

June 22, 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 June 22<sup>nd</sup> meeting followed by the Pledge to the Flag and then announced the agenda for this evening.

Members present: Michael Sieczkowski, Chairman  
Thomas Andrews, Alan Johnson, Donald Robinson, Peter Smith  
Also present: Randy Roberts, Councilman and liaison to Town Board  
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:

**(05-01-15) MICHAEL KESSLER Jr.**, 4588 Green Road, Lockport, N.Y. 14094, for a Special Permit to permit applicant to construct a farm pond containing a surface area with dimensions of approximately 120 feet by 150 feet upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria.

**(05-06-15) ERIC WISOR**, 2958 Ridge Road, Ransomville, N.Y. 14131, owner, and Paul Winkowski, 4774 Beach Ridge Road, Lockport, N.Y. 14094, and Jake Blake, 3884 Slusaric Road, North Tonawanda, N.Y. 14120, applicants, for a Special Permit to permit applicants to operate a small store front/internet retail business in an existing structure upon premises located at 2958 Ridge Road; to sell new and used powersport parts and accessories with the possibility of becoming an authorized FedEx Drop Hub pursuant to the Special Permit Ordinance of the Town of Cambria.

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve the minutes of the meeting of April 27, 2015 and minutes of the meeting of May 18, 2015 as presented. Unanimously approved, motion carried.

#### **PUBLIC HEARING:**

**2115-07 (05-01-15) MICHAEL E. KESSLER., Jr.** was present at this meeting and said he would like to construct a small farm pond in his back yard for recreation.

He has submitted the following; Application for a Special Permit for a farm pond, 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; copy of Niagara County Soil and Water Conservation District letter dated May 12, 2015, copy of Survey of part of Sub-Lot-4 Green Acres Subdivision dated May 28, 2013, and copy of 2013 Aerial of his property.

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

The pond site is approximately 475 feet west of Green Road and 15 feet from the north property line. The proposed pond dimensions will be approximately 150 feet by 120 feet, surface area of approximately 0.4 acres, excavated to a depth of 12-14 feet.

Mr. Kessler said approximately one-half of the spoil material is to be used for fill and grading on his property and other half of spoil material to be hauled off site. Also stated in the letter from N.C. Soil and Water that the site should provide suitable conditions for a functional pond. Property consists of five (5) acres.

An over-flow from the pond will be constructed to a natural drainage ditch located on the west side of the proposed pond site per Niagara Co. Soil and Water District letter dated May 12, 2015.

Chairman said there is no problem with the ditch and an easement to be given to the town for cleaning purpose.

Applicant said that is correct.

Mr. Kessler said one-half of the spoilage will be used for fill and grading as his yard is not level. He said his property is lower than adjacent property. There is a flood plain that will not disturb anything.

Chairman asked applicant if the requested use meets the following conditions as per Zoning Ordinance?

- a. No change in character of neighborhood. Answer was no change
- b. No depreciation of property values. Answer was no change
- c. No excessive noise or disturbance of neighborhood. Answer was no
- d. No appreciable change in traffic. Answer was no
- e. Adequate parking arrangements. Answer was does not apply
- f. Plan must be approved with appropriate landscaping. Answer was yes

Farm pond of not larger than one-half acre (1/2) acre. The Zoning Board may grant such permit upon a finding of no environmental damage and a finding that the construction or alteration of said pond will not adversely affect drainage in the area.

Building Inspector had no comments.

Mr. Andrews asked applicant what would be the source of water for the pond?  
Applicant said the pond should fill in within a year's time.

A motion was made by Mr. Robinson and seconded by Mr. Johnson to declare **negative declaration under SEQR** on application of Mr. Kessler. Unanimously approved, motion carried.

Mr. Robinson said the excess spoil material on the property should not be removed from the property.

Mr. Kessler said he could make the pond smaller if needed to.

Mr. Andrews asked applicant how many yards do you think is on the proposed pond area? Mr. Kessler said he could let the neighbor have some.

A motion was made by Mr. Smith and seconded by Mr. Johnson that pursuant to the letter from Niagara County Soil and Water, dated May 12, 2015, the application for a farm pond approximately 0.4 acres, dimensions 150 feet by 120 feet, is **approved** upon a finding that no environmental damage will result if the permit is granted, and that construction of said pond will not adversely affect drainage in the area.

No removal of excavated material from premises shall be permitted except in the sole discretion of Code Enforcement Officer, removal of excavated material to the adjoining premises upon permission of the Code Enforcement Officer shall be permitted. Unanimously approved, motion carried.

Mr. Kessler was advised to keep in contact with the Building Inspector on moving of spoil material in the area.

**2015-08 (05-06-15) ERIC WISOR** - Owner of 2958 Ridge Road, Ransomville 14131  
Paul Winkowski of Partner of 4774 Beach Ridge Road, Lockport 14094  
Jake Blake - Partner - 3884 Slusaric Road, North Ton. 14120

Mr. Winkowski said he and his partner, Mr. Blake, would like to operate a business from Mr. Wisor's building at 2958 Ridge Road, Ransomville, to sell new and used Powersport parts and accessories with possibility of becoming an authorized FedEx shipping drop hub.

Mr. Wisor formerly operated a Polaris dealership at 2958 Ridge Road.

The partners have been operating their business from Mr. Winkowski's parents' home and have outgrown their business there.

Public Hearing open: there was no one present from the public this evening.  
Public Hearing closed.

Applicants said they dismantle the machines, take parts off, clean and sell by pieces mostly through the internet. There is a demand for good used parts, new parts are expensive. If they don't sell by internet, they keep inside of building. There is used oil, gas, etc. to clean the parts.

They were asked about an oil separator and what do they do with the used oil and said it is picked up and goes to a place that uses used oil.

Building Inspector said he did not know anything about this part of the proposed business, the cleaning of the parts before selling them, until this evening. There was nothing on the application pertaining to the cleaning of the parts.

Mr. Winkowski said they have been doing this business from his parent's basement, cleaning the parts, etc. and do advertising on line.

Counsel asked applicant "how many of these parts of machines do you have at your home?"

Mr. Winkowski said currently he has four to five machines. They are trying to do more volume and need more room. Everything can be done indoors or in a fenced area

Mr. Wisor said they are needed, small motors. They clean up the used parts themselves. Now they are cleaning the Wisor building.

It was asked about an oil separator? Mr. Winkowski said they have been doing this type of work all of their lives.

Building Inspector was asked to look at the process including the building?

Mr. Andrews "what are applicants doing, need to have more information?"  
Applicant said "most is internet sales."

Chairman said we need to get the Planning Board involved and do a Site Plan. Need a Special Permit.

A motion was made by Mr. Robinson and seconded by Mr. Andrews to **table** action on application of Eric Wisor until we have more information on this proposed business in Mr. Wisor's building. Unanimously approved, motion carried.

**Old Business:** none

**New Business :** Special Zoning Board meeting at 7:30 P.M. on Monday, June 29<sup>th</sup>.

**REPORTS:**

Chairman ó Four hour training for board members  
Planning and Zoning Summer School

Building Inspector ó Nothing about stripping vehicles  
What kind of cleaning solutions used in proposed business in  
Mr. Wisorø building?

Attorney ó no report this evening

Board members ó no report this evening

Mr. Roberts ó said he knew nothing about the Special meetings on June 29<sup>th</sup>.  
No report

Next Regular meeting ó July 27<sup>th</sup> at 7:00 P.M.

A motion was made by Mr. Smith and seconded by Mr. Robinson to adjourn at  
7:50 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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