

April 27, 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 April 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, Councilman and liaison to the Town Board
Gary Billingsley, Attorney

A motion was made by Mr. Smith and seconded by Mr. Johnson to approve minutes of meeting of March 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:

(03-17-15) LAWRENCE RYNDAK, 4871 Lower Mountain Road, Lockport, New York 14094, for an Area Variance to permit applicant to construct an accessory building with dimensions of 32 feet by 48 feet upon said premises which exceeds the square footage of the first floor living area of the residence upon said parcel, which is approximately 1386 square feet, whereas the Zoning Ordinance does not permit construction of an accessory building that exceeds the square footage of the first floor living area of said residence.

(04-01-15) GLENN and JAY WENDT, 3030 Saunders Settlement Road, Sanborn, New York 14132, for a Special Permit to permit applicants to construct an in-law apartment as an addition to the residence upon said premises which addition shall contain approximately 750 square feet pursuant to the Special Permit Ordinance of the Town of Cambria.

SPECIAL PERMIT RENEWALS (current)

2000-03 (04-03-00B) Mr. and Mrs. James Wertman, 4749 Marjorie Drive, Lockport, New York, 14094, Special Permit to operate a business, namely, home accessories.

Mr. Wertman was present at this meeting and said they would like to renew the Special Permit for another five years to operate their business out of their home and everything remains the same, no changes in the business and there have been no complaints from the neighbors.

The Building Inspector, Attorney and Board members had no concerns on the Special Permit for the business.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **renew** Special Permit to Mr. and Mrs. James Wertman to operate a home accessories business in their home at 4749 Marjorie Drive for another five (**5**) years. Unanimously approved, motion carried.

2000-04 (04-03-00A) Margaret Mulcahy, 3645 Upper Mountain Road, Lockport, New York 14094 - Use Variance to operate a gift shop in her home

Ms. Mulcahy was not present at this time.

A motion was made by Mr. Robinson and seconded by Mr. Johnson to **table** action on this Use Variance until the end of the meeting and see if someone appears on behalf of Ms. Mulcahy. Unanimously approved, motion carried.

2003-04B Richard Hahn, 4501 Ridge Road, Lockport, N.Y, 14094
Special Permit to display and sell landscaping and garden supplies outdoors on premises at 4501 Ridge Road.

Erin Wollaber was present on behalf of Mr. Hahn. The previous Special Permit was for a period of five years for the aforementioned business at 4501 Ridge Road and Ms. Wollaber said Mr. Hahn would like the Special Permit renewed for another five years.

There have been no problems and no complaints per Building Inspector. Attorney and Board members had no concerns.

A motion was made by Mr. Smith and seconded by Mr. Johnson to **renew** Special Permit to Richard Hahn to operate a business at 4501 Ridge Road for five (**5**) years. Unanimously approved, motion carried.

2009-02 (03-12-09) Cambria Asphalt Products, Inc. 10830 Blair Road, Medina, N.Y. 14103
Special Permit to operate a Hot Mix Asphalt Plant on premises at 5204 Lockport Junction Road, Lockport, 14094

Mr. Paul Pass and Mr. Thomas Biamonte were present on behalf of Cambria Asphalt Products, Inc. to renew Special Permit to operate Asphalt Plant on premises at 5204 Lockport Junction Road for five years. The previous Special Permit was for five years. There have been no changes in the business.

Building Inspector, Attorney and Board members had no concerns on this business.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **renew** the Special Permit of Cambria Asphalt Products on premises at 5204 Lockport Junction Road, Lockport to operate a Hot Mix Asphalt Plant for another five (5) years. Unanimously approved, motion carried.

PUBLIC HEARINGS:

(03-17-2015) LAWRENCE RYNDAK was present at this meeting and has submitted the following: Application for an Area Variance, Agricultural Data Statement, copy of Survey dated 10-25-77, drawing of building 32 feet .by 48 feet which exceeds the square footage of the first floor living area of his residence.

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

Per Mr. Ryndak, the entire ground floor will be used for storage of personal items and a portion of the loft area will be for storage also. Height of building will be approximately 22øto 24ø

Chairman said on the survey submitted it states øReputed Owner is Douglas Brick Et. Aiö. The Town will need an updated survey.

Mr. Ryndak said he purchased the property from his father-in-law, Gordon Maska, and he, Lawrence, is the current owner. He said his family has lived in the house for about a year. He wants to store his tractor and farm equipment inside.

Building Inspector, Attorney and Board members had no concerns.

Applicant said it is an all steel structure, dimensions 32 feet by 48 feet.

A motion was made by Mr. Andrews and seconded by Mr. Robinson to grant an Area Variance to permit applicant to construct an accessory building with dimensions of 32 feet by 48 feet upon said premises which exceeds the square footage of the first floor living area of the of the residence upon said parcel which is approximately 1386 square feet. Unanimously approved, motion carried.

2015-04 (04-01-15) GLENN WENDT and JAY WENDT were present at this meeting and are requesting an in-law apartment addition on to Glenn Wendtø home

The following have been submitted: Application for Special Permit to construct an in-law addition to Glenn Wendt's home, dimensions 750 square feet, Short Environmental Assessment Form, Part 1 - Project Information (consisting of 3 pages) and Short Environ. Assess. Form, Part 2 - Impact Assessment (consisting of 2 pages) Agricultural Data Statement, Certificate of Survey and a sketch of Glenn Wendt's property.

Public Hearing open: there were no concerns on this request.

Public Hearing closed.

Mr. Glenn Wendt said they would like to build a 750 square foot addition for an in-law apartment on to the rear, west side, of existing ranch home for his son, Jay Wendt, to live in.

If approved, would be initially for one year and if no problems, could ask for more years with five years, the limit. This addition would be a one floor plan. There would be two people living in this apartment per Jay Wendt. No Special needs are necessary.

It was suggested to applicants off-street parking or in driveway.

Building Inspector, Attorney and Board members had no concerns.

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

A motion was made by Mr. Smith and seconded by Mr. Johnson to **approve** Special Permit to permit applicants to construct an in-law apartment as an addition to the residence upon said premises which addition shall contain approximately 750 square feet. Unanimously approved, motion carried.

Renewal:

2000-04 (04-03-00A) Margaret Mulcahy - Use Variance for Gift Shop

There was no one present on behalf of Margaret Mulcahy.

A motion was made Mr. Robinson and seconded by Mr. Smith to notify Ms. Mulcahy again regarding renewal on her gift shop. Unanimously approved, motion carried.

Old Business:

(06-27-14) Lawrence Ryndak, owner of the property and Michael Schweitzer, proposed

purchaser, submitted Application for Area Variance to construct a farm winery west of Eveningside Winery located between 4766 and 4788 Lower Mountain Road south side. Public Hearing was held on July 28, 2014.

Building Inspector said additional information was requested from them but never received as of February 2015.

A letter was sent to Mr. Ryndak dated February 25, 2015, from Building Inspector asking if you are still interested in moving forward with your variance request ?
Answer was "Please withdraw this variance request". Reply was received on April 22nd.

A motion was made by Mr. Johnson and seconded by Mr. Smith to accept this letter from Lawrence Ryndak as proof that Area Variance has been withdrawn. Unanimously approved, motion carried.

In-house training (schooling) Mr. Roberts, Councilman, said the Town Board is aware of this idea which has been discussed at Planning Board and Zoning Board meetings. Counsel said he has discussed this issue with Andrew Reilly at Wendell Engineers. It will take a little time to work it out. Perhaps other towns in the area might be interested too. In the meantime, the schooling should continue as in the past. For this year, do the same way as in the past years.

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Discussion on windmill height.

REPORTS:

Chairman - some new applications came in after the first of the month. Building Inspector was asked to change on the Internet. Chairman said it is still on the internet as first Thursday of the month.
Next regular meeting will be on May 18th at **7:00 P.M.**

Councilman Roberts ó no report

Attorney - no report

Building Inspec. ó no report

Board members ó no report

A motion was made by Mr. Johnson and seconded by Mr. Robinson to adjourn at 7:30 P.M.

Respectfully submitted,

Minutes approved: _____

Marjorie E. Meahl, Rec.Secy

