

June 29, 2015

A **Special** meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by Michael Sieczkowski, Chairman, at 7:44 P.M. on June 29, 2015 held for Christ Centered Properties (Paul Wendt).

Members present Michael Sieczkowski, Chairman
 Thomas Andrews, Alan Johnson, Donald Robinson, Peter Smith
Also present: Randy Roberts, Councilman and liaison to the Town Board
 Mathew Foe, Councilman
 James McCann, Building Inspector
 Gary Billingsley, Attorney

Chairman welcomed everyone to the Special meeting followed by the Pledge to the Flag and announced the agenda for this evening.

Secretary read Notice of Public Hearing at a Special meeting to consider the following application:

(06-04-15) **PAUL WENDT**, 3056 Moore Road, Ransomville, N.Y. 14131, owner, and **KEVIN MEARBELL**, 1714 Saunders Settlement Road, Niagara Falls, New York, 14304, applicant, for a Special Permit to permit applicant to operate a business to be known as Innovative Card Solutions in which applicant will print gift cards and embroider on shirts within an existing structure upon premises commonly known as 2990 Carney Drive pursuant to the Special Permit Ordinance of the Town of Cambria.

The following have been submitted: Application for Special Permit, Short Environmental Assessment Form - Part 1 ó Project Information consisting of 3 pages; Short Environmental Assessment Form ó Part 2 ó Impact Assessment consisting of 2 pages, Agricultural Data Statement and copy of map.

Chairman asked applicant why he is seeking a Special Permit? and applicant said he needs more space.

Public Hearing open:

Joseph Wegrzyn, P.O. Box 520, Sanborn, New York 14132, 2980 Carney Drive, Sanborn, N.Y, 14132, was present at this meeting and submitted to the board a copy of **omy input** (Joe Wegrzyn of 2980 Carney Drive, Sanborn, NY) on the upcoming Special Permit Application at the Zoning Board Hearing, on the property located at 2990 Carney Drive, Sanborn, NY)ö who said he has two questions.

1. (Read from his letter received this evening) which is on file at the Town Hall, in part, ö Since Mr. Wendt changed from Natural Gas (which had been used for

over 50 years at this location) to Propane to heat the building, there has been an increase of noise and traffic from the **hazardous** Propane delivery trucks. He originally had a large Propane tank and then switched to a smaller tank that needed frequent refills. The tank is hard to reach in the winter time because of its location. The best idea would be to go back to Natural Gas and eliminate the excess noise and hardship of filling the tank. Also, with an expected increase in heating demand with the new business, the filling problem would be compounded and costly. The opinion based on that no business has been operating in the building since before 2008.

2. In 1987 when Mr. Wegrzyn moved in next door, Corr-Craft was the business at 2990 Carney Drive. Everyone at that time used the parking area and walked to the north entrance to gain access to the building. Since then the building has changed with an additional entrance on the east side. The east side entrance is unsafe as an **entrance** or **exit** to the building. This condition leads to no one using the parking area to access the building.

“Vehicles, material delivery and trailers, park on the north side of the building driving up the front sidewalk. This provides an unsightly appearance and excessive noise and disturbance for the neighborhood. Even Mr. Wendt’s propane trucks on occasion back up on the front sidewalk to fill the propane tank.”

Mr. Wegrzyn asked “what type of business is Mr. Mearbell in, light industrial?” Application is a Commercial Application.”

Further Concerns of Mr. Wegrzyn: safety issues and problems that have arisen over the years:

1. “Why did Mr. Wendt change from Natural Gas to propane?”
2. “Drive over the lawn?”
3. “Condition of premises?”
4. “Prohibited trucks ó maybe hazardous?”
5. “Go back to Natural Gas, less truck traffic going up and down the road.”

Mr. Wegrzyn said in 1987 Corr-Craft had four (4) employees and used the parking lot area north of driveway to access to the property. A lot more traffic to the front property on which vehicles with trailers parking on sidewalk and not using parking lot.

Per Mr. Wegrzyn, there has been no business operating in that building since before 2008. Nothing has been done on north side of roof. Snow piles up there and is not taken care and on the east side too. New York State Codes should be enforced. Building Inspector should check over the building and make sure it is up-to-date.

Concerns of the public cont.

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Niagara County Health Department should look over the building. There are no blue prints of the building.

Mr. Wegrzyn said get things taken care of, driveway and building..

Board members had no concerns.

Mrs. David Learman, 3193 Woodland Court, North Tonawanda, 14120, was present at this meeting, said she and her husband are planning to build a new home at 3020 Carney Drive, and have bought three acres from Mr. Wendt. She said she and her husband are not opposed to Mr. Wendt's building and read a communication from her husband, not present at this meeting, who said he is not opposed to the proposed business.

Public Hearing closed.

Mr. Mearbell said on the first page of application **FOR**: Innovative Cleaning Solutions, Inc., his parents had a business with that name. His business is "Innovative Card Solutions d/b/a", legal name for the business. Mr. Wendt is the owner of the building and the property. Mr. Mearbell is asking for the Special Permit for the business. He said there is no noise, no fumes, no hazardous materials, very little walk-in business. Applicant said he has nine (9) employees including himself. There is sufficient parking for about 20 spaces including handicap spaces. Hours of operation are: Monday through Friday 8:00 A.M. to 6:00 P.M., Saturday 8:00 A.M. to 5:00 P.M. and no Sunday.

Applicant said Fed Ex delivers supplies once a week and occasionally UPS makes a delivery.

A sign 32 square feet is permitted per Zoning Ordinance.

Applicant said they have small printers with magnetic strips, like the one he showed to the board members tonight. There will be no chemicals on the property and no fumes from the business.

Mr. Wendt said "the building is heated with propane and is going to stay propane".

There are three (3) doors to the building. Mr. Wendt said a lot of money has been put into this building. Building Inspector said all of the doors meet New York State Code Exit signs. In the Winter at times there is snow on the roof and is left to keep people from breaking in. Will have septic system looked at, maybe should have engineer look at perk test.

Per Zoning Ordinance:

Requested use meets the following conditions:

1. Will this proposed business change the character of the neighborhood?
Answer ó no change.
2. No depreciation of property values? Answer ó no change
3. No excessive noise or disturbance of neighborhood? Answer ó no
4. No appreciable change in traffic? Answer ó no ó only Fed Ex and occasionally UPS
5. Adequate parking arrangements, parking area? Answer ó yes
6. Plan must be approved with appropriate landscaping ? Answer ó yes
7. No outside storage of materials, except dumpster? Answer ó yes

Chairman stated if Special Permit is approved, it will be granted for one (1) year initially. Board can then renew for a period of up to five (5) years

Building Inspector ó Nothing to add to the above.

A motion was made by Mr. Robinson and seconded by Mr. Smith to declare **negative declaration** under SEQR on application of Mr. Wendt for a business at 2990 Carney Drive to be operated by Mr. Mearbell. Unanimously approved, motion carried.

Counsel informed the board that the Town Planning Board approved the Site Plan for Paul Wendt, owner, and Kevin Mearbell, applicant, to operate Innovative Card Solutions at 2990 Carney Drive, subject to applicant obtaining Special Permit from this board .

The Planning Board Site Plan required that applicant meet all New York State Fire and Building codes, including requirement for handicap accessibility. No outside storage of material is permitted, a dumpster in a location recommended by the Building Inspector is permitted. There shall be a fence surrounding the dumpster if required by the Building Inspector. Health Department to check septic system if required, etc.

A motion was made by Mr. Johnson and seconded by Mr. Robinson to **approve** Application for Special Permit for Paul Wendt, owner of building and property and Kevin Mearbell, applicant, to operate a business, namely, "Innovative Card Solutions, Inc." Applicant will print gift cards and embroider on tee shirts within an existing building upon premises commonly known as 2990 Carney Drive with the conditions imposed by the Planning Board in its Site Plan Approval. Unanimously approved, motion carried.

Old Business ó none

New Business ó none

REPORTS:

Chairman ó no report

Building Inspector - no report

Attorney - no report

Board members ó no report

Next regular meeting will be July 27, 2015 at 7:00 P.M.

A motion was made by Mr. Robinson and seconded by Mr. Johnson to adjourn at 8:12 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec.Secy.

Minutes approved: _____