

October 28, 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: Robert Blackman, Councilman and liaison to Town Board
Matthew Foe, Councilman
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 application:

(10-10-13) JEANETTE KROENING ESTATE c/o 4517 Upper Mountain Road, Lockport, N.Y. 14094, for an Area Variance to maintain a lot for an existing residence commonly known as 4374 Upper Mountain Road, Lockport, N.Y. 14094, containing dimensions of approximately 310 feet in width and 170 feet in depth, whereas the Zoning Ordinance requires a minimum depth for a residential lot of 200 feet.

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of September 23, 2013 as presented. Unanimously approved, motion carried.

RENEWAL (tabled from September 23, 2013)

2007-11A (08-23-07A) Mr. and Mrs. **Eugene Elson**, 3510 Lower Mountain Road, Sanborn 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 on behalf of Mr. and Mrs. Elson and there has been no communication from them regarding renewal of the Special Permit. Two letters have been sent regarding the renewal.

A motion was made by Mr. Smith and seconded by Mr. Sieczkowski to **table** renewal of the Special Permit for the aforementioned of Mr. and Mrs. Elson and Attorney is to write them a letter regarding the renewal. Unanimously approved, motion carried.

PUBLIC HEARING:

(10-10-13) Jeanette Kroening Estate, c/o 4517 Upper Mountain Road, Lockport, N.Y. 14094

Matthew Foe, Executor of the Estate, was present at this meeting and has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, copy of town map showing the parcel and a picture of subject property.

Public Hearing open:

Mr. Foe said the lot the house is on consists of approximately 310 feet in width and 170 feet in depth. It has been sold and it would not be beneficial to go back any further than the 170 feet based upon past and current agriculture use of the property in question. Per Zoning Ordinance, a residential lot must be 200 feet in depth.

There were no concerns from members of the public or from the board members on this request.

Public Hearing closed.

A motion was made by Mr. Smith and seconded by Mr. Robinson to declare **negative declaration under SEQOR** on application for Area Variance for Kroening property. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Sieczkowski to **approve** application for an Area Variance to maintain a lot for an existing residence commonly known as 4374 Upper Mountain Road, Lockport, N.Y. 14094, containing dimensions of approximately 310 feet in width and 170 feet in depth. Unanimously approved, motion carried.

2013-08 (9-04-13) Eric and Courtney Guenther, 4576 Baer Road, Ransomville, N.Y.

14131, have submitted Application for a Special Permit to construct a one-half (1/2) acre farm pond, dimensions 150 feet by 150 feet, approximately 100 feet from the north side lot line.

At the September meeting, action was tabled to permit applicants to construct a one-half acre pond at 4576 Baer Road until information was received from the Army Corps of Engineers regarding Federal wetlands and Flood plain on applicants' property, must be determined if the proposed pond would be in the wetland.

At the time the agenda for this meeting was prepared, no information had been received from the Army Corps of Engineers or Mr. Guenther pertaining to the proposed pond.

Mr. Guenther said he had made some changes on the proposed location for the pond and went to the Niagara County Soil and Water Conservation on these proposed changes which are included in the revised letter from Soil and Water Conservation dated September 30th.

This evening, October 28th, he gave a copy of the revised letter to the board members.

Mrs. Kroening said she was not prepared to act on the application for the pond this evening because it was not on the agenda, and that revised letter from Soil and Water Conservation was not received until this evening.

Mr. Guenther apologized to the board members for not submitting the revised letter sooner.

The proposed changes are:
4576 and 4588 Baer Road, 900 feet west of Baer Road, and 100 feet from the south property line of 4588 Baer Road and 175 feet from the north property line of 4576 Baer Road has been identified as the proposed pond site.

The following paragraph is from the Sept. 30th letter:
“In addition to reviewing the soils at the property, I have also reviewed both the New York Freshwater Wetlands Map and the National Wetlands Inventory Map for the site. Both indicate that no mapped wetlands occur within the proposed site. The maps do indicate that a mapped federal wetland is present 125 feet to the north of the proposed pond area. No excavation activities or fill disposal should occur in the wetland area without a permit.”

Mr. Guenther said the proposed pond will be the same distance from the road.

Counsel said the board can either take action this evening or table the matter to revise the newly submitted information.

Applicant said he would like to start construction in about a week.

The general feeling of the board is to table the application for a month, until the board has had a chance to review the changes in the application regarding setback and the revised location of the pond.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **table** application of Eric and Courtney Guenther to construct a farm pond on their property at 4576/4588 Baer Road for a period of one (1) month. Unanimously approved, motion carried.

Counsel said a special meeting could be set up to act on this application if applicant wishes and informed applicant that he would have to pay for the cost of the meeting.

Mr. Guenther replied “No to a special meeting and he will wait until the November meeting”.

REPORTS:

Mrs. Kroening said she will be resigning from the Zoning Board at the end of this year. She said she will act as Chairman through December 2013. She thanked the board members for their support and help.

Building Inspector – no report
Attorney – no report
Board members – no concerns

A motion was made by Mr. Sieczkowski and seconded by Mr. Robinson to adjourn at 8:30 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____