



**SPECIAL PERMIT TERMINATION:**

**2005-03 (03-21-05) Daniel J. Kummer**, 5215 Town Line Road, Sanborn, N.Y. 14132  
Special Permit for Chiropractic business.

Mr. Kummer was not present at this meeting.

A letter was received from Mr. Kummer to Cambria Town Assessor, Debra Littere, dated July 11, 2016 which Chairman read "Re: Discontinuation of Special Permit"

which stated in part "I wish to discontinue my Special Permit to operate a chiropractic business at 5215 Townline Road, Cambria, NY. I no longer provide chiropractic services at this location." Attached were the following: Copy of last renewal, copy of State of New York "annexed copy with original document etc" dated 6/13"; Certificate of Dissolution; Consent to Dissolution of a Corporation and Filing Receipt for Dissolution dated 6/25/2016. The preceding is on file with the Town Clerk of the Town of Cambria.

It was recommended that the Board rescind Special Permit of Mr. Kummer per request of applicant which is due for renewal in May of 2017.

It was recommended by Mr. Billingsley, Attorney, to send a letter to Mr. Kummer acknowledging his request for "Discontinuation of Special Permit" for Chiropractor business at 5215 Townline Road, Sanborn, N.Y. 14132 and receipt of the paper work from State of new York, for termination of his chiropractor business.

A motion was made by Mr. Robinson and seconded by Mr. Johnson to terminate Special Permit of Daniel J. Kummer to operate Chiropractor business at 5215 Townline Road, Sanborn, N.Y. 14132 per applicant's request dated July 11, 2016 and also to send a letter acknowledging the request. Unanimously approved, motion carried.

A copy of the correspondence regarding Daniel Kummer's Chiropractor business is on file with the Town Clerk, Town of Cambria.

**SPECIAL PERMIT RENEWALS (current)**

**(6-29-15A) Mr. and Mrs. Kevin Holbert**, 5176 Shawnee Road, Sanborn, N.Y.  
14132 Special Permit for Animal Husbandry (10 adult chickens that  
lay eggs)

Mrs. Holbert was present at this meeting and said they would like the Special Permit renewed.

Chairman read the letter that was sent to them regarding the renewal, date and time of meeting.

Mrs. Holbert said they now have 20 chickens (10 could lay eggs). Regarding the goats that was mentioned in the letter and was on their application, were sold and no plans for more.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **renew** Special Permit to Mr. and Mrs. Kevin Holbert to permit them to have the chickens on their property for a period of five (**5**) years. Unanimously approved, motion carried.

**2015-08 (05-06-15) Eric Wisor** – Owner of property  
**Paul Winkowski** and **Jacob Blake** – operators of business  
Business – Small store/front internet retail business at 2958 Ridge Road, Ransomville, N.Y. 14131

Mr. Winkowski was present on behalf of Mr. Wisor and Mr. Blake and said they would like to renew the Special Permit for small store/front internet retail business.

Per Building Inspector, there have been no problems with this business.

A motion was made by Mr. Smith and seconded by Mr. Johnson to **renew** Special Permit for a period of five (**5**) years to Mr. Wisor, Mr. Winkowski and Mr. Blake to operate the small store/front internet retail business at 2958 Ridge Road, Ransomville, N.Y. 14131. Unanimously approved, motion carried.

End of renewals

#### **PUBLIC HEARINGS:**

**ZB SP-2016-005 JOHN and ANNA KLOSIN**, 125 Hyde Park, Lockport  
New home, 5115 Blackman Road, Lockport, N.Y. 14094

Applicants have submitted the following: Application for Special Permit for a .5 acre farm pond, Short Environmental Assessment Form Part 1 – Project Information consisting of 3 pages, Short Environ. Assess. Form Part 2 – Impact Assess. consisting of 2 pages (N/A), Agricultural Data Statement, copy of Niagara County Soil and Water Conservation District letter dated June 9, 2016, map showing location of proposed pond, Tax map, aerial view of Klosin's property and copy of New York State Taxation and Finance Sale information between seller and buyer and date of sale/transfer 06/05/2015.

Applicants said the pond will be used for irrigation purpose.

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

Chairman stated that due to the fact there is some bed rock in the area, Niagara County Soil and Water recommended digging a test pit to determine the depth to the bed rock prior to excavating the proposed pond.

Applicants said no test spot has been dug as of today.

Mr. Klosin said the proposed pond could be moved a little bit to avoid the bed rock. He said he doesn't know how far before they find the rock.

At this time there was a discussion on the placement of the pond on the map and decided on a .25 of an acre instead of .5 of an acre and distance from Blackman Road and north property line.

Chairman asked applicants where do you plan to put the spoil material?

Applicants said all spoil material will remain on their property for fill around their home.

Chairman asked applicants how do you plan to keep pond healthy and not become stagnant, maintain it and to keep up the pond? How will you keep the pond from draining on to neighbor's property?

Mr. Klosin said there will be a two (2) foot berm around the pond, will put in big stone and water will run onto his property. The property drains toward the north on their own property. When downsizing the pond, it will now be located approximately 200 feet from the north property line and about 300 feet from the road.

Mr. Andrews asked Mr. Klosin "how will you get water to the pond?"

Mr. Klosin said there will be rain water. Also, approximately 300 feet from the house to the pond. There is no other pond in the immediate area.

Chairman said "you have applied to Niagara <sup>County</sup> Soil and Water for a pond site evaluation which has been done and per letter of June 9<sup>th</sup>, "Based upon the mapped soils at the property, the site should provide suitable conditions for a functional pond." and a Special Permit from the Town of Cambria Zoning Board of Appeals and list of conditions in Section 1101 for granting a Special Permit per Zoning Ordinance that do apply to a pond are:

- a. No change in character of neighborhood.
- b. No depreciation of property values.
- c. No excessive noise or disturbance of neighborhood.
- d. No appreciable change in traffic.
- e. Appropriate landscaping.
- f. No outside storage of materials
- g. A finding of no environmental damage and a finding that the construction or alteration of said pond will not adversely affect drainage in the area.

The Board and Attorney had no further concerns on the pond application.

A motion was made by Mr. Robinson and seconded by Mr. Smith to declare **negative declaration under SEQRA** on application of Mr. and Mrs. Klosin for a pond. Unanimously approved, motion carried.

A motion was made by Mr. Smith and seconded by Mr. Johnson to **approve** application for Special Permit for John and Anna Klosin at 5115 Blackman Road, Lockport, N.Y. 14094 for a .25 acre farm pond as amended, 120 feet by 120 feet circular pond, to be constructed in accordance with letter dated June 9, 2016 from Niagara County Soil and Water Conservation District. Unanimously approved, motion carried.

**ZB AV-2016-005**      **WILLIAM PARKHILL**, 3253 Lower Mountain Road, Sanborn

Mr. Parkhill was present at this meeting and has submitted the following: Application for an Area Variance to construct an accessory building, Agricultural Data Statement, sketch of property, Tax map and some pictures.

Mr. Parkhill would like to construct an accessory building, dimensions of 16 feet by 24 feet, closer to road right-of-way than his residence. He said he doesn't have room in the back yard as he has a lot of trees.

Public Hearing open: there were no comments from people in attendance this evening.  
Public Hearing closed.

Mr. Parkhill said this new building will be used for storage of lawn equipment and other articles.

Chairman asked applicant "why do you need an accessory building? why can't you use your existing garage?"

Mr. Parkhill said there are too many big trees and didn't want to cut them down and property drops off to the east. In the future, may wish to have a pond but didn't get paperwork done yet.

Chairman asked how many floors will be in accessory building?

Mr. Parkhill said there will be ground floor and second floor.

Chairman asked applicant to describe roof?

Applicant said roof will be gable and building will be no taller than existing building. First floor will be seven feet and seven to eight feet on second floor. Color will match other building and house.

No comments from Counsel.

Chairman mentioned "H. Considerations by Zoning Board of Appeals:"

If request is for Area Variance, benefit to applicant versus detriment to community:

1. If variance will cause change in neighborhood.
2. If benefit sought can be achieved by other feasible means.
3. If variance is substantial.
4. If change will have adverse physical or environmental impact.
5. If existing condition is self-created.

A motion was made by Mr. Smith and seconded by Mr. Johnson to give an Area Variance to William Parkhill, 3253 Lower Mountain Road, Sanborn, to permit applicant to construct an accessory building, with dimensions of 16 feet by 24 feet, closer to the road right-of-way than applicant's residence. Unanimously approved, motion carried.

**ZB-AV-2016-006**     **LYNNE A. AZZARO**, 3851 Upper Mountain Road, Sanborn

Miss Azzaro was present at this meeting and has submitted the following:

Application for an Area Variance to construct a shed 8 feet by 8 feet, Agricultural Data Statement, copy of measurements on deed highlighting where shed will be, another copy of preceding without the shed on., tax map, picture of home and aerial view of applicant's property.

Miss Azzaro said she would like a new shed 8 feet by 8 feet to be located nine (9) feet from east property line and nine (9) feet from north property line. Building will be used for Winter storage of equipment like lawn care tools and other articles per applicant.

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

Applicant said she would like to replace old shed, which is gone, with a new shed in the same location where old one stood. The gravel is already there.

Chairman asked Miss Azzaro "why can't you place new shed in a little on the two sides as there is plenty of room?"

Miss Azzaro said she wants to make use of the existing gravel for the new shed.

"H. Considerations by Zoning Board of Appeals"

If request is for Area Variance, benefit to applicant versus detriment to community:

1. If variance will cause change in neighborhood.
2. If benefit sought can be achieved by other feasible means.
3. If variance is substantial.
4. If changes will have adverse physical or environmental impact.
5. If existing condition is self-created.

Chairman said on " No.2. Benefit sought can be achieved by other feasible means, by moving the shed ". No. 3 "Variance is substantial."

Board members had no further concerns on Miss Azzaro's application.

Miss Azzaro said the Town gave approval to place accessory building in her back yard about 20 years ago.

A motion was made by Mr. Smith and seconded by Mr. Johnson to **Grant** an Area Variance to Miss Azzaro to permit construction of a shed with dimensions of 8 feet by 8 feet to be located within nine (9) feet of the east side property line and nine (9) feet of the north rear property line. Unanimously approved, motion carried.

Old Business:

**Samuel Parise** – No action was taken on Special Permit for a pond for applicant and was tabled at the June meeting waiting for further Stormwater Management Review.

**REPORTS:**

Chairman – Received information from Building Inspector's office regarding required training for Planning/Zoning Boards dated July 18,2016 to be held October 20, 2016 – 5:00 P.M. to 9:30 P.M. at Niagara County Community College. And A letter for a Summer Program and schooling

Attorney - No report

Board members – New house being constructed on Carter Drive

Councilman Randy Roberts – No report from Town Board

Next regular Zoning Board meeting will be on August 22, at 7:00 P.M.

A motion was made by Mr. Smith and seconded by Mr. Robinson to adjourn at 7:58 P.M.

Respectfully submitted

*Marjorie E. Meahl*  
Marjorie E. Meahl, Rec. Secy

Minutes approved Aug. 22, 2016