

October 22, 2012

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

Members present: Theresa Kroening, Vice Chairman
Michael Bechtel, Donald Robinson
Michael Sieczkowski, alternate
Members absent: John Reardon, Peter Smith
Also present: 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:

(09-04-12) LARRY BOONE, 4900 Cambria Road, Lockport, New York 14094, for an Area Variance to permit applicant to construct a 30 foot by 40 foot accessory building upon said premises within approximately 5 feet of the south side lot line and approximately 115 feet closer to the road right-of-way than the rear main wall of the principal dwelling upon said premises, whereas the Zoning Ordinance does not permit construction of an accessory building closer to a side lot line than 15 feet, nor closer to the road right-of-way than the rear main wall of the principal dwelling upon said premises.

(10-01-12) PAUL and CAROL WANCHICK, 4577 Lower Mountain Road, Lockport, New York 14094, for an Area Variance to permit applicants to construct a second accessory building upon said premises containing dimensions of not more than 30 feet by 30 feet approximately 60 feet closer to the road right-of-way than the rear main wall of the principal dwelling upon said premises, whereas, the Zoning Ordinance does not permit construction of more than one accessory building upon a parcel, nor does it permit construction of an accessory building closer to the road right-of-way than the rear main wall of the principal dwelling upon said premises.

A motion was made by Mr. Bechtel and seconded by Mr. Robinson to approve minutes of meeting of September 24, 2012 as presented. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWALS (current)

2005-09 (10-06-05B) Lori Siegmann, 4460 Upper Mountain Road, Lockport, N.Y. 14094
Special Permit for Hair Salon

Mr. and Mrs. Siegmann were present at this meeting and request renewal of Special Permit for Hair Salon.

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

A motion was made by Mr. Robinson and seconded by Mr. Sieczkowski to **renew** Special Permit for a Hair Salon to Lori Siegmann for a period of five (**5**) years. Unanimously approved, motion carried.

2008-09 (10-02-08) Patrick Harms, 4105 Burch Road, Ransomville, N.Y. 14131
Special Permit for Private Dog Kennel

Mrs. Harms was present at this meeting and said they wish to continue with the Special Permit for the dog kennel.

Building Inspector had no concerns with this Special Permit.

A motion was made by Mr. Robinson and seconded by Mr. Sieczkowski to **renew** Special Permit for a private dog kennel to Patrick Harms for a period of five (5) years. Unanimously approved, motion carried.

2011-09 (08-25-11) Roberta Sherwood, 5838 Shawnee Road, Sanborn, N.Y. 14132
Special Permit to maintain a Private Kennel to harbor 6 dogs over the age of 6 months old registered to applicant.

There was no one present on behalf of Roberta Sherwood.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **table** Special Permit renewal until the end of the meeting and see if someone appears on her behalf. Unanimously approved, motion carried.

PUBLIC HEARINGS:

(09-04-12) LARRY BOONE

Mr. Boone was present at this meeting and has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, copy of Deed and copy of Survey.

Mr. Boone said he has a small temporary garage which is on skids and would like to construct a 30 foot by 40 foot accessory building to store his personal items, such as tractor and equipment. The new building will be approximately 25 feet in front of the residence and about 5 feet from the south property line. The building will be approximately 20 feet closer to the road than the east rear wall of his home. According to the Zoning Ordinance, building must be no closer to the side lot line than 15 feet and not closer to the road right-of-way than rear main wall of the principal dwelling.

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

Concerns of board members:

It appears the new building will be partly on parcel that has the residence on, 8.29, acres and partly on parcel that is farm land, 50.6 acres.

Counsel recommended that the new building be just on one parcel, and that a consolidation deed consolidating the 8.29 acre parcel containing applicant's residence and approximately 40 foot strip of land

to the south of said premises be prepared and recorded so the new accessory building is entirely on the same parcel as Mr. Boone's residence.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to declare **negative declaration under SEQR** on application for Area Variance to Larry Boone for an accessory building. Unanimously approved, motion carried.

A motion was made by Mr. Bechtel and seconded by Mr. Robinson to **approve** request for Area Variance to Larry Boone to construct a 30 foot by 40 foot accessory building upon said premises approximately nine-nine (**99**) feet closer to the road right-of-way than the rear main wall of the principal dwelling upon said premises and to consolidate the 8.29 acre parcel containing his residence with a strip to the south of said parcel and adjacent thereto, with dimensions of approximately forty (40) feet by 504.05 feet on to a single deed.

Mr. Boone was requested to get the deed recorded no later than February 28, 2013 which he agreed to do.

Unanimously approved, motion carried.

Mr. Boone explained his property did go to the top of the escarpment and then there was quarrying done many years ago and after the quarrying was completed, his property line then came down the hill. He feels his property line should be to the top of the hill. Survey is dated May 11, 1983.

It was suggested to Mr. Boone to go to the County Clerk's office and check their records and have the line changed to where it was originally at the top.

(10-01-12) PAUL and CAROL WANCHICK have submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and two copies of Survey.

Mr. Wanchick was present at this meeting and said he would like to construct a 30 foot by 30 foot pole building and to move an existing 8 foot by 10 foot skid mounted shed to another location on the property. The new building will be used for personal use only and wishes to restore an old car and to store it in the accessory building.

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

Mr. Sieczkowski asked applicant where the existing shed will be placed and where will new building be located?

Mr. Wanchick said new pole barn will be toward the brush line and back of his house. Shed will be placed behind his home. Pole barn will be located approximately 52 feet from the road right-of-way. It will still be partially in front of the house because of the way and land is. He said there will be 10 foot high walls with two end doors.

A motion was made by Mr. Bechtel and seconded by Mr. Sieczkowski to declare **negative declaration under SEQR** on application of Mr. and Mrs. Wanchick for an Area Variance. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **approve** Application for Area Variance to permit applicants to construct a second accessory building upon premises containing dimensions of not more than 30 feet by 30 feet approximately 52 feet closer to the road right-of-way than the rear main wall of the principal dwelling upon said premises.

In the Public Hearing Notice request is for 60 feet from road right-of-way. New building will be back eight (8) feet less of relief. It will be closer to the road right-of-way than rear main wall of the house. Mr. Robinson and Mr. Bechtel agreed to this change in the motion. Unanimously approved, motion carried.

End of Public Hearings.

REPORTS:

No one from this board attended the Open House on Wind Seminars and Turbine Tours at “The Farm”, 1953 Balmer Road, Ransomville, N.Y.

Attorney – no report this evening

Building Inspector – regarding Sherwood Dog Kennel on Shawnee Road, Sanborn, said he had heard that Mr. Cooper, brother-in-law of Mr. Woelfel, owner of the property, who was living with Mr. Woelfel temporarily, had moved back to Colorado and taken some of the dogs with him. These dogs were registered to Roberta Sherwood.

A motion was made by Mr. Sieczkowski and seconded by Mr. Robinson that Secretary write a second letter to Ms. Sherwood notifying her to appear at the November Zoning Board meeting regarding renewal of Special Permit to maintain a private kennel to harbor six dogs. Unanimously approved, motion carried.

(08-04-10) Curt and Chris Rechin, 5700 Shawnee Road, Sanborn, N.Y. 14132 were present at this meeting.
Re: Removal of fill from premises at 5700 Shawnee Road
Request for Use Variance to temporarily store excavated material closer than 500 feet from the road

Mr. Chris Rechin said approximately one-half of the front pile of dirt has been removed. He said someone stopped to see him today and said they are interested in getting some dirt. He said he hopes all of the dirt will be gone by the end of October this year. They are progressing on the dirt removal. This is the biggest improvement to date.

Mr. Rechin said they would like to table the application for one more month.

Counsel said based on applicants' request, he recommends not making a decision this evening, but to make decision. In November.

Mrs. Kroening said she would like Mr. Reardon, Chairman, to be present for the decision.

Counsel agreed with Mrs. Kroening's recommendation that the board table decision until the November Zoning Board meeting.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **table decision** on Application for Use Variance to Curt and Chris Rechin until the November meeting. Unanimously approved, motion carried.

Counsel reported that John Soto who had received a Special Permit to fabricate counter tops from his premises on Subbera Road has decided not to proceed with the business.

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

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____