

June 27, 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

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

(06-03-11A) RODNEY FREATMAN and MICHELLE FREATMAN of 4068 Daniels Road, Ransomville, N.Y. 14131, Applicants, and **PAUL FREATMAN and ROBERTA FREATMAN**, of 3699 North Ridge Road, Lockport, N.Y. 14094, Owners, for an Area Variance to permit applicants to construct a 24' by 32' pole barn upon premises commonly known as 4068 Daniels Road, which already has one accessory building, whereas, the Zoning Ordinance does not permit construction of more than one accessory building upon a single parcel.

(06-03-11B) KIRK WALSER and DONNA WALSER of 4546 Thrall Road, Lockport, N.Y. 14094 for an Area Variance - application was withdrawn prior to this meeting.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to approve minutes of meeting of May 23, 2011 as presented. Unanimously approved, motion carried.

SPECIAL PERMIT – (tabled from April, May 2011)

2009-04 (04-02-09A) Eric Wisor, owner and William Pearce, applicant

Revision of existing Special Permit of Eric Wisor, owner, to permit William Pearce, applicant, 4566 Ridge Road, Lockport, N.Y. 14094, to do motor vehicle repair in an existing structure located at 2958 Ridge Road, Ransomville, N.Y. 14131.

There was no one present on behalf of Mr. Wisor or Mr. Pearce. Two notices have been sent by secretary and a letter from attorney and no response.

Building Inspector said there appears to be no activity at the 2958 Ridge Road address.

It was reported by a board member that Mr. Wisor does not live in the area any more.

Counsel advised the board to allow Special Permit to Mr. Pearce to expire on its own terms due to failure of applicant to respond to communications.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to allow Special Permit to William Pearce, applicant, to operate a motor vehicle repair business at 2958 Ridge Road, Ransomville,

N.Y. 14131 to expire on its own terms as applicant has failed to respond to communications. Unanimously approved, motion carried.

SPECIAL PERMITS (current)

2008-03 (02-04-08) County of Niagara, 59 Park Avenue, Lockport, N.Y. 14094
Special Permit to construct a new County Public Works facility on premises known as 5058 Lockport Junction Road, Lockport, N.Y. 14094.

Mr. Robin DeVoe, Dep. Commissioner of Public Works, was present on behalf of the above. He said they would like to renew the Special Permit for the above and will be working with Wendel Duchscherer Eng. on the project. They do plan to proceed with the project but because of the economy, nothing has been done as of this date.

Building Inspector - no comments
Attorney - no comments

A motion was made by Mr. Smith and seconded by Mrs. Kroening to **extend** the Special Permit to County of Niagara to construct a new County Public Works facility for a period of one (1) year. Unanimously approved, motion carried.

2008-05 (06-02-08) Paul Wendt, Christ Centered Properties, 5910 Ward Road, Sanborn, N.Y. 14132,
Special Permit for warehousing, sale of bulk foods and pet supplies in an existing building at 2990 Carney Drive, Sanborn, N.Y. 14132

Mr. and Mrs. Wendt were present at this meeting. Mr. Wendt said they are trying to finish fixing up the building and would like another extension. He said he has not started the business but plans to do as aforementioned.

Building Inspector said two complaints had been received in the winter of vehicles parked on the property temporarily.

Mr. Wendt said the vehicles have been moved off of the property.

Town attorney and board members had no concerns on this issue.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **extend** Special Permit to Mr. Wendt for one (1) more year. Unanimously approved, motion carried.

PUBLIC HEARING:

(06-03-11A) Applicants, **Rodney and Michelle Freatman**, 4068 Daniels Road, Ransomville N.Y. 14131
Owners, **Paul and Roberta Freatman**, 3699 North Ridge Road, Lockport, N.Y. 14094
Rodney, Paul and Roberta Freatman were present at this meeting.

The following have been submitted: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, copy of deed and copy of portion of town map showing subject property.

Mr. Rodney Freatman said he would like to build a pole barn, dimensions 24' by 32', and needs a variance because they already have one accessory building and per Zoning Ordinance, only one accessory building is permitted on a lot.

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

Concerns of board members:

Mr. Smith asked applicant what he plans to store in the building and Mr. Freatman said he would be storing the children's toys, lawnmower and personal items. He said there were no concerns expressed by his neighbors. He said he would like to add 75 feet to the south and 75 feet to the west, making lot 205 feet frontage and 308 feet in depth from center line of the road.

Building Inspector said applicants must now go to the Planning Board for subdivision approval.

A motion was made by Mr. Robinson and seconded by Mr. Smith to declare **negative declaration under SEQR** on application of Mr. and Mrs. Rodney Freatman and Mr. and Mrs. Paul Freatman. Unanimously approved, motion carried..

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **approve** application of Rodney and Michelle Freatman, applicants and Paul and Roberta Freatman, owners, for an Area Variance to permit applicants to construct a 24' by 32' pole barn upon premises commonly known as 4068 Daniels Road which already has one accessory building, subject to approval of subdivision by the Planning Board. Unanimously approved, motion carried.

REPORTS:

Chairman – July Zoning Board meeting will be on the 25th.
Training on line

Attorney – nothing to report

Building Inspectors – working on clean up of certain properties

Board member (Mrs. Kroening) – received a couple of calls regarding roof that blew off and also some of the supports on building owned by Joseph Ohol on the south side of Upper Mountain Road, caused by a wind storm.

Building Inspector said Mr. Ohol obtained a building permit to replace the roof. Mr. Ohol said he would like to add on to the building approximately twenty (20) feet.

Building Inspector –
(08-04-10)

Chris, Curt and Patricia Rechin – applicants

D & M Landscavation – tenant

Use Variance to temporarily store excavated material closer to the road right-of-way than 500 feet on Shawnee Road.

Action was tabled for several months waiting for additional information from DEC.

Per applicant, his property in the back is low and needs fill. He would like to store the top soil while land is being filled in and then put top soil back. According to D & M Landscavation, were filling in closer to the road than 500 feet so they could get to the back land. It appears there is quite a bit more wetland area in the back than first thought to be. Mr. Rechin said to Building Inspector they have decided not to pursue this project any further and may withdraw the application. Nothing has been received from applicant in writing. Action to be taken at the July meeting.

Counsel advised that the application could be denied as applicants have failed to submit documentation supporting the request for a Use Variance.

A motion was made by Mr. Smith and seconded by Mr. Bechtel that letter be sent to the applicant regarding the Use Variance. It appears they, the Rechins, do not plan to go ahead with the request for the Use Variance to permit tenant, D & M Landscavation, to temporarily store excavated material closer to the road right-of-way than 500 feet. Unanimously approved, motion carried.

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

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____