

November 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

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

**(10-31-11) AMY FERRARI**, 5874 Shawnee Road, Sanborn, N.Y. 14132, for an Area Variance to permit applicant to construct a second accessory building containing dimensions of 10 feet by 10 feet upon said premises, whereas the Zoning Ordinance does not permit construction of more than one accessory building upon a parcel.

**(11-03-11 B) HULBERT and LUCILLE WAGONER**, 5878 Shawnee Road, Sanborn, N.Y. 14132, for an Area Variance to permit applicants to construct a pole barn with dimensions of 24 feet by 36 feet and a shed with dimensions of 10 feet by 12 feet, which shed would constitute a second accessory building upon said premises, whereas the Zoning Ordinance does not permit construction of more than one accessory building upon a parcel.

**(11-03-11A) MICHELLE KAUHL**, 5916 Diller Road, Sanborn, N.Y. 14132, for a Special Permit to permit applicant to operate a single operator hair salon with no employees upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to approve minutes of meeting of October 24, 2011 as presented. Unanimously approved, motion carried.

The application of Modern Recycling, Inc. for Special Permit Amendment for addition of a 4.6 acre composting area to the existing facility will not be considered this evening as determination from D.E.C. regarding SEQR for negative declaration and also a report from Dept. of Transportation regarding truck traffic, has not been received as of this date. The thirty (30) day review period expired today. The determination should be received before next month's meeting. The Site Plan Review will go before the Planning Board at their meeting on December 19<sup>th</sup>.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **table** action on Modern Recycling request for amendment to Special Permit for composting operation at their facility on Lockport Junction Road until the December meeting. Unanimously approved, motion carried.

#### **SPECIAL PERMIT RENEWALS (current)**

**1995-21 Colleene A. Maska**, 4875 Lower Mountain Road, Lockport, N.Y. 14094  
Special Permit to operate a Gift Shop

Mrs. Maska had informed the town, per note received 11-18-11, that “she will not be reopening her shop, so will no longer need the permit”.

A motion was made by Mrs. Kroening and seconded by Mr. Smith to **terminate** the Special Permit of Colleene Maska for a gift shop on its own terms and as per request of applicant. Unanimously approved, motion carried.

**1998-14 (08-31-98C) Thomas Reed**, 5292 Cambria Road, Sanborn, N.Y. 14132  
Special Permit for seasonal tent rental business.

Mr. Reed was present and said he wishes to continue the business.

Building Inspector said there have been no concerns on this business.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **renew** Special Permit to Thomas Reed to operate the tent rental business for a period of five (5) years. Unanimously approved, motion carried.

**2000-10 (10-30-00B) Donald DeMaison**, 3617 Lower Mountain Road, Sanborn, N.Y. 14132  
Special Permit to operate a lawn maintenance business, store lawn maintenance equipment and snow removal equipment in structure on premises.

Mr. DeMaison and son, Kevin, were present at this meeting and wish to continue with the business and requested no changes.

Building Inspector and board members had no concerns on this business.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **renew** Special Permit to Donald DeMaison to operate the aforementioned business for a period of five (5) years. Unanimously approved, motion carried.

**2001-14 (10-01-01) Community Bible Church**, 4168 Church Road, Lockport, N.Y. 14094  
Special Permit for construction of a church on the south side of Upper Mountain Road between Comstock Road and Blackman Road.

Mr. Carl Goss was present on behalf of Community Bible Church. He said no changes are requested in the plans. He said the north side is enclosed and are working on the inside. In the Spring they hope to start on the south side and to have class rooms in the building.

Building Inspector said everything is going along good.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **renew** Special Permit to Community Bible Church for a period of five (5) years. Unanimously approved, motion carried.

**2007-11B (10-25-07) Thomas E. Gregson, 3838 Upper Mountain Road, Sanborn, N.Y. 14132**  
Special Permit to operate a dump truck service

Mr. Burch said he received a telephone call from Mr. Gregson on November 21, 2011, in which he said he, Mr. Gregson, is no longer in business and wishes to have the Special Permit terminated.

A motion was made by Mr. Bechtel and seconded by Mr. Smith to allow Special Permit of Thomas E. Gregson for a dump truck service, to terminate on its own terms, and per telephone call from Mr. Gregson on November 21<sup>st</sup> to Building Inspector, applicant wishes to terminate the Special Permit. Unanimously approved, motion carried.

**PUBLIC HEARINGS:**

**(10-31-11) AMY C. FERRARI** was present at this meeting and has submitted the following:  
Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey.

Mrs. Ferrari said they would like to construct a shed for garden tools, dimensions 10 feet by 10 feet, behind an existing shed.

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

Concerns of board members:

Chairman asked applicant what the shed would be used for?

Mrs. Ferrari said it would be used to store garden tools in. It will be 10 feet by 10 feet, height will be the same as existing shed.

Building Inspectors and Counsel had no comments on this request.

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

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **approve** Area Variance to permit applicant to construct a second accessory building containing dimensions of 10 feet by 10 feet upon said premises. Unanimously approved, motion carried.

**2011-11 (11-03-11 A) MICHELLE KAUHL** was present at this meeting and has submitted the following: Application for Special Permit, Short Environmental Assessment Form, Agricultural Data Statement, copy of portion of town map hi-lighting her property, a statement of what she proposes to do and pictures showing her home with garage circled where location of salon will be, and garage layout and plans (4 pages).

Mrs. Kauhler said the hair salon will be in former garage underneath a portion of their home. There will be no employees, herself only; no sign, and will be by appointment only.

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

Concerns of board members:

Mrs. Kroening asked applicant what her hours of business would be for appointments?  
Mrs. Kauhl said hours would be between 10:00 A.M. and 5:00 P.M. and no earlier.

Chairman asked applicant if it would be a shop-like setting?

Mrs. Kauhl said they are putting in a man door with a window on each side and also a window in the rear. There will be no employees, herself only. The name of salon will be “Michelle’s Hair Studio”.

Building Inspector said there is enough parking for one or two vehicles at one time.

Chairman asked applicant if there are future plans for expansion or growth?

Mrs. Kauhl said there are no plans for expansion, she will be the sole operator.

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

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **approve** application for Special Permit to permit applicant to operate a single operator hair salon with the following conditions:

1. There shall be no employees;
  2. There shall be no signs;
  3. By appointment only;
  4. This Special Permit is for a period of one (1) year.
- Unanimously approved, motion carried.

**(11-03-11 B) HULBERT and LOUISE WAGNER** – Mr. Wagner was present at this meeting along with his son-in-law Robert Kalata.

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

Mr. Kalota said the pole barn, 24’ by 36’ was built, a storage shed 10’ by 18’ was taken down, and now wish a variance for the 2<sup>nd</sup> accessory building, a Duro shed.

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

Board members:

Mrs. Kroening asked if a building permit was obtained for the first building, the 24’ by 36’, and the answer was yes. She then said that a variance is required for the second accessory building and the old shed was removed. Mr. Kalota said that is correct. Mr. Kalota said this building will be used for storage purpose and no business will be conducted from it.

Counsel had no concerns on this issue.

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

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **approve** request for Area Variance to permit applicant to construct a pole barn with dimensions of 24 feet by 36 feet and a shed with dimensions of 10 feet by 12 feet, which shed would constitute a second accessory building upon said premises. Unanimously approved, motion carried.

#### REPORTS:

Meetings in 2012 – All Zoning Board meetings will be held on the fourth (4th) Monday except **MAY** and **DECEMBER** which will be held on the third (3<sup>rd</sup>) Monday, May 21<sup>st</sup> and December 17<sup>th</sup>, because of the holidays.

Rechin, Shawnee Road – dirt removal

At the October 24<sup>th</sup> meeting Mr. Chris Rechin was requested to obtain a copy of the letter from Army Corps of Engineers which stated the extension date for hauling out fill was extended from October 31<sup>st</sup> to December 1<sup>st</sup> and send to Mr. Burch.

Mr. Burch said as of today, no communication has been received from Mr. Rechin pertaining to the time extension. He said some fill has been removed from the wetland area and nothing done on the fill in the front of the property by the road.

Mr. Burch said he has been sending out letters to people who are doing things without permits.

Attorney – no report this evening.

Next meeting will be December 19<sup>th</sup> at 8:00 P.M.

A motion was made by Mr. Bechtel and seconded by Mr. Robinson to adjourn at 8:30 P.M.

Board members filled out vouchers for 2011.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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