

April 28, 2014

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by Michael Sieczkowski, 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: Michael Sieczkowski, Chairman
Thomas Andrews, Craig Powley, Donald Robinson, Peter Smith
Also present: Alan Johnson, alternate (new)
Matthew Foe, Councilman
Randy Roberts, Councilman and liaison to the Town Board
James McCann, Building Inspector
Gary Billingsley, Attorney

Chairman welcomed Alan Johnson, new alternate board member.

Chairman announced Agenda for this meeting.

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

(03-27-14) MARC VARISCO, 5851 Townline Road, Sanborn, N.Y. 14132, for an Area Variance to permit applicant to construct a barn containing dimensions of 30 feet by 80 feet upon premises located west of 3553 Lower Mountain Road within approximately 20 feet of the west side lot line and 80 feet of the east side lot line, whereas the Zoning Ordinance does not permit construction of a barn closer to a side lot line than 100 feet.

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of March 24, 2014 as presented. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWAL (current)

1995-06 Darrin Peck, 4400 North Ridge Road, Lockport, N.Y. 14094
Renewal of Special Permit for Hair Salon

Mr. Peck was present at this meeting and said he would like to renew the permit for another 5 years.

Building Inspector said he had no concerns on this Special Permit.

A motion was made by Mr. Robinson and seconded by Mr. Powley to renew Special Permit of Darrin Peck to operate a Hair Salon on said premises for another five (5) years. Unanimously approved, motion carried.

PUBLIC HEARING:

Mr. Varisco was present at this meeting and has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, copy of portion of deed and copy of portion of town map showing subject parcel.

Applicant said he would like to construct a barn, dimensions 30ø by 80ø for storage purpose, consisting of two tractors and a combine. The barn would be approximately 20 feet of the west side lot line and 80 feet of the east side lot line. He said there is a drop off of about 10 feet and a ditch goes through if he were to go back further and would interfere. There is a culvert through the middle of the property. He would also need to fill in with dirt as it is very low. The building would be for storage only, no repairing.

Public Hearing open:

Harold Wollaber, Sr., 3581 Lower Mountain Road, Sanborn, 14132, said the barn doesn't belong up front. There is plenty of room out back for the barn.

Secretary read a letter from Richard Gibbons, 3553 Lower Mountain Road, Sanborn 14132 who stated his property is adjacent to Mr. Varisco's. Mr. Gibbons said he was unable to attend tonight's meeting. He said he and Mr. Varisco had discussed the plans for the lot. At that time Mr. Varisco told him the structure would be used for storage of 4 wheel ATV's, personal items and garden equipment. The size of the structure was not mentioned. Mr. Gibbons did not object to setbacks, but received conflicting information and is concerned about planned usage of the site. Mr. Gibbons is also concerned about his property value. He would like "specific details regarding the actual use of the proposed structure and surrounding area be provided to the Town prior to consideration of a zoning variance". This letter is on record at the Town Hall.

Applicant said he is not in the construction business, not a contractor.

Public Hearing closed.

Chairman mentioned on the S.E.A.F. No. 7. "Amount of Land Affected ó Ultimately 240 sq. ft. and should be 2400 square feet."

Mr. Varisco said fill (chunks of concrete) had been brought in before he purchased the property in September 2013. There is no house on this property and no plans for one at this time. The proposed building will be approximately 200 feet from the road. He said he has filled in some in the back to where the building will be. He will have to make a ramp. Building will be for storage of farm equipment. There are no plans for a business on this property. Building will be steel, 12 feet high inside, have not decided on a color yet. He said he doesn't want to disturb the existing ditch.

Mr. Robinson said we don't usually allow a building on property if there is no house on it..

Counsel said barns are permitted without a residence. He believes the board members should take a look at the subject property.

Mr. Varisco said he believes the front of the building will be between 210 feet and 220 feet from the road right-of-way because of the elevation. The board should look at the site. The board needs to know where actual building will be located on the property.

It was asked about the time frame and there was no answer.

Mr. Powley said applicant will need a ramp and fill in the area. Also, needs access to back land.

The board feels applicant needs to furnish a better drawing of the land with contours, a topographical drawing.

No further discussion.

A motion was made by Mr. Smith and seconded by Mr. Powley to **table** application of Mr. Varisco for an Area Variance until next month and request topographical measurements, actual distance (setback from the road) to the proposed building, and exact location where building will be located. Unanimously approved, motion carried. It was suggested that Mr. Varisco coordinate with the building inspector on the issues.

REPORTS:

Chairman ó Board members were given a Draft of updated Zoning Ordinance to review.

Mr. Foe said one of the main issues is setbacks. Review regulations and make suggestions. Committee is working on the Comprehensive Plan and updating information; setback issue and size of out buildings.

Building Inspector ó no report

Attorney ó Mr. Dispenza has an attorney who has requested under F.O.I.L., information from the town on Frank Dispenza and also requested information from D.E.C.

The Zoning Board cannot act on the request for Use Variance for a pond until information is received from D.E.C. D.E.C. has not made SEQR determination as of this meeting.

Councilman Roberts ó nothing to report this evening

Next meeting will be Monday, May 19th at 8:00 P.M.

A motion was made by Mr. Robinson and seconded by Mr. Smith to adjourn at 8:50 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____