

December 19, 2011

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by John Reardon, Chairman, at 8:00 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag and then announced the agenda for this evening.

Members present: John Reardon, Chairman
Michael Bechtel, Theresa Kroening, Donald Robinson, Peter Smith
Also present: Michael Sieczkowski, alternate
Clifford Burch, Building Inspector
Donald Lane, Deputy 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:

(10-17-11) CAROL VOSBURGH and LORI KENDZIA of 3117 Lower Mountain Road, Sanborn New York 14132, for a Variance to permit applicants to park used cars for sale upon premises commonly known as 2970 Saunders Settlement Road located in the B-2 Business District within 30 feet of the road right-of-way, whereas the Zoning Ordinance does not permit commercial usage closer to the road right-of-way than 80 feet in the B-2 District.

(11-17-11) JOAN KIRKLAND of 5954 Campbell Boulevard, Lockport, New York 14094 for a Variance to permit applicant to maintain a private kennel and harbor up to 10 dogs over the age of 6 months upon said premises, whereas the Zoning Ordinance does not permit private kennels harboring more than 8 such dogs.

(12-05-11) CAMBRIA CONGREGATIONAL CHURCH of 4045 Lower Mountain Road, Lockport, New York 14094, for a Special Permit to permit a sign with dimensions of 4 feet by 6 feet to be maintained upon said premises, whereas the Zoning Ordinance of the Town of Cambria does not permit signs exceeding 12 square feet without a Special Permit.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to approve minutes of meeting of November 28, 2011 as presented. Unanimously approved, motion carried.

(08-04-10) Chris Rechin – Use Variance to temporarily store excavated material upon premises commonly known as 5700 Shawnee Road, Sanborn, N.Y. 14132.

Counsel said he was advised by Robert Klavoon, Wendel Duchscherer Eng., that additional information is requested from Mr. Rechin to D.E.C. on the dirt removal on property at 5700 Shawnee Road. The board cannot proceed with the application of Mr. Rechin until D.E.C. has the additional information.

A communication was received dated 12/05/11 from Shaina R. Souder, Regulatory Branch, U.S. Army Corps of Engineers, Buffalo District, regarding the extension given to Mr. Rechin from “October 24th to December 01, 2011”. Photographs have been submitted to U.S. Army Corps of Engineers and the board would also like a copy of the photographs.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **table** Application for Use Variance to Chris, Curt and Patricia Rechin for one more month. Unanimously approved, motion carried.

RENEWAL:

2004-14 (08-04-04B) SBA Towers II L.L.C. NY 13792-A Site ID #TX 13792, tower located on Barone property, at 5105 Lockport Road, Lockport, N.Y. 14094

Building Inspector said that he had received a phone call from Diane Borchardt regarding the aforementioned tower and she said they wish to renew the Special Permit for the telecommunication tower on property at 5105 Lockport Road and check will be forthcoming.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **table** renewal of Special Permit for the tower on Lockport Road for one month. Unanimously approved, motion carried.

PUBLIC HEARINGS:

(11-17-11) JOAN KIRKLAND was present at this meeting and has submitted the following:
Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of portion of town map.

Mrs. Kirkland said she would like to house up to ten (10) dogs over six (6) months old.

Counsel said the Niagara County Planning Board recommended approval but in the nature of a **Use Variance** because request exceeds the definition of a private kennel.

Mrs. Kirkland said she has had no complaints on the dogs.

Public Hearing open: there were no concerns expressed by members of the public.
Public Hearing closed.

Concerns of board members:

Mr. Robinson asked applicant if she is boarding dogs?

Mrs. Kirkland said the dogs all belong to her and they are show dogs and no boarding of dogs.

Mr. Smith asked applicant what kind of dogs does she have?

Mrs. Kirkland said she has Collies and Havanese. She said she doesn't want to exceed ten (10) dogs.

As for the waste, she said she puts it in garbage bags and is picked up with the regular garbage.

Chairman said Mrs. Kirkland is allowed maximum of eight (8) dogs in her Special Permit.
Counsel said the County Planning Board requested this be a Use Variance.

Building Inspector said he had received no complaints on the Special Permit.

Counsel asked applicant about the showing of the dogs?

Mrs. Kirkland said she takes the dogs to local shows, National shows, Tennessee and Chicago areas.

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

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **approve** application for Use Variance to permit applicant to maintain a private kennel and harbor up to ten (10) dogs over the age of 6 months upon said premises. Unanimously approved, motion carried.

(10-17-11) CLIFF KENDZIA and TERRY VOSBURGH were present on behalf of Lori Kendzia and Carol Vosburgh.

The following have been submitted: Application for Use Variance, Short Environmental Assessment Form, Agricultural Data Statement, sketch of the property and copy of the Survey.

Mr. Kendzia and Mr. Vosburgh said they would like to sell used cars from 2970 Saunders Settlement Road. They would like to park the vehicles at the front of the property.

There is an existing home and a small commercial building also which they plan to use as an office. The property will be kept neat and orderly and there will be no working on vehicles on the premises.

Public Hearing open:

Building Inspector said he had received a phone call from Anthony Buzzeo, 4522 Sharon Drive, Lockport, N.Y. 14094, who owns property east of 2970 Saunders Settlement Road, and said he is opposed to a used car business on that property.

Public Hearing closed.

Concerns of board members:

Mr. Bechtel said on the sketch plan shows parking for five (5) cars in front of the garage.

Mr. Kendzia said the cars are repaired before they are brought on to the property. There will be no car parts on the premises. There will not be more than five (5) cars for sale at one time. He said the hours of operation will be on the vehicles with a cell phone number to call. Lot will be unattended. Business will be in operation during the week from 9:00 A.M. to 7:00 P.M.

Counsel said the Niagara County Planning Board recommended denial because of traffic safety, setback relief and site line problem with this business. There are trees in front of the house.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to recess this meeting at 8:20 P.M. Unanimously approved, motion carried.

A motion was made by Mr. Bechtel and seconded by Mrs. Kroening to reconvene this meeting at 8:40 P.M. Unanimously approved, motion carried.

Chairman thanked the board for their patience. We will continue with application of Kendzia and Vosburgh for a used car lot on Saunders Settlement Road.

The County Planning Board had some concerns such as site lines and trees in the front by the road.

Mr. Kendzia said they will not park any vehicles in front of the house.

Per Mr. Vosburgh, site line should not be an issue.

Board members would like more information. County recommended denial.

Mr. Smith asked applicant where are they going to park the vehicles?

They then showed a picture of the area where cars will be parked. Mr. Kendzia said they will not use Saunders Settlement Road as parking area.

Building Inspector said there should be restrictions as to closeness to highway. He understands applicants are requesting 30 feet setback from the road right-of-way.

It was suggested to line up the cars and see how many they could get within the area requested.

Building Inspector said the existing home is about 43 feet from the road right-of-way according to the town tax map.

Applicants indicated that they be allowed to park vehicles closer to the road right-of-way than ten (10) feet. Counsel said if applicants want additional relief, they must submit a new application for parking closer to the road right-of way than originally requested, which was approximately thirty (30) feet.

Mr. Kendzia said they will not park any vehicles in front of the house.
They could amend the sketch plan submitted to see how many feet they want.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to declare **negative declaration under SEQR** on application of Kendzia/Vosburgh. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **table** application for Use Variance of the aforementioned until additional information is received from the Niagara County Planning Board. Unanimously approved, motion carried.

2011-13 (12-05-11) CAMBRIA CONGREGATIONAL CHURCH

Patrick McCoy, a member of the church, was present on behalf of the church and said they wish to replace existing sign.

The following have been submitted: Application for Special Permit, Short Environmental Assessment Form, Agricultural Data Statement and sketch of the church and sign.

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

Concerns of board members:

Mr. Smith asked Mr. McCoy if the new sign would be a permanent sign?

Mr. McCoy said this would be a permanent sign which will be one (1) foot taller and one (1) foot wider. The existing sign is 3' by 5' and the new sign will be 4' by 6'.

Chairman asked applicant about site distance?

Mr. McCoy said the new sign will be in the same area as existing sign.

Per Counsel, the Niagara County Planning Board recommended approval of the new sign.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to declare **negative declaration under SEQR** on request for Special Permit for a new sign by Cambria Congregational Church. Unanimously approved, motion carried.

A motion was made by Mr. Bechtel and seconded by Mrs. Kroening to **approve** a Special Permit to permit a sign with dimensions of 4 feet by 6 feet to be maintained upon said premises. Unanimously approved, motion carried.

REPORTS:

The Zoning Board of Appeals will meet on the 4th Monday in 2012 except for May which will be on the 3rd Monday, May 21st, and December will be on the 3rd Monday, December 17th, at 8:00 P.M.

Building Inspectors – no report

Board members – Donald Robinson reported he will be away in January and asked Michael Sieczkowski to fill in.

(08-04-10) Chris Rechin had submitted information as requested, namely, confirmation showing extension of time to remove fill material from the wetland area, until December 1, 2111. Extension was received December 5th.

Mr. Rechin said they tore down the bins and put dirt in a hill; cleaned up and will be doing some landscaping on the property. They have reseeded the wetlands where dirt was removed and seeded the hill. Photographs of what has been done will be sent to U.S. Army Corps of Engineers; and Building Inspector asked Mr. Rechin to send a copy of the photographs to the town as to what has been done, permanent or temporary. Building Inspector to inspect the premises of Mr. Rechin.

Mr. Rechin said it will be April or May before any more progress can be made.

Applicant doesn't need to come in every month but should correspond with Building Inspector on the progress being made. Request applicant to come in April or May to the Zoning Board.

Counsel recommended tabling application for Use Variance for temporarily storing material closer than 500 feet of the road until the April Zoning Board meeting.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to adjourn at 9:12 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____