

November 25, 2013

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by Theresa Kroening, Acting Chairman, at 8:00 P.M. She welcomed everyone to this meeting followed by the Pledge to the Flag, and then announced the agenda for this evening.

Members present: Theresa Kroening, Acting Chairman
Donald Robinson, Michael Sieczkowski, Peter Smith
Also present: Matthew Foe, Councilman
James McCann, Building Inspector
Gary Billingsley, Attorney

A motion was made by Mr. Smith and seconded by Mr. Robinson to approve minutes of meeting of October 28, 2013 as presented. Unanimously approved, motion carried.

RENEWAL (tabled from September and October 2013)

2007-11A (8-23-07A) Mr. and Mrs. **Eugene Elson**, 3510 Lower Mountain Road, Sanborn, N.Y. 14132, for a Special Permit for a private kennel to harbor between 4 and 8 dogs over 6 months old.

There was no one present this evening on behalf of Mr. and Mrs. Elson. There has been no communication from them regarding the Special Permit renewal. Three letters have been sent regarding the renewal and no response.

A motion was made by Mr. Robinson and seconded by Mr. Sieczkowski to allow Special Permit to expire on its own terms. Unanimously approved, motion carried.

SPECIAL PERMIT REQUEST (tabled from October 2013)

2013-08 (9-04-13) **Eric and Courtney Guenther**, 4576 Baer Road, Ransomville, N.Y. 14131
Special Permit to construct a one-half acre farm pond, dimensions 150 feet by 150 feet

Mr. Guenther, present at this meeting, said he owns the property at 4576 and 4588 Baer Road. Originally, Mr. Guenther planned to place the pond on the 4576 parcel. Per letter from Niagara County Soil and Water Conservation District, dated August 2, 2013, it was determined that a "mapped federal wetland is present to the north and immediately adjacent to the proposed pond area" and determined it would be necessary to contact the U.S. Army Corps of Engineers. Also upon "review of the Flood Insurance Rate Map for the property reveals that the pond encroaches upon the 100 year floodplain of a tributary of the east branch of Twelve Mile Creek"

Mr. Guenther contacted the Niagara County Soil and Water on the issues. He decided he would like to change the location of the proposed pond so as not to be in the immediate area of the federal wetland area or in the floodplain area. Pond will be partly on 4576 Baer Road and partially on 4588 Baer Road.

Niagara Soil and Water reviewed the soil in the new location and the National Wetlands Inventory Map for the site and “Both indicate that no mapped wetlands occur within the proposed site”, per letter dated September 30, 2013.

Mr. Guenther said these are two separate lots, 4576 and 4588 Baer Road and does not wish to join them at this time. Pond will be in the center of the two lots. He said he has no plans for selling the old farm house at this time. Eventually, will tear down the older home. Pond will be approximately 900 feet west of Baer Road and about 600 feet from west property line.

There is an overflow to a natural swale. No spoil material will leave the property and no material will be put on the floodplain area per applicant.

Mr. Guenther initialed the original application to add the second lot, 4588 Baer Road.

A motion was made by Mr. Robinson and seconded by Mr. Smith to declare **negative declaration under SEQR** on application for special permit for a farm pond on premises of Eric Guenther at 4576/4588 Baer Road. Unanimously approved, motion carried.

A motion was made by Mr. Sieczkowski and seconded by Mr. Robinson to **approve** Special Permit to permit applicants to construct a one-half acre farm pond with dimensions of approximately 150 feet by 150 feet upon said premises at 4576/4588 Baer Road, Ransomville, with condition: Upon a finding that the construction or alteration of said pond will not adversely affect drainage in the area.

REPORTS:

Acting Chairman – tonight we complete vouchers for 2013

Dec. Planning Board meeting will be on the 16th at 7:00 P.M.

Dec. Zoning Board meeting will be on the 16th at 8:00 P.M.

Building Inspector – no report

Attorney – no report

Board members – no report

A motion was made by Mr. Robinson to adjourn at 8:25 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____

