

May 23, 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 the meeting.

Members present: Michael Sieczkowski, Chairman
Thomas Andrews, Alan Johnson, Peter Smith
Bradley Rowles, alternate
Donald Robinson, member, came in late and meeting had started .
and Mr. Rowles, alternate, had been asked by Chairman to fill in
for Mr. Robinson.

Also present: Matthew Foe, Councilman
Randy Roberts, Councilman and liaison to the 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 SP-2016-002 DAVID and TRACY KALINSKI, 5901 Shawnee Road, Sanborn Sanborn, N.Y. 14132, for a Special Permit to permit applicants to maintain a private kennel upon said premises permitting applicants to harbor four (4) dogs over six (6) months old registered to applicants as permitted by the Special Permit Ordinance of the Town of Cambria.

ZB AV-2016-002 BRADLEY SHIESLEY, 4909 Ridge Road, Lockport, N.Y. 14094, for an Area Variance to permit applicant to construct a garage upon said premises having dimensions of 20 feet by 31 feet approximately 25 feet from road right-of-way which would be located closer to the road than the residence upon said premises, whereas the Zoning Ordinance does not permit construction of a garage closer to the road right-of-way than 60 feet, nor closer to the road right-of-way than the residence upon said premises.

A motion was made by Mr. Smith and seconded by Mr. Rowles to approve minutes of meeting of April 25, 2016 as presented. Unanimously approved, motion carried.

RENEWALS:

Chairman read the information in the letters pertaining to current renewal of Special Permit for Richard Hahn and renewal of Special Permit for Christopher Matyas tabled from April 25th meeting, as follows:

1999-03 (04-29-99) Richard Hahn Special Permit for landscaping, maintenance, sandblasting, painting and repair and

2001-17 (12-03-01) Richard Hahn Special Permit for Retail and Wholesale business, storage of bulk material and nursery stock, equipment, etc. outside.

Mr. Hahn said he would like the Special Permits renewed for another five (5) years. He said there have been no changes in the business.

Building Inspector, Attorney and Board members had no concerns on the Special Permits of Mr. Hahn. Two Special Permits combined.

A motion was made by Mr. Smith and seconded by Mr. Johnson to **renew** the aforementioned Special Permits to Richard Hahn, business address 3779 Lower Mountain Road, Sanborn, N.Y. 14132 and home address 4501 Ridge Road, Lockport, N.Y. 14094, for a period of five (5) more years. Unanimously approved, motion carried.

2010-03 (03-17-10) Christopher Matyas, Home address: 7166 Pendale Circle, North Tonawanda, N.Y. 14120 (tabled from April 25th meeting)
Business address: 4935 Lockport Road, Lockport, N.Y. 14094

Special Permit to conduct light manufacturing business (metal machine parts, no computer parts).

Mr. Matyas was present at this meeting and said he would like to renew the Special Permit for the aforementioned business for another 5 years.

Building Inspector – no comments, Attorney said this business is in the B-2 Zone, Board members – no concerns

A motion was made by Mr. Smith and seconded by Mr. Rowles to **renew** Special Permit to Christopher Matyas to manufacture light metal machine parts for a period of five (5) more years retroactive to April 2016, at 4935 Lockport Road, Lockport, N.Y. 14094. Unanimously approved, motion carried.

PUBLIC HEARING:

ZB-AV 2016-002 BRADLEY M. SHIESLEY, 4909 Ridge Road, Lockport, N.Y.
(04-18-16) 14094

SBL 79.00-2-2.11 Mr. Shiesley was present at this meeting and has submitted the following: Application for Area Variance, Agricultural Data Statement, Schedule A “Legal Description”, Sketch of property, copy of **DEED** consisting of 3 pages, Sketch of property location from tax map and pictures of home.

Mr. Shiesley said he would like to construct a garage upon said premises, dimensions 20 feet by 31 feet, approximately 25 feet from the road right-of-way

and would have 8 foot walls, whereas, the Zoning Ordinance does not permit construction of a garage closer to the road right-of-way than 60 feet, nor closer to the road right-of-way than applicant's residence. He said the building would be a "stick to the ground". It would be used for storage of a portable saw mill and no business conducted from this building and will not be storing logs in this building

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

Chairman asked applicant "why can't you put the proposed new building down next to an existing building?"

Applicant said "it would be hard to go down the hill, store table saw, planer, etc".

Chairman said building will change looks in the neighborhood from the road.

Mr. Shiesley said house to the east is close to the road. He said this building will have the same color paint as his house and he can get all equipment under cover. If equipment is outside, it is an eyesore.

Chairman said if request for Variance:

1. Will it be a benefit to applicant versus detriment to community?
2. If benefit sought can it be achieved by other feasible means?
3. If existing condition is self-created?
4. Will it create an eyesore?
5. Will be close to the road.
6. Will there be excessive noise?
7. No outside storage of materials.

Chairman said to applicant "when you purchased the property, you knew the slope was there".

Building Inspector said he had no further comments and Attorney no comments.

Mr. Shiesley said he also wants to keep lawnmowers and other equipment inside.

Building Inspector said new building has to be on a foundation, can't just "pin it down", is not allowed. Still the issue of setback.

Applicant said stone and rocks on hill are loose and hard to get up the hill.

A motion was made by Mr. Smith and seconded by Mr. Andrews to permit Mr. Shiesley to have Area Variance to permit applicant to construct a garage 20 feet by 31 feet approximately 25 feet from the road right-of-way for storage of saw mill, lawnmower, etc. Unanimously approved, motion carried.

PUBLIC HEARING:

ZB-SP- 2016-002 **DAVID and TRACY KALINSKI**, 5901 Shawnee Road, Sanborn
(04-18-16) 14132

SBL 120.00-1-61.3 Applicants have submitted the following: Application for Special Permit to harbor four (4) dogs, Short Environmental Assessment Form consisting of 3 pages, Short Environmental Assessment Form consisting of 2 pages N/A, Agricultural Data Statement, copy of "This Indenture", Sketch of property from Town map, picture of house and attached garage and a separate garage.

Mr. Kalinski was present at this meeting and said they would like a Special Permit for four (4) dogs on their property.

Chairman explained that the Special Permit is initially for one year and if all goes well, applicants can request a renewal of Special Permit for up to 5 years.

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

Mr. Smith asked Applicant what breed of dogs are they?

Applicant said 1 black Labrador, 1 chocolate Labrador and 2 Beagles. He said all have had their shots, licenses are current, are inside the house a lot and sometimes outdoors in a fenced area. When they were puppies, they were taken to dog obedience classes. They are let out to defecate. They are all their own personal dogs, do not roam at large, no boarding of dogs. The waste goes in the garbage bags and picked up with regular garbage pick-up and sometimes goes to the back field.

Chairman read from Zoning Ordinance conditions for granting a Special Permit:

1. No change in character of neighborhood.
2. No depreciation of property values.
3. No excessive noise or disturbance of neighborhood.
4. Adequate parking area.
5. No outside storage of materials.
6. If alleged hardship is self-created.
7. No barking of dogs.

The dogs are Mr. and Mrs. Kalinski's own personal dogs.

No concerns expressed by Building Inspector, Attorney or Board members.

A motion was made by Mr. Smith and seconded by Mr. Johnson to declare **negative declaration under SEQR** on application of Mr. and Mrs. Kalinski to harbor 4 dogs. Unanimously approved, motion carried.

A motion was made by Mr. Johnson and seconded by Mr. Rowles to grant a Special Permit to David and Tracy Kalinski to permit applicants to maintain a private kennel upon said premises to harbor four (4) dogs over 6 months old registered to applicants for a period of one (1) year. Unanimously approved, motion carried.

Old business: none

New business: none

REPORTS:

Chairman - 4 hour training course in Albion

Building Inspector – no report

Attorney – Schooling can be done on line

Mr. Roberts – No report from Town Board

Next Zoning Board regular meeting –Monday, June 27th at 7:00 P.M.

Motion by Mr. Smith and seconded by Mr. Andrews to adjourn at 7:24 P.M.

Respectfully submitted,

Marjorie E. Meahl

Marjorie E. Meahl, Rec. Secy.

Minutes approved June 23, 2016