

July 25, 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

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to approve minutes of meeting of June 27, 2011 as presented. Unanimously approved, motion carried.

RENEWAL: (current)

1996-10 Crown Castle International
Special Permit for Cell Tower at 4719 Lockport Road, Lockport, N.Y. 14094
Site No. 875128

Attorney had been in contact with Crown Castle International and received a Fax dated July 25, 2011 in which Kevin Savage, Property Specialist for Crown Castle, stated in part "their intention is to renew the Special Permit for a period of 5 years, no changes are being requested and a copy of renewal fee, check for \$500.00 is attached". "(The check to be sent via overnight delivery).

Counsel recommended tabling this renewal for one month as check had not been received as of this date.

Building Inspector had received no complaints on this property lately, but there have been complaints in the past on the maintenance of the driveway to the tower.

A motion was made by Mr. Smith and seconded by Mrs. Kroening to **table** action on renewal of tower of Crown Castle International, on property at 4719 Lockport Road for one (1) month. Unanimously approved, motion carried.

(08-04-10) Chris, Curt and Patricia Rechin, 5700 Shawnee Road, applicant
D & M Landscavation, tenant
Re: Use Variance to temporarily store excavated material closer to the road right-of-way than 500 feet from Shawnee Road.

Action has been tabled for several months waiting for additional information from DEC and/or Army Corps of Engineers regarding the wetlands on this property.

Curt Rechin was present at this meeting and said Mr. Musal of D & M Landscavation was supposed to be present at this meeting.

A Fax was received from Chris Rechin stating they have been in contact with US Army Corps of Engineers, application submitted June 6, 2011. The Rechins “request tabling Use Variance application for a couple of months or make a ruling on the request for Use Variance to temporarily store excavated material upon premises”. They “are currently cleaning up the concrete bins located to the west and behind the buildings to store said material”. They hope to have the clean up done by September 2011.

Mr. Rechin said a representative of Army Corps of Engineers stated they had misplaced the paper work.

Mr. Rechin said they are cleaning up what is on the premises now and still would like the variance. They would like to store the excavated material in storage bins on the premises.

It was asked what is the square footage of the storage bins?

Mr. Rechin said the bins are approximately 20’ by 20 to 30’. There are about twelve (12) bins there now.

Mr. Rechin was asked how much fill is on the premises now?

He said he didn’t know how much is there now.

Mr. Rechin said DEC had no problem but Army Corps of Engineers does have a problem with the issue.

Counsel recommended tabling application of the Rechins and to revise the current application to temporarily store excavated material in the bins on the property and no additional fill to be brought on to the property.

Building Inspector requested applicant to measure the size of the existing bins prior to the next meeting which will be August 22nd.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **table** application of Curt, Chris and Patricia Rechin for a Use Variance until next month’s meeting with the following requested by the board: applicants are to revise application so the board knows exactly what type of excavated material they would be temporarily storing and how much excavated material they would be temporarily storing in the existing bins on the property. Information requested to be in writing including dimensions of the bins. Unanimously approved, motion carried.

(06-03-11A) Paul and Roberta Freatman, owners, 3699 North Ridge Road, Lockport, N.Y. 14094
Rodney and Michelle Freatman, applicants, 4068 Daniels Road, Ransomville 14131

Applicants received approval for an Area Variance to construct a 24’ by 32’ pole barn (accessory building) upon their premises. They already have one accessory building, 12’ by 12’, whereas, the Zoning Ordinance does not permit construction of more than one accessory building upon a single parcel. The Planning Board approved subdivision of property from owners, Paul and Roberta Freatman, dimensions 100’ by 75’, to applicants, Rodney and Michelle Freatman. Applicants are to consolidate the subdivided parcel on to their existing deed.

Mr. Rodney Freatman was present at this meeting and said he now wishes to place the proposed building, **28' by 32'**, even with the front of his house and use as a detached garage. He has no garage at the present time. He will not have a second accessory building at this time. He said the first floor of his home is 1200 square feet. He wishes to revise the existing variance from an accessory building approved June 27, 2011 to an oversize garage as requested at tonight's meeting. He still plans to acquire the additional land from his father, Paul Freatman. This garage will be to the south side of his house even with the front of his home. He said he will have plenty of side line.

Counsel recommended amending the Area Variance that was previously approved to permit an over-sized detached garage **28 feet by 32 feet** not closer to the road right-of-way than the front of the existing home. Amendment is not a substantial change.

Mrs. Kroening asked what would be a significant change?
Counsel said four (4) feet is not a substantial change.

A motion was made by Mr. Bechtel and seconded by Mr. Smith to **amend** the original Area Variance approved on June 27, 2011, for a second accessory building, dimensions 24' by 32', on premises at 4068 Daniels Road, to an oversized detached garage **28' by 32'** to be placed on the south side of existing home, no closer to the road right-of-way than existing home, with a finding that the additional four (4) feet is not a significant change to the original application and would be in the interest of justice. The addition to the existing property is 100 feet of frontage to the south and 75 feet to the rear (L-shaped) Unanimously approved, motion carried.

REPORTS:

Continuing Education – Michael Sieczkowski said he had attended schooling at Albion Middle School for a four hour course.

Building Inspector – receiving complaints about tall grass on properties. Most of the complaints are on places where the property has been foreclosed on. On three of the places, there is no one living in the residence. Discussion on this issue.

Board member, Mrs. Kroening, questioned on Ohol property on Upper Mountain Road regarding building where a portion of the roof blew off in a recent storm and had to be replaced and an addition was constructed on to that building. Is there a need for a public hearing because of addition to the existing building?

Next meeting will be Monday, August 22nd at 8:00 P.M.

A motion was made by Mr. Robinson and seconded by Mr. Smith to adjourn at 8:38 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____