

December 21, 2015

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. He welcomed everyone to the meeting followed by the Pledge to the Flag.

Members present: Michael Sieczkowski, Chairman  
Alan Johnson, Donald Robinson, Peter Smith  
Bradley Rowles, Alternate  
Member absent: Thomas Andrews  
Also present: Randy Roberts, Councilman and liaison to the 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 applications:

**(ZB AV-2015-014) ROBERT MAHONEY** of 4644 Cambria-Wilson Road, Lockport, N. Y. 14094 for an Area Variance to permit applicant to construct an accessory building containing dimensions of 10 feet by 20 feet which would be located on the south side of his residence, whereas the Zoning Ordinance does not permit construction of such a structure closer to the road right-of-way than the rear main wall of the residence.

**(ZB UV-2015-015) VICTORIA EBERLE** of 3059 Shenk Road, Sanborn, N. Y. 14132, for a Use Variance to permit applicant to conduct a dog behavior/obedience school upon said premises, whereas the Zoning Ordinance does not permit such a use in the R-1 Zoning District.

A motion was made by Mr. Smith and seconded by Mr. Johnson to approve minutes of meeting of Nov. 23, 2015 as presented. Unanimously approved, motion carried

#### **PUBLIC HEARINGS:**

**1. (ZB AV-2015-014) ROBERT MAHONEY** was present at this meeting and has **(11-4-15)** submitted the following: Application for an Area Variance to erect a 10 foot by 20 foot accessory building to be placed on the south side of his residence and Zoning Ordinance requires building to be at the rear main wall of the residence. Also submitted: Agricultural Data Statement, 2 sketches and pictures showing residence, attached garage and accessory building.

The Building Permit was issued prior to requesting a variance for placement of the accessory building.

Applicant said the reason for placing building where he did is because of leach field and there is a town drainage ditch across the property to the rear.

Mr. Mahoney said the siding and roof will be the same color as his house..

Public Haring open: there were no concerns from the public on the variance request.  
Public Hearing closed.

Applicant said building will be for storage of lawn mower, ATV's, tools and miscellaneous items.

Building Inspector said it was lack of understanding, building is on skids and does need a building permit.

Attorney and board members had no further concerns.

A motion was made by Mr. Robinson and seconded by Mr. Rowles to **approve** Area Variance to Mr. Mahoney to construct an accessory building, dimensions 10 feet by 20 feet. Unanimously approved, motion carried.

**2. (ZB UV-2015-015) VICTORIA EBERLE** was present at this meeting and has **(10-30-15)** submitted the following: Application for Use Variance to operate dog behavior/obedience school on her property at 3059 Shenk Road, Sanborn; Short Environmental Assessment Form, Part 1 ó Project Information consisting of 3 pages, Short Environmental Assessment Form, Part 2 ó Impact Assessment consisting of 2 pages; Agricultural Data Statement, 2 tax maps, aerial view of property, and Survey.

Applicant said when training the dogs, she works with children and members of the family. Bring as puppies around 7 weeks old and avoid problems later on.

Public Hearing open: there were no questions or comments from the public.  
Public Hearing closed.

Applicant stated the following:

She owns 1.94 acres

She has a 24 foot by 30 foot out building

Back area is fenced

Likes to start with puppies ó about 7 weeks old

Has a Certificate for dog training

Classes depending on size of dog ?

Maximum of 6 dogs ó not by breeds

Do not have classes every day  
Early evenings - no dump-offs  
Owner must attend with the dog  
No boarding of dogs  
Attended behavior college  
No regulations for dog training  
Certificate of work with national trainers (test in March)  
Do not have to register with the State  
Has pens and runways  
Hours of operation: 9:00 A.M. to 9:00 P.M. (not every day)  
Has some in-home service for people  
No more than 5 or 6 dogs at one time  
Have a long driveway (approximately 11- car driveway)  
Leash on  
Barking and noise (Keep to a minimum)  
Waste goes in garbage can  
Training either inside of building or outside within fenced area.  
Submit a Sketch plan showing where fence is located.  
Counsel stated application could be referred to the Niagara County Planning Board for their recommendation.  
Board's discretion to send application to Niagara County Planning Board.  
Mr. Robinson made a motion to send application to Niagara County Planning Board but no second.  
Building Inspector has no questions  
Building is insulated for sound.  
Install new lights  
Applicant believes school will benefit the community and result in no harm.

Chairman asked Board members to refer to the criteria for a Use Variance from the first page of Application, whether regulations or restrictions caused unnecessary hardship?ö:

1. If reasonable return can be realized from property as is.  
Mrs. Eberle said this service would be beneficial to the community and of no harm.
2. If alleged hardship is unique in the community.  
No answer.
3. If requested change will alter character of neighborhood.  
No answer.
4. If alleged hardship is self-created.

A motion was made by Mr. Smith and seconded by Mr. Johnson to declare **negative declaration under SEQR** on Application of Mrs. Eberle for a Use Variance. Unanimously approved, motion carried.

A motion was made by Mr. Smith and seconded by Mr. Johnson to **approve** application of Victoria Eberle for a Use Variance to permit applicant to conduct a dog behavior/obedience school upon said premises at 3059 Shenk Road, Sanborn, N.Y. 14132. Applicant is to furnish a Sketch Plan of the fenced area. Unanimously approved, motion carried.

Old Business ó none  
New Business ó none

**REPORTS:**

Chairman ó Beginning in January öThe Pledge to the Flagö and then öWelcomeö

Building Inspector ó no report

Attorney ó no report

Board members ó Alan Johnson and Donald Robinson will not be present at the  
January 2016 Zoning Board meeting.

Randy Roberts ó no report from Town Board

Matthew Foe ó no report

Next regular board meeting January 25, 2016 at 7:00 P.M.

A motion was made by Mr. Robinson and seconded by Mr. Smith to adjourn at 7:55  
P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: \_\_\_\_\_