

December 15, 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 8:05 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
Member absent: Peter Smith
Also present: Randy Roberts, Councilman and liaison to the Town Board
James McCann, Building Inspector
Gary Billingsley, Attorney

A motion was made by Mr. Robinson and seconded by Mr. Powley to approve minutes of meeting of November 24, 2014 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:

2014-08

(11-10-14) JOSEPH SNYDER and JULIE SNYDER, 4130 Cambria-Lockport Townline Road, Lockport, N.Y. 14094 for a Special Permit to permit applicants to store Porta Potties inside in an existing structure upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria

(11-12-14) RICHARD BORKENHAGEN, 4181 Burch Road, Ransomville, N.Y. 14131 for an Area Variance to permit applicant to construct an accessory building containing approximately 1800 square feet upon said premises having a residence containing approximately 624 square feet, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of an accessory building whose dimensions exceed the square footage of the residence.

SPECIAL PERMIT RENEWAL (current)

2005-13 (12-08-05) Jay and Virginia Eisenhardt, 5120 Ridge Road, Lockport, N.Y. 14094 Renewal of Special Permit for private kennel

Mrs. Eisenhardt was present this evening and said they wish to renew the Special Permit for the private kennel.

Building Inspector said there have been no problems with this Special Permit and no concerns from board members.

A motion was made by Mr. Robinson and seconded by Mr. Powley to **renew** Special Permit for a private kennel to Mr. and Mrs. Eisenhardt for five **(5)** years. Unanimously approved, motion carried.

PUBLIC HEARINGS:

2014-08 (11-10-14) Mr. Snyder was present at this meeting and has submitted the following: Application for Special Permit to store porta potties (approximately 60) inside an existing structure (a barn), Short Environmental Assessment Form Part 1 ó Project Information consisting of 3 pages; Short Environmental Assess. Form Part 2 - Impact Assessment and Part 3 ó Determination of Significance; Agricultural Data Statement; copy of Buffalo Sewer Authority Truckerø Discharge Permit consisting of 4 pages; list of 18 signatures who are not opposed to the Special Permit request of Joseph and Julie Snyder; a sketch of proposed overhang to be installed on to existing barn at 4130 Cambria-Lockport Townline Road.

The Niagara County Planning Board recommended approval with comment öthere is no waste removal on siteö dated 12-15-14 - copy on file.

Public Hearing open:

Mary Ness, 4207 Johnson Road, Lockport 14094, owns the property next door to the Snyder property, no address number there yet, said these porta potties are visible from the road, now has salt in the building, dump trucks are in and out of the building and in and out of the driveway.

Cathy Rickerson, 4100 Cambria-Lockport Townline Road, asked how many porta potties are permitted? Mr. Snyder first asked for 40 potties, now 60 potties. Mrs. Rickerson stated she believes he is in violation of the Zoning Ordinance.

Mr. Snyder stated he might be interested in having 200 to 300 in the future.

It was asked how many are allowed under a Special Permit? It was said the board could put a limit on number of porta potties allowed The property of Mr. Snyder is within 500 feet to Town of Lockport.

Counsel said the Niagara County Planning Board recommended approval of this request for Special Permit.

Mr. Charles Demski, 5252 Shunpike Road, Lockport 14094, stated he believes applicant would need to increase square footage of roof over concrete pad for the salt

and the porta potties. He said he knew property was residential and agriculture, that's why he came to the area and wishes it to stay the same. He is in opposition to application for Special Permit to Mr. Snyder.

Paul Suita, 3344 Lockport Road, Sanborn, N.Y. 14132, said he owns 300 acres across the road from Mr. Snyder. He said Mr. and Mrs. Snyder came from Amherst and did not go to the Town of Cambria and ask about business in the town and what was required before moving in. He is operating more than one business, namely, porta potty, landscaping and plowing. The area is zoned Agriculture-Residential. He is planning to enlarge the number of porta potties and has two trucks.

Mr. Snyder said one is a back-up truck

Mr. Suita stated Mr. Snyder is running a commercial business in an AR area and also increasing traffic in the area taking away from residential area. He should buy property where it is zoned for business.

Mr. Suita stated he has no objection to the business, but not in a residential area. He chose to bring business into the town.

Mary Ann Parker, 5150 Ridge Road, Lockport, asked how long are these permits granted?

Counsel said Special Permits are granted for one year, and then applicant comes back to the town to ask for a renewal. If everything is going well with the business and Building Inspector is satisfied, applicant can ask for up to five years' renewal.

Mr. Snyder said he intends to go up to 200 to 300 porta potties in the future and does plow in the area. He said, he, wife and son operate this business. If his business gets too large, he would have to move it elsewhere. He said approximately 95 per cent of the neighbors on the petition had no objection to the porta potty business. Porta potties will be kept inside. Regarding the two trucks, one is for a spare.

Cathy Rickerson said she did not sign the paper.

Mr. Suita has approximately 300 acres and is the person with the largest amount of land in that area.

Mr. Demski said this is an agricultural-residential area and if permit is granted, could be setting a precedent if business was allowed. One thing leads to another. Very concerned about this issue, protect the neighbors. Mr. Suita said Mr. Snyder should have approached the neighbors and the board before purchasing the property.

Public Hearing is now closed.

Counsel said Mr. Snyder mentioned 60 porta potties to the Niagara County Planning Board, currently has 60. The board could put a limit on the number of potties. Between 60 and 300 is a big difference.

Chairman asked about the business arrangements for delivery? Applicant uses cell phone. Mr. Snyder said he cleans out the waste into the tanker away from the residence. Business usually starts at end of June for graduation parties and slows down in September and then porta potties come back on to his property for storage.

Mr.. Snyder said he talked to a contractor, friend, of his about using some of his property for storage of these porta potties. He said he now has a fence around them with a sliding door. Placed now within 3 walls and 4th wall of barn.

Building Inspector said in the future 90 porta potties might be in that area and 60 would fit in the barn. Mr. Snyder plans to get to that number, perhaps 100. Fifty takes up about two-thirds of concrete area. Existing building is a barn. Building Inspector said would need an area to hold that number. Mr. McCann said contractor does not have enough room for 100. Enough room for 30 or 40.

Mr. Snyder said one truck is running and the second truck is for a back-up.

Counsel stated the board could table action on this application for Special Permit and applicant could submit additional plans and dimensions which could be reviewed.

Mr. Demski said the board should follow the code regulations in regard to the variance and should consider a variance to add to the barn. Lean-to for the storage of salt.

Mary Ann Parker said she is strongly opposed to the proposed businesses on this property, could be setting a precedent.

Building Inspector said the tank truck is stored inside.

Chairman said it is not the policy of the board to notify the public when the Niagara County Planning Board meets.

Building Inspector said tonight he is hearing new information from Mr. Snyder that he is planning to increase the number of porta potties to 300. He said Mr. Snyder could not accommodate that many porta potties on his property.

A motion was made by Mr. Robinson to approve application of Joseph Snyder for a Special Permit to store Porta Potties on his premises. There was no second to the motion.

A motion was made by Mr. Andrews and seconded by Mr. Powley to **deny** application of Joseph and Julie Snyder for a Special Permit to permit applicants to store porta potties inside of an existing structure upon said premises.

Secretary was requested to poll the board:

Mr. Robinson	-	Approve application for a Special Permit				
Mr. Andrews	-	Disapprove	õ	õ	õ	õ
Mr. Powley	-	Disapprove	õ	õ	õ	õ
Mr. Sieczkowski	-	Disapprove	õ	õ	õ	õ

Results - 1 Approve and 3 Disapprove. Request for Special Permit to Mr. and Mrs. Joseph Snyder is **denied**.

Mrs. Rickerson said the Use Variance was denied to permit storage of porta potties on Mr. and Mrs. Joseph Snyder's property and Special Permit for same was denied. Is there any other method applicants could try to operate this business on their property?

Mr. Snyder said he will move the porta potties to a friend's property.

Mr. and Mrs. Ness and Mr. Suita apologized to the board for their interruptions at this meeting. No further comments from Mr. Demski.

PUBLIC HEARING:

(11-12-14) RICHARD BORKENHAGEN was present at this meeting and has submitted the following: Application for an Area Variance consisting of 4 pages, Short Environmental Assessment Form Part 1 ó Project Information consisting of 3 pages, SEA Form consisting of 3 pages and Agricultural Data Statement .

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

Mr. Borkenhagen said he would like to build an accessory building containing approximately 1800 square feet, dimensions 36 feet by 50 feet, two story to be used for storage and work shop and will tear down existing garage which is 20 feet by 40 feet one story. Door will be 10 feet high.

No sketch was submitted.

Applicant said he owns 10 acres which is 400 feet in width. He said he will keep back from property lines. .

No comments from Counsel or Board members.

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

A motion was made by Mr. Robinson and seconded by Mr. Powley to **approve** Area Variance to permit applicant to construct an accessory building containing approximately 1800 square feet upon said premises having a residence of 624 square feet and to tear down an existing garage behind his house. Unanimously approved, motion carried.

Old Business ó none

New Business ó none

REPORTS:

Chairman ó January meeting will be on the 26th at **7:00 P.M.**

Building Inspector ó no report

Attorney ó no report HAPPY HOLIDAYS to everyone

Board members ó no report

A motion was made by Mr. Robinson and seconded by Mr. Powley to adjourn at 9:30 P.M.

Respectfully submitted,

Marjorie E, Meahl, Rec. Secy.

Minutes approved _____