

October 24, 2011

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

Members present: Theresa Kroening, Chairperson
Michael Bechtel, Donald Robinson, Peter Smith
Michael Sieczkowski, alternate
Member absent: John Reardon
Also present: Clifford Burch, Building Inspector
Donald Lane, Deputy Building Inspector
Gary Billingsley, Attorney
Robert Klavoon, Wendel Duchscherer, Inc.

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

(09-19-11) THOMAS and JANE ANDREWS of 3030 Lower Mountain Road, Sanborn, New York, 14132, for an Area Variance to permit applicants to construct a 24.3 foot by 15 foot addition to an existing garage upon said premises with current dimensions of 24.3 feet by 25.2 feet, which will result in said detached garage containing approximately 972 square feet, whereas the Zoning Ordinance does not permit construction of a detached garage that exceeds 720 square feet.

(09-29-11) RICHARD and KAREN HEFFLER of 3411 Raymond Road, Sanborn, New York, 14132, for an Area Variance to permit applicants to construct an accessory building containing dimensions of 8 feet by 12 feet upon said premises within approximately 1 foot of the west side lot line, whereas the Zoning Ordinance does not permit construction of more than one accessory building upon a parcel, nor does it permit construction of an accessory building closer to a side lot line than 15 feet.

(10-06-11) MODERN RECYCLING, INC. of 4746 Model City Road, Model City, New York, 14107, to amend an existing Special Permit authorizing recycling to permit applicant to conduct composting in a 4.6 acre area upon premises located at 5204 Lockport Junction Road pursuant to the Special Permit Ordinance of the Town of Cambria. Said premises are located in the Industrial (I-1) District.

(10-07-11) SUSANNE MERRELL of 5393 Townline Road, Sanborn, New York 14132, for an Area Variance to permit applicant to construct a 15 foot by 22.4 foot addition to an existing garage upon said premises within approximately 12 feet of the east side lot line, whereas the Zoning Ordinance does not permit construction of such an addition to a garage closer to a side lot line than 15 feet.

On the Public Hearing Notice, Andrews, there is an error on the last line, should be 720 square feet instead of 750 square feet.

SPECIAL PERMIT RENEWALS (current)

(10-16-89) Joan Kirkland, 5954 Campbell Boulevard, Lockport, N.Y. 14094

Special Permit to breed and raise Collie dogs

Ms. Kirkland was present at this meeting and said she would like to continue with the Special Permit.

Building Inspector said no complaints have been received.
Board members had no concerns.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **renew** Special Permit to Joan Kirkland to breed and raise Collie dogs for a period of five (5) years. Unanimously approved, motion carried.

2004-15 (10-04-04A) Mr. and Mrs. Roger Coolbaugh, 3274 Andrews Road, Ransomville, N.Y. 14131
Special Permit for a private kennel

Mrs. Coolbaugh requested to have Roger's name removed and to use her name, "Dora", on the Special Permit. She said she wishes to renew the Special Permit.

Per Building Inspector, there have been no complaints on this Special Permit.
Board members had no concerns on this Special Permit.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **renew** Special Permit to Dora Coolbaugh for a private kennel for a period of five (5) years. Unanimously approved, motion carried.

PUBLIC HEARINGS:

(09-19-11) THOMAS ANDREWS was present at this meeting and has submitted the following:
Application for an Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey.

Mr. Andrews said he would like to construct an addition on to the back of existing garage, dimensions 24.3 feet by 15 feet. The total garage area will be 972 square feet and will be used for storage purpose.

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

Concerns of board members:

Mr. Bechtel asked applicant what he is going to use this addition for?
Mr. Andrews said it will be strictly for a work area and no business conducted from the garage.

Mr. Smith asked applicant what type of work will he be doing in this garage?

Mr. Andrews said it will be for wood working shop.

Mr. Sieczkowski asked Mr. Andrews if new addition would be just as wide as existing garage?

Mr. Andrews said new addition will be the same width as existing garage. Lot lines will be the same as existing garage.

Mrs. Kroening asked applicant if new addition would have the same color siding as the house?

Mr. Andrews said the color will be the same and same style as original garage.

No further concerns from board members.

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

A motion was made by Mr. Sieczkowski and seconded by Mr. Robinson to **approve** application for Area Variance to permit applicants to construct a 24.3 foot by 15 foot addition to an existing garage upon said premises with current dimension of 24.3 feet by 25.2 feet, which will result in said detached garage containing approximately 972 square feet. Unanimously approved, motion carried.

(09-29-11) RICHARD HEFFLER 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 Survey.

Mr. Heffler said he would like to place a second accessory building on his property, dimensions 8 feet by 12 feet, which will be within one (1) foot of the side property line. He said they own the adjacent lot which is 130 feet wide. When the building was delivered, it was placed approximately four (4) feet from the west side lot line. He said that location is okay with him. It has gray vinyl siding with black roof. It is not the same as their home but is a nice looking shed.

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

Concerns of board members:

Mr. Bechtel asked about the closeness of the driveway to the shed?

Mr. Heffler said he could move the shed so he could use the driveway. He said he owns the vacant lot to the west. He plans to store garden tools, etc. in this new building.

Counsel said the Niagara County Planning Board recommended approval of the application.

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

A motion was made by Mr. Robinson and seconded by Mr. Sieczkowski to **approve** application of Richard and Karen Heffler for an Area Variance to permit applicants to construct an accessory building containing dimensions of 8 feet by 12 feet upon said premises within approximately four (4) feet of the west side lot line which is agreeable with the applicant. Unanimously approved, motion carried.

2011-10 (10-06-11) MODERN RECYCLING, INC., 4746 Model City Road, Model City, N.Y. 14107
Agent's name – James Goerhig, P.E., address – same as above
Request for – Special Permit Amendment for addition of a 4.6 acre composting area to the existing facility
Location of composting operation – 5204 Lockport Junction Road, Lockport N.Y. 14094, west side, south of Upper Mountain Road and north of CXS train tracks

The following have been submitted: Application for Special Permit for Materials Recycling with Outside Storage and Composting Area, Agricultural Data Statement, copy of Tax Map Town of Cambria, DRAFT – Proposed Modification of the Existing Special Permit (consisting of 3 pages) and Drawings:

Sheet 01	Existing Conditions Plan
Sheet 02	USGS Topographic Map
Sheet 03	Tax Parcel Identification & Wetland Mapping
Sheet 04	Site Plan
Sheet 05	Grading and Drainage Plan

Mr. Klavoon said no action can be taken this evening. D.E.C. will be Lead Agent on this proposal for composting and there must be a thirty (30) day review period on this issue. He recommended holding the Public Hearing this evening and then tabling action until next month.

Kristin Price and Katy Duggan-Haas were present this evening on behalf of Modern Recycling, Inc.

Ms. Price said there will be outdoor processing and indoor storage of materials consisting of organic waste (food waste), yard waste, clean wood and clean drywall in a 4.6 acre of the facility for the composting operation. The composting operation will be limited to a maximum of 1,000 cubic yards of source-separated organic waste and 10,000 cubic yards of yard waste per year. There will be no meat products. Vegetables and food materials only. There will be adequate drainage into collection pond. Windrows aerate material to help promote decomposition. Composts will be cured for a minimum of thirty (30) days, then stockpiled until sold.

Public Hearing open:

Mr. Richard Heffler, 3411 Raymond Road, Sanborn, N.Y. 14132, asked if the composting would include any animal waste.

The answer was there will be no dairy products or manure in this operation.

Public Hearing closed.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **table** application of Modern Recycling, Inc. for a composting operation until next month. Unanimously approved, motion carried.

Mr. Sieczkowski asked if the composted material would be available for sale?
The answer was it will be for sale to the general public, landscapers, etc.

(10-07-11) SUSANNE MERRELL, 5393 Townline Road, Sanborn, N.Y. 14132 – Owner
GREG RICE, 5393 Townline Road, Sanborn, N.Y. 14132 – Agent

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

Mr. Rice was present at this meeting on behalf of Ms. Merrell. He said they would like to build a 15 foot by 22.4 foot extension on to the front of existing garage for storage purpose.

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

Concerns of board members:

Mr. Bechtel asked Mr. Rice what will the addition be used for?

Mr. Rice said he will be working on things connected with his hobby. There will be no business conducted from this garage. The siding will be the same as existing garage and home.

Building Inspector said the home is located off of Townline Road and not on a dedicated road. The building is too close to the side lot line.

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

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **approve** request for Area Variance to Susanne Merrell to permit applicant to construct a 15 foot by 22.4 foot addition on to an existing garage upon said premises within approximately 12 feet of the east side lot line. Unanimously approved, motion carried.

A motion was made by Mr. Smith and seconded by Mr. Robinson to approve minutes of meeting of September 26, 2011 as presented. Unanimously approved, motion carried.

REPORTS:

Attorney – no report
Building Inspectors – no report
Board members – no report

OTHER BUSINESS:

(08-04-10) Chris Rechin was present on behalf of Curt, Chris and Patricia Rechin, regarding Application for Use Variance to temporarily store excavated material upon premises commonly known as 5700 Shawnee Road, Sanborn, N.Y. 14132.

Per letter dated September 6, 2011 from Army Corps of Engineers, Mr. Rechin was to remove fill, .027 acre that was placed in the wetland area, by October 31, 2011.

Mr. Rechin said the timeline date of October 31, 2011 has been extended to December 1st by the Army Corps. He said three truckloads have been hauled into the existing bins. A lot of people are interested in removing the fill but can't rent a machine to load the fill by the hour. He said he has made some progress.

Counsel requested Mr. Rechin obtain a copy of the letter from Army Corps which has the extension to December 1st and send to Mr. Burch. Mr. Rechin was requested to come to the December Zoning Board meeting and see how much progress has been made.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **table** application of Curt, Chris and Patricia Rechin until the December meeting and see what progress has been made. Unanimously approved, motion carried.

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

Mrs. Kroening thanked the board members for their cooperation this evening.

Respectfully submitted,

Marjorie E. Meahl, Rec., Secy.

Minutes approved: _____