

March 28, 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

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

Special Permit Renewal (tabled from February 2011)

1996-01 David W. Cloy II, 4269 Burch Road, Ransomville, N.Y. 14131
Special Permit to operate a fabricating and duct work business in an existing building

Mr. Cloy was present at this meeting and said he would like to renew the Special Permit for the business. Previous renewal was for 5 years.

Building Inspector said he had received no complaints on the business.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **renew** the Special Permit to David W. Cloy II to operate the aforementioned business at 4269 Burch Road for a period of five (5) years retroactive to February 2011. Unanimously approved, motion carried.

REPORTS:

Chairman – no report

Building Inspector said he received a phone call from William Goodhue, Dawn til Dusk Café', 5252 Saunders Settlement Road, Lockport, N.Y. 14094, that he is withdrawing his application for Area Variance to construct and operate a Drive-thru Coffee Outlet at the above address.

A Fax was received dated 3/28/2011 by Gary Billingsley from Robert D. Klavoon, PE, Wendel Duchscherer Eng. which stated in part "the gentleman who wanted the coffee shop at 270 and 31 did not get me any information to send to the NYS DOT. I have not heard from him since the last ZBA meeting".

Deputy Building Inspector said it appears that the restaurant business is closed.

Attorney said based on verbal information from building inspectors and information received from Mr. Klavoon, the board should accept withdrawal of the application.

A motion was made by Mrs. Kroening and seconded by Mr. Smith, to accept the request from applicant, William Goodhue, to withdraw the application for Area Variance to construct a Drive-thru coffee outlet hut at 5252 Saunders Settlement Road, Lockport, N.Y. 14094. Unanimously approved, motion carried.

A letter was received from Kenith and Dolores Hill, 3262 Lower Mountain Road, Sanborn, N.Y. 14132 dated February 18, 2011 addressed to Town of Cambria Zoning Board. They have been operating their business, namely, boarding of horses, teaching children to ride, marketing of crops, livestock, timber processing, etc. as a commercial enterprise. They own approximately 65 acres.

They feel, per “Agriculture and Markets Law, Article 25-AA” and “in light of the conditions, we would ask the board to recognize this special permit as obsolete and unnecessarily restrictive to our farm activities. We request that we would be released from this permit and allowed to continue as farm in this Right to Farm Community”.

Attorney was asked to review this letter and the operation of Mr. and Mrs. Hill on Lower Mountain Road and also the Agriculture and Markets law.

Also quoted in the letter “commercial horse boarding operation: as “an agricultural enterprise, consisting of at least seven acres and boarding of at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually” etc.

It was said the construction on the Niagara Professional Park (WNY Urology Associates’) building is progressing rapidly.

Mrs. Kroening asked about the training programs for this year?
Mr. Reardon said no information has been received as of this date.

Next meeting will be Monday, April 25th at 8:00 P.M.

A motion was made by Mr. Bechtel and seconded by Mr. Robinson to adjourn at 8:15 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____