
2. Logs to be stored on west side of property behind Barn No. 5 for one (1) year initially and then the logs will be stored to the back of the barn.

Mr. Whyte said he needs to bring in fill behind the barn before he can store the logs in that area.

There were no additional concerns on this application.

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

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **approve** application of Milleville/Whyte for a Special Permit to permit applicant, Brian Whyte (Niagara Forestry), to conduct a business within existing structures upon said premises commonly known as 4177 Lower Mountain Road, Lockport 14094, namely, to bring logs to said site to sort, reload and haul to mills for lumber, to saw logs for lumber and to make firewood upon said site, and to make maple syrup upon said site, with conditions as recommended by the Planning Board:

1. No sawing of logs on Sunday;
2. Storage of logs shall be on the west side of barn No 5 (see sketch plan) not closer to the road than the front of barn for a period of one (1) year initially, and then storage will be to the rear of the barn.
3. If the premises should be vacated by Mr. Whyte, anything pertaining to the logging operation shall be removed from the property.

Unanimously approved, motion carried.

#### **SPECIAL PERMITS** (tabled from June 2012)

Alan Tarnowski, 4663 Baer Road, Ransomville, N.Y. 14131  
Re: Special Permit for repair work in garage

Mr. Tarnowski was present at this meeting and said he would like to renew the Special Permit and requests no changes.

Building Inspector said he had no concerns on this Special Permit.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **renew** Special Permit to Alan Tarnowski to do repair work in existing garage for a period of five (5) years retroactive to June 2012. Unanimously approved, motion carried

**2008-05 (06-02-08)** Paul Wendt, Christ Centered Properties, 5910 Ward Road, Sanborn, N.Y. 14132  
Special Permit for warehousing, sale of bulk foods and pet supplies in an existing building at 2990 Carney Drive, Sanborn 14132

Mr. Wendt was not present at this meeting at this time or the June meeting and two notices had been sent to appear regarding renewal of Special Permit for the aforementioned.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to move this issue to the end of the agenda and see if someone appears. Unanimously approved, motion carried.

#### **CURRENT RENEWAL:**

**2005-06 (07-07-05)** **Brenda Van Camp**, 4990 Shunpike Road, Lockport, N.Y. 14094  
Special Permit for Dog kennel

Ms. Van Camp was present at this meeting and said she wishes no changes and to continue with the Special Permit.

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

A motion was made by Mr. Bechtel and seconded by Mr. Sieczkowski to **renew** Special Permit to Brenda Van Camp for a period of five (5) years. Unanimously approved, motion carried.

#### **PUBLIC HEARINGS:**

**(05-21-12)** **JAMES BODLE** was present at this meeting and has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of Certificate of Survey.

Mr. Bodle said he would like to construct an accessory building, dimensions 16' by 24', for personal storage, lawn mower, tractor, hoses, etc.

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

Concerns of board members:

Mr. Reardon asked applicant if the building could be placed in another area?

Mr. Bodle said he has to stay in the proposed area because of the location of the septic system,

and place building on a flat area. At the rear of the property there is a drop-off and would need to put in fill to make level. The building will be a Parco building with white sides and charcoal color trim on the sides.

The existing frame shed, (11.6' by 14.1') that is on the property now will be removed from the site. No business will be conducted from the new building.

There were no further concerns of board members and building inspector is satisfied where building is to be placed.

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

A motion was made by Mr. Robinson and seconded by Mr. Sieczkowski to **approve** application of Mr. Bodle for an Area Variance to permit applicant to construct a 16 foot by 24 foot accessory building upon said premises 5 feet from the west side lot line. Unanimously approved, motion carried.

Building Inspector reminded Mr. Bodle that he needs to get a building permit prior to construction.

**(06-11-12) DAVID J. WYLIER** was not present at this meeting at this time. He has submitted the following: Application for Area Variance to build an open porch on the north and west sides of his house, Short Environmental Assess. Form, Agricultural Data Statement and copy of deed.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **table** application of Mr. Wylier until the end of the meeting and see if applicant appears. Unanimously approved, motion carried.

**(07-02-12) JOSEPH F. HILTY, Jr. and JUDITH A. HILTY** and son, Mark, were present at this meeting and have submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of Deed.

Mrs. Hilty said they would like to build a ranch-type home, approximately 1700 square feet, 350 to 400 feet back from the road. Property was formerly owned by Walter Freirert, Jr. and there is a building on the front of the property, which was used by Mr. Freiert for storage in connection with his business.

Applicants said they do not plan to take down any trees on the property.

Public Hearing open:

Linda Gerlach, 3015 Upper Mountain Road, Sanborn 14132, neighbor, asked what will the approximate size of the future home be?

Counsel explained the residence cannot be further back from the road right-of-way than 125 feet per Zoning Ordinance. The variance is for setback and nothing to do with the size of the residence,

although, this home will be in the Escarpment District and the home must be at least a minimum of 1800 square feet.

Mark Hilty, who resides with his parents, asked if there is anything to prevent a person from building a larger home at that location? Does ordinance allow for a larger home?

Public Hearing closed

Concerns of board members and building inspector::

Mr. Sieczkowski asked applicants about the block building at the front of the property by the road?

Mr. Hilty said no business will be conducted from that building. He said he will use it for a private work shop.

Mr. Bechtel asked applicants how large a driveway will they be putting in, would it be wide enough for a fire truck to enter? Also, what size of water line are you planning to install?

Mr. Hilty said the driveway will be approximately twelve (12) feet wide, will be according to State requirements. As far as water line is concerned, they will abide by water department requirements.

Mr. Reardon asked applicants if the area they have chosen for their home will necessitate removal of any trees and applicants replied, no trees will be taken down.

The septic system will be installed at the front of the house and located so as not to cause removal of any trees.

Mr. Sieczkowski asked about the evergreen trees on that property and how far do they go back?

Mr. Hilty said they go back about 700 feet.

Mr. Reardon said the variance request is for distance from the road right-of-way, not the future home.

Building Inspector said, in the Escarpment District, homes have to be a minimum of 1800 square feet, no maximum.

Applicants agreed to the 1800 square feet for their future home.

Mr. Hilty said they have no plans to build a two-story home.

Mark Hilty asked if a variance would be required to build a larger home?

Building Inspector said according to State regulations, twelve (12) feet width for a driveway is sufficient and there must be a turn-around.

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

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **approve** request for an Area Variance to permit applicants to construct a single-family residence upon premises commonly known as 3095 Upper Mountain Road, Sanborn 14132, between 350 feet and 400 feet from the road right-of-way. Unanimously approved, motion carried.

REPORTS:

Chairman – August 27 – Work meeting at 7:00 p.m.  
Regular meeting at 8:00 p.m.

Continuing Education – Sept. 25, 2012 - N.C.C.C., Room 140 - 5:00 p.m. to 9:30 p.m.

Building Inspector – No report  
Attorney – No report

Mr. Sieczkowski asked, what topics are going to be discussed at the next Work meeting?

Mr. Foe said Mr. Billingsley and Mr. Amacher are working on a draft (for discussion); also, Mobile Home Regulations and Mobile Home Regulations for Farm seasonal laborers

Mr. Blackman feels that neighbors of property where a new home is to be built should not be involved with size of home proposed. Mr. Foe also agreed with this.

Building Inspector said minimum square footage for a new home in the Escarpment District is 1800 square feet.

OTHER BUSINESS:

**(08-04-10) Chris Rechin**, 5700 Shawnee Road, Sanborn, N.Y. 14132  
Use Variance to temporarily store material closer than 500 feet from the road  
Re: Removal of fill from premises at 5700 Shawnee Road

Mr. Rechin was present at this meeting. He said some of the fill has gone to property located at 4177 Lower Mountain Road. He said he does not have a loader now. He is still working on removing the fill. He said he would like about two (2) years to get the property cleaned up.

Building Inspector said there are two (2) culverts out by the road.

Mr. Rechin said they were dumped there.

Counsel recommended that Mr. Rechin get the dirt removed within the 2012 building season. Requested Mr. Rechin come back to the board meeting in October or November 2012 for an update.

A motion was made by Mr. Robinson and seconded by Mr. Sieczkowski to extend tabling this issue, dirt removal, until October 22, 2012 meeting of Zoning Board. As not all board members voted “aye”, Secretary was requested to poll the board:

Mr. Robinson -	in favor of tabling until Oct. Zoning Board meeting
Mr. Sieczkowski -	“ “ “ “ “ “ “ “
Mr. Smith -	“ “ “ “ “ “ “ “
Mr. Bechtel -	opposed to “ “ “ “ “ “
Mr. Reardon -	in favor of “ “ “ “ “ “

Motion carried.

Tabled Renewal:

**2008-05 (06-02-08) Paul Wendt**, Christ Centered Properties  
Special Permit for warehousing, sale of bulk foods and pet supplies in an existing building at 2990 Carney Drive, Sanborn

No one appeared on behalf of this Special Permit for renewal. Two renewal letters were sent and no response.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to table action on this Special Permit renewal of Mr. Wendt for one more month. Attorney to write a letter to Mr. Wendt. Unanimously approved, motion carried.

Public Hearing: David Wylier did not appear at this meeting.

A motion was made by Mr. Sieczkowski and seconded by Mr. Robinson to **table** Public Hearing until next month. Unanimously approved, motion carried. There were no neighbors present for this public hearing.

A motion was made by Mr. Bechtel and seconded by Mr. Robinson to adjourn at 8:52 p.m.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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