

March 24, 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.

Members present: Michael Sieczkowski, Chairman
Thomas Andrews, Craig Powley, Donald Robinson, Peter Smith
Also present: Randy Roberts, Councilman, and liaison to the Town Board
James McCann, Building Inspector
Gary Billingsley, Attorney
Andrew Reilly, Wendel Companies

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

REPORTS:

Chairman, Building Inspector, Attorney, Board members ó no reports this evening

OLD BUSINESS:

(05-22-13) Frank Dispenza, Sr., 3130 Ridge Road, Ransomville, N.Y. 14131
Request for Use Variance to construct a pond, approximately 12 acres, on premises at 3130 Ridge Road, for fish farming and to sell the excavated material from the pond. He has applied to D.E.C. for a Mining Permit. D.E.C. will be Lead Agent under SEQR.

A letter was sent to Mr. Dispenza dated March 17th from Counsel requesting applicant to be present at tonight's meeting to answer some questions the board has regarding the proposed depth of the pond and whether applicant is considering to make a modification to delete "offal composting" from application and any additional concerns from the board with respect to any environmental issues the board is considering under SEQR.

Mr. and Mrs. Dispenza were present at tonight's meeting and applicant was asked if he plans to amend the application dated 5-22-13 to delete the wording "in conjunction with offal composting from our slaughterhouse business"?

Mr. Dispenza replied "yes" he is going to amend the application and delete the aforementioned? It was said D.E.C. does not approve of the "offal composting".

Mr. Reilly said this is a very unusual request and said to applicant to keep in contact with the building inspector.

1. Will this proposed pond excavation cause any environmental impact?

Counsel said the board can ask applicant further questions but perhaps Mr. Dispenza may not know the answers at this time. Mr. Dispenza advised wording of offal composting from slaughterhouse business will not be on the amended application.

2. Discussion on pond depth ó 15øto 25ø Will water table be affected by excavation of this pond?

Mr. Dispenza said he is contracting through Mr. Roger Mawhiney of Niagara Frontier Clay, Inc. for the excavation of the proposed pond. D.E.C. is waiting to hear from the Zoning Board on any further comments it has on the proposed pond excavation regarding the environmental impacts.

Mr. Dispenza said he has been in contact with Michael Meyers of N.Y.S D.E.C., Mined Land Reclamation Specialist, on permit requirements for the project and said he understood Mr. Meyers approved the mining permit depth. Applicant said he doesn't know exactly what the final depth of the pond will be at this time. The proposal is to excavate to 16 feet, can't determine depth until actual digging process is going on, probably will take a few years to complete. Pond will be used to raise fish.

3. Truck traffic in and out to pond area.

If there is a down wind, could affect Faeryø Nursery business nearby. Mr. Dispenza said Mr. Mawhiney of Niagara Frontier Clay, Inc. will be constructing a separate road for the truck traffic to the pond area. Applicant said, at this time, it is not known the number of trucks involved in the transporting of the fill, hours per day in operation or days per week

The Town is responsible for MS-4 Storm Water town requirements. It is the town's responsibility to review the Storm Water plans because more than one (1) acre of land will be disturbed. Building Inspector will review these plans also.

4. Mr. Reilly asked if there is Site Plan Review for this application?

Counsel said there is no provision in the ordinance for reviewing site plan other than for a building.

5. It was asked if this project would be done in phases? Single phase, perhaps 5 years? This proposal is all in one phase. There will be some coordination with D.E.C. regarding environmental issues.

Other Concerns which D.E.C. may not be aware of:

A. Number of trucks involved in this project, including duration of project and hours of operation.

B. Noise and dust

C. Environmental concerns - other ponds in close proximity to applicant's proposed pond ó three (3) ponds total about 25 acres.

D. Where is water coming from to fill the pond?
Applicant said it will be natural water. Will water in the pond go stagnant? How will water be kept fresh? Need good water for raising fish. Minerals in the ground? Will there be different things put in the water for the fish? Who will take care of maintenance of the pond and keep it viable and a survival pond for the fish? Is there sufficient information at this time to draft a letter?

Mr. Dispenza said pond will be architecturally designed.

E. What is future going to hold for the fish pond?

PART 2:

F. Impact on agricultural resources ó will truck traffic affect the neighboring farms?

G. Where is the water run-off going to go? Ground water on to adjoining farm land?

H. Character of community, as this is a rural and agricultural area.

I. Transportation ó noise, more or less affect on schools, hospitals and homes?

J. Ground water ó Are there wells in use in the proposed pond area?

It was said, in the area only public water is used There may be a neighbor's farm that has spring-fed water.

Also, agriculture wastes, pesticides and other material could affect the fish pond.

K. (cont.) Could water run-off from other farms in the area affect the fish?.

Applicant must provide satisfactory proof (full details) to the board on the four issues on the application before making decision on the Use Variance.

A motion was made by Mr. Robinson and seconded by Mr. Powley that Mr. Reilly, Wendel Companies, Engineer, prepare a letter on Town letterhead to be reviewed by Mr. Sieczkowski and Mr. Billingsley on the additional environmental concerns expressed by the board as follows:

1. Pond depth
2. Number of trucks involved in the removal of the fill.
3. Noise, dust, hours of operation
4. Where will water come from to fill the pond? How will water be kept fresh?
5. Maintenance of the pond, survival for the fish
6. Impact on agricultural resources, truck traffic affect on neighboring farms?
7. Where will water run-off go, ground water to adjoining farm land?
8. Character of community
9. Transportation ó noise, affect on schools, hospitals, homes
10. Ground water ó wells in the area ónone; public water only
11. Agriculture waste, pesticides

Unanimously approved, motion carried.

New Business: nothing at this time

Next regular meeting will be at 8:00 P.M. on April 28, 2014

A motion was made to adjourn by Mr. Smith and Mr. Robinson at 8:45 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved; _____