

March 23, 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 March 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: Bradley Rowles, alternate
James McCann, Building Inspector
Matthew Foe, Councilman
Randy Roberts, liaison to the Town Board
Gary Billingsley, Attorney

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

Secretary read Notice of Public Hearing as it appeared in the Lockport Union Sun and Journal to consider the following applications:

2015-01 (12-10-14) PAUL and ROBIN WENDT, 5231 Townline Road, Sanborn, N.Y. 14132 for a Special Permit to permit applicants to maintain a private kennel upon said premises permitting applicants to harbor up to five (5) dogs over six (6) months old registered to applicants as permitted by the Special Permit Ordinance of the Town of Cambria.

2015-02 (12-24-15) PAUL and JEANINE LAMPKIN, 3238 Lower Mountain Road, Sanborn, N.Y. 14132 for a Special Permit to permit applicants to maintain a private kennel upon said premises permitting applicants to harbor up to four (4) dogs over six (6) months old registered to applicants as permitted by the Special Permit Ordinance to the Town of Cambria.

(02-24-15) CRAIG McCAFFREY, 4875 Saunders Settlement Road, Lockport, N.Y. 14094 for an Area Variance to permit applicant to construct a pole barn with dimensions of approximately 40 feet by 76 feet upon premises containing a residence thereon whose first floor square footage is 957 square feet, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of such a structure whose square footage exceeds the square footage of the first floor of the residence.

PUBLIC HEARINGS:

2015-01 (12-10-14) Paul and Robin Wendt are requesting a Special Permit to harbor five (5) dogs on their premises. Mrs. Wendt was present at this meeting.

The following have been submitted: Application for Special Permit to permit applicants to maintain a private kennel to harbor five (5) dogs, Short Environmental Assessment Form, Project Information Part 1 (3 pages). Impact Assessment Part 2 (2 pages); Agricultural Data Statement, part of Town Map showing their property, sketch of their property with pictures of dogs in fenced area.

Mrs. Wendt said these are their own personal dogs.

Public Hearing open:

Michael Kelly, 5227 Townline Road, said he lives directly across the road from applicants. He expressed concern about barking, noise and if Mrs. Wendt has plans for a business, breeding etc in the future?

Mrs. Wendt said the dogs are in the house a great deal of the time and there are no plans for any business in the future.

Counsel explained if a person or persons have more than three (3) dogs on the premises over six (6) months old, they are required to have a Special Permit to maintain a private kennel.

There were no further concerns from the public.

Public Hearing closed.

Chairman explained the Special Permit is for one (1) year and if all goes well, the applicant may come back at the end of a year and ask for a renewal for up to five years. at no additional cost.

Mrs. Wendt was asked how old are the dogs? and she said they are from 8 years to 12 years old.

Mr. Smith asked what breed of dog are they and applicant replied Pug dogs, are very small.

Chairman asked about a run for the dogs? Pictures were shown to board members where the dogs run in a fenced-in area. There will be no more dogs than they have now. They are all either spayed or neutered. The waste is picked up and goes into the garbage.

Building Inspector had no comments on this request for Special Permit for the dogs.

Counsel had no comments on the Special Permit request. He said this Application was referred to the Niagara County Planning Board and they recommended approval with no conditions.

A motion was made by Mr. Smith and seconded by Mr. Robinson to declare **negative declaration under SEQR** on Application of Mr. and Mrs. Wendt for a Special Permit. Unanimously approved, motion carried.

A motion was made by Mr. Smith and seconded by Mr. Johnson to **approve** request for Special Permit to permit applicants, Mr. and Mrs. Paul Wendt, to maintain a private kennel upon said premises at 5231 Townline Road, to harbor up to five (5) dogs over six (6) months old registered to applicants, for a period of one (1) year. Unanimously approved, motion carried.

2015-02 (12-24-14) PAUL and JEANINE LAMPKIN, 3238 Lower Mountain Road, Sanborn, N.Y. 14132 are requesting a Special Permit to harbor four dogs on their premises.

Mr. and Mrs. Lampkin have submitted the following: Application for Special Permit to maintain a private kennel to harbor four (4) dogs over six (6) months old registered to applicants, Short Environmental Assessment Form, Part 1 Project Information (3 pages), Part 2 Impact Assessment (2 pages); Agricultural Data Statement and pictures of the property.

Mr. and Mrs. Lampkin were present at this meeting and have submitted the following: Application for Special Permit to harbor four (4) dogs, Short Environmental Assessment Form, Part 1 óProject Information (3 pages), Part 2 ó Impact Assessment (2 pages) and Agricultural Data Statement.

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

Applicants said the dogs are between the ages of 3 and 8 years old and have had obedience and agility training. Three are neutered, all have had their shots, are show dogs and are fenced in. There are 3 Pugs and 1 Yorkshire Terrier. Also, they are therapy dogs and go to hospitals and nursing homes.

Mrs. Lampkin said the waste is picked up and put in garbage bags for pick up.

The Building Inspector had no concerns on Lampkin's request for Special Permit.
Counsel had no concerns on request for Lampkin Special Permit.
Board members had no concerns.

A motion was made by Mr. Robinson and seconded by Mr. Johnson to declare **negative declaration under SEQR** on Special Permit request of Mr. and Mrs. Lampkin. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Johnson to **approve** request of Mr. and Mrs. Lampkin for a Special Permit to permit applicants to maintain a private kennel upon said premises permitting applicants to harbor up to four (4) dogs over six (6) months old registered to applicant as permitted by the Special Permit Ordinance for a term of one (1) year. Unanimously approved, motion carried.

(02-24-14) CRAIG McCaffrey was present at this meeting and has submitted the following: Application for Area Variance, Agricultural Data Statement and copy of survey map showing where proposed building will be located.

He wishes to construct a 40 foot by 76 foot pole barn (3040 square feet).

Chairman asked if this proposed building will be a barn or accessory building and Building Inspector said it will be an accessory building.

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

It was asked, why so large a building?

Mr. McCaffrey said he would like to restore some tractors and a truck. The truck is a 379 Peter Bilt which will be for private use. The proposed building will have a 14 foot door, 16 foot to the eve. The outside of this building will match the house. There is a driveway between his property and Mr. Wasik's property. Applicant said he has a good relationship with Mr. Wasik.

Building Inspector said he has no problem with this proposed building.
Counsel and board members had no concerns.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **approve** Area Variance to permit applicant to construct a pole barn with dimensions of approximately 40 feet by 76 feet upon said premises containing a residence thereon whose first floor square footage is 957 square feet. Unanimously approved, motion carried.

1-12-15 Scott Brydges, 5974 Diller Road, Sanborn, N.Y. 14132 (Public Hearing was recessed from February meeting as Mr. Brydges was not present and there was no one present on his behalf. The Public Hearing was held in February and there were no concerns expressed at that meeting by the public and it was recessed until tonight. Action was tabled until tonight.

Mr. Brydges was present this evening and Public Hearing was reopened and there were no concerns from the public this evening.
Public Hearing closed.

Applicant said building will be all steel with metal siding, dimensions 30 feet by 40 feet by 12 feet in height Building will be used for storage. Back yard is landscaped and some older trees will be removed. Siding will be the same color as the house.

Building Inspector had no problems with the new building.
Counsel and board members had no concerns on the building.

There will be no business conducted from new building per Mr. Brydges.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **approve** Area Variance to permit Mr. Brydges to construct an accessory building with dimensions of approximately 30 feet by 40 feet upon said premises within approximately 10 feet of the west rear lot line and 5 feet of the north side lot line on premises at 5974 Diller Road, Sanborn, N.Y. 14132. Unanimously approved, motion carried.

REPORTS:

Chairman ó no report
Building Inspect ó no report
Attorney ó no report
Board members ó no report
Mr. Roberts ó no report from Town Board

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

A motion was made by Mr. Robinson and seconded by Mr. Johnson to adjourn at 7:40 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____