

June 25, 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
Theresa Kroening, Donald Robinson, Peter Smith
Michael Sieczkowski, alternate
Member absent: Michael Bechtel
Also present: Robert Blackman, Councilman, 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 application:

(06-07-12) JOHN SOTO, 5262 Subbera Road, Lockport, N.Y. 14094 for an Area Variance to permit applicant to construct a 30 foot by 40 foot accessory building upon said premises which exceeds the square footage of the first floor living area of the residence upon said parcel, which is 772 square feet, whereas the Zoning Ordinance does not permit construction of an accessory building that exceeds the square footage of the first floor living area of said residence; as well as a Special Permit to permit applicant to do business, namely, fabricating countertops, in said proposed accessory building pursuant to the Special Permit Ordinance of the Town of Cambria.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to approve minutes of meeting of May 21, 2012 as presented. Unanimously approved, motion carried.

SPECIAL PERMIT REQUEST (tabled from May 2012)

Milleville Brothers – owner of the property

Brian Whyte (Niagara Forestry) – applicant

Property location – 4177 Lower Mountain Road, Lockport, N.Y. 14094

2012-06 (05-03-12) Counsel explained that the application for Special Permit is to conduct a business within existing structures at 4177 Lower Mountain Road, namely, logging operation, and to make maple syrup.

Application was sent to the Niagara County Planning Board for recommendation, but due to the fact the County Planning Board requested additional information before acting on same, they took no action until receipt of the additional information. No additional information has been received as of this date.

Counsel wrote a letter to owner and applicant stating that they must provide additional information by July 6th so action can be taken in July. Therefore, no action will be taken by the Zoning Board on this application this evening.

A motion was made by Mr. Smith and seconded by Mr. Sieczkowski to table application of Milleville/Whyte until the July meeting. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWALS (current)

Alan Tarnowski, 4663 Baer Road, Ransomville, N.Y. 14131
Special Permit to do repairs in garage

There was no one present on behalf of Mr. Tarnowski at this time.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **table** action until the end of the meeting and see if someone appears. Unanimously approved, motion carried.

2008-03 (02-04-08) County of Niagara, 59 Park Avenue, Lockport, N.Y. 14094
Special Permit to construct a new County Public Works facility on premises known as 5058 Lockport Junction Road, Lockport, N.Y. 14094

Michael Tracy appeared on behalf of the above and said they would like to renew the Special Permit and hopefully, will soon get started on their project.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **renew** Special Permit to the County of Niagara for another year. Unanimously approved, motion carried.

2008-04 (06-02-08) Mr. 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, N.Y. 14132.

There was no one present on behalf of Mr. Wendt at this time.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **table** action on this renewal until the end of the meeting. Unanimously approved, motion carried.

PUBLIC HEARING:

2012-07 (06-07-12) MR. and MRS. JOHN SOTO were present at this meeting and have submitted the following: Application for Area Variance and Special Permit, Short Environmental Assessment Form, Agricultural Data Statement and sketch of the property.

Mr. Soto said he would like a Special Permit to make counter tops and to build a new accessory building 30 feet by 30 feet and 30 feet by 40 feet where new porch will be. This will exceed the square footage of the living area of their residence. The building will be a metal pole barn, will do the fabricating work in there and ten (10) feet covered portion on the side for entertainment. He will be doing this work approximately 5 to 10 days per month. New building will be erected in back of his home.

He showed to the board a sketch on cardboard of his property and where accessory building will be placed. Chairman requested a copy of the sketch on paper for the Town's records.

Mr. Soto said there will be a driveway to the new building. At present the counter tops are made in his garage.

Mr. Soto also submitted the following:

General Sheet Goods Information, dated 6-25-2012	consisting of 4 pages,
Porter Cable Sander and Dust Collector	“ “ 2 “ ,
Polisher	“ “ 2 “ ,
Router	“ “ 2 “ ,

All of the above are on file

Public Hearing open:

Timothy J. Leskiw, 5238 Subbera Road, Lockport, N.Y. 14094, said he has been a resident of Cambria for many years and just a few neighbors many years ago and there have been many new people moving into the area and more burning of debris and other materials and smoke comes onto the people's property, some is white and some is black and not just brush being burned. He said smoke comes onto his property.

He asked Mr. Soto what kind of materials is he burning? Are there metals being burned, are they toxic? If with proposed new building, could debris outside be eliminated and the burning stopped? Mr. Leskiw also asked about advertising?

Mr. Soto said he delivers the finished products to the customer's home. He said there was debris in the driveway for awhile. Mr. Leskiw said he thought Mr. Soto was doing remodeling in his home.

Ms. Connie Terranova appeared on behalf of Mary McConnell, 5242 Subbera Road, Lockport, N.Y. 14094, expressed concern about chemicals on the premises. What type of emergency procedure does applicant have in place, how does he dispose of waste on the premises? Could fire company handle chemical spills?

James Scovazzo, 5270 Subbera Road, Lockport, N.Y. 14094, said he has no issues of smoke or noise, no spillable materials as far as he has seen.

Alphonse Michalewicz, 5258 Subbera Road, Lockport, N.Y. 14094, said he has no problems and no issues. Mr. Soto has things laying around and new building will be a plus to store things in. Expressed concern about two-story home and only use square footage based on first floor when determining footage for accessory building. If it were a ranch-style home, square footage would be permissible. He said he has no concerns about proposed accessory building.

Jon Rowcroft, 5254 Subbera Road, Sanborn, N.Y. 14132, said he lives two houses away from Mr. Soto, said he doesn't hear noise other than hammering. He has no problem with this proposed business.

Public Hearing closed.

Concerns of Board members, Building Inspector and Attorney:

Mr. Robinson asked Mr. Soto if he plans to erect a sign?
Applicant said no sign.

Mrs. Kroening asked applicant how does he build the counter tops?

Mr. Soto explained the process. Materials come from L G Twin Towers, manufacturer. Some of the tools used are circular saw, router, sander and polisher. He goes to the home and installs the counter tops.

Mr. Sieczkowski asked applicant how does he handle and control the dust?

Mr. Soto said it is swept up and taken outside and sweeps the driveway. He said he does not burn that material.

Mr. Sieczkowski asked Mr. Soto what would he do in case of a fire?

Mr. Soto said he has a fire extinguisher and some material will not burn.

Alcohol is flammable.

Mr. Soto said he delivers the counter tops on a flat bed trailer. All disposable items are taken to the dump.

Dust can cause eye irritation to some people.

Mr. Soto said his son works with him, does about two (2) counter tops a month.

Mr. Michalewicz asked applicant what is the approximate length of time to make a counter top?

Mr. Soto said he can fabricate one in about a day. Does counter tops for about two (2) kitchens a month. He goes to the customer's home. There is no business traffic going in and out of his property.

Mr. Michalewicz asked where will accessory building be located on the property?

Mr. Soto said he will try to place the building so he will not need a variance. He must stay away from the drainage easement on his property.

Chairman asked Mr. Soto how large is his property?

Lot size is 110 feet wide and 191.75 feet in depth.

Building Inspector said as far as burning is concerned, he cannot burn the materials he uses. It is not legal to burn scrap wood, etc.

Attorney said when application came in, Mr. Soto asked for a Special Permit for the business and the proposed new building would be oversized according to the Zoning Ordinance, needed a variance and the two requests were combined into one application. A Site Plan Review and Approval are required by the Planning Board and will be on the Planning Board agenda for July.

Mr. Soto said all scraps will be disposed of properly, no outside storage, no sign requested and no employees, his son only.

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

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to approve application of John Soto for an Area Variance to permit applicant to construct a 30 foot by 40 foot accessory building

upon said premises which exceeds the square footage of the first floor living area of the residence upon said parcel, which is 772 square feet; as well as a Special Permit to permit applicant to do business, namely, fabricating counter tops, in said proposed accessory building with the following conditions:

1. There is to be no outside storage of materials;
2. Disposal of all scrap according to regulations;
3. Permitted to have a sign up to twelve (12) square feet;
4. No employees other than Mr. Soto's son;
5. Site Plan Review and Approval by the Planning Board;
6. Special Permit is in effect for one (1) year initially.

Unanimously approved, motion carried.

REPORTS:

Continuing education – Tuesday, Sept. 25, 2012; 5:00 p.m. to 9:30 p.m.
NCCC Building E, Room 140

Building Inspector – no report

Attorney – no report

Board members - no report

Special Permit Renewals – tabled from beginning of meeting

Alan Tarnowski – Special Permit to do repairing in garage.

As no one appeared on his behalf, a motion was made by Mr. Robinson and seconded by Mr. Sieczkowski to **table** action for one month and second notice to be sent. Unanimously approved, motion carried.

Paul Wendt, Christ Centered Properties – Special Permit for warehousing, sale of bulk foods and pet supplies in an existing building at 2990 Carney Drive.

As no one appeared on his behalf, a motion was made by Mr. Robinson and seconded by Mr. Sieczkowski to **table** action for one month and second notice to be sent. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Smith to adjourn at 8:45 p.m.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____