

September 22, 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  
Craig Powley, Donald Robinson, Peter Smith,  
Alan Johnson, alternate  
Member absent: Thomas Andrews  
Also present: Matthew Foe, Councilman and liaison to Town Board  
James McCann, 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 applications:

**(07-21-14) JOSEPH SNYDER and JULIE SNYDER**, 4130 Cambria Lockport Town Line Road, Lockport, N.Y. 14094, for a Use Variance to permit applicants to conduct a Landscape and Porta Pot business upon said premises, whereas the Zoning Ordinance does not permit such a business use in the Agricultural ó Residential Zoning District.

**(08-22-14) ANDREW DUFFIN**, 4570 Lower Mountain Road, Lockport, N.Y. 14094 for an Area Variance to permit applicant to construct an accessory building containing approximately 1200 square feet upon said premises having a residence containing approximately 1152 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 first floor.

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of August 25, 2014 as presented. Unanimously approved, motion carried.

#### **SPECIAL PERMIT RENEWAL (current)**

**2002-11 (08-28-02) Kathrin Caccamise**, 4931 Ridge Road, Lockport, N.Y. 14094  
Special Permit for grooming dogs and cats

There was no one present at this time on behalf of Mrs. Caccamise.

A motion was made by Mr. Smith and seconded by Mr. Robinson to move this issue to the end of the meeting and see if someone appears on behalf of this Special Permit for renewal. Unanimously approved, motion carried.

**PUBLIC HEARINGS:**

**(07-21-14) JOSEPH SNYDER** was present at this meeting and has submitted the following: Application for a Use Variance, Short Environmental Assessment Form, Agricultural Data Statement, sketch of the property which includes pond, barn, concrete pad and berms.

Applicant said he would like a variance to run a business in an Agricultural-Residential district, namely, landscaping and porta pot, which is not permitted in the A-R district.

Public Hearing open:

Joan Sheusi, 4338 Cambria Lockport Town Line Road, Lockport, 14094, a neighbor, expressed strong opposition to this business, porta pot. She said the chemicals used to clean the buildings have a strong odor, lot of traffic in the area, an eyesore and subject property is zoned residential. She requests denial of this business.

Mary Ness, 4207 Johnson Road, Lockport 14094, owns property next door, 9-1/2 acres to the north, of Snyder property. She said applicant should have looked into the zoning of the subject property at the beginning. There are fumes from this business. She said she and her husband object to this business in the residential area.

William Rickerson, 4100 Cambria Lockport Town Line Road, Lockport 14094, said his property is located north of the Ness property, asked if the variance for the Snyder property is just for him or does the use variance go with the property?

The answer was the variance goes with the property and could go to the next owner.

Mr. Rickerson asked if commercial, could it be any type of business? He said adjoining property to the south of his property is ðfor saleö. Could applicant purchase additional properties that are ðfor saleö or could he buy other properties. Leave farm and open land. Concern is setting a precedent.

Mr. Rickerson said Mr. Snyder's property does join 18 mile creek. Applicant is transporting and storing human waste. Waste works into water shed and eventually into Lake Ontario. That is a risk He said there is property available in Cambria for commercial use.

Cathy Rickerson, 4100 Cambria Lockport Town Line Road, Lockport 14094, said they are the closest neighbors to Mr. and Mrs. Snyder and are nice people but this property is not for a business. Some of the chemicals and waste could eventually get into the creek. Hope the town works with Mr. Snyder and locate the business on commercial property on Lockport Road. The Snyders are new to this area and are far too close to

west branch of 18 mile creek Strongly oppose this business in the Agricultural-Residential area and the town should not approve this variance.

Charles Demski, 5252 Shunpike Road, Lockport, N.Y. 14094, feels this is setting a precedent. He said he likes the atmosphere of this area and would like to keep it that way. Admires entrepreneur, doesn't want the area to go into industrial commercial area., tax implication, are we setting a precedent?

Paul Suita, 3344 Lockport Road, Sanborn, N.Y. 14132, said he owns 300 acres and does own property on the east side of Cambria Lockport Town Line Road, Lockport, across from the Snyder property. He said the property was bought by Mr. and Mrs. Snyder as residential to move into the area. They did not purchase the property at commercial value. He brought the small-scale business with him. He did not go to the Town Building Inspector and ask to do this business in an Agricultural-Residential area. Mr. Suita said he would like porta pots to be removed from the Snyder property within ten (10) to twenty (20) days. He has built a berm. Applicant is not in compliance with Zoning Ordinance. He has a beautiful residence and said he, Mr. Suita, is against Mr. Snyder's business.

Thomas Worczak, 5124 Shunpike Road, Lockport, N.Y. 14094, feels Mr. Snyder is setting a precedent, something in that nature is commercial. Keep the town rural and residential.

Mrs. Sheusi said he has to get a permit. Area is residential and farming. Get a permit, don't just come in and do something.

Public Hearing is now closed.

Chairman said subject property is within 500 feet boundary of another town. Application must be sent to the Niagara County Planning Board for its review and this application will be tabled until we hear from the county.

Mr. Snyder said regarding odor, everything is cleaned out and he is making a berm Nothing is stored. D.E.C. has checked things out and did the paper work. He said he doesn't plan to keep the business there. He said he is trying to get his home finished He has put in a berm. He said he can't move out in 10 to 20 days.

Building Inspector said this application will be sent to the Niagara County Planning Board. Next Zoning Board meeting is October 27<sup>th</sup> at 8:00 P.M.

Mr. Snyder said he intends to move the business soon. Give him a temporary Use Variance on this land so that it is not a permanent variance that goes with the land forever.

Counsel explained Special Permit procedure, business in an existing structure. That type of use provides no outside storage. There are procedures if Use Variance and use one of the structures on the land and move porta potties inside.

County meeting will be on the 20<sup>th</sup> of October at 2:00 P.M. at 6311 Inducon Corp. Drive in Sanborn. Call Enforcement officer on this issue.

This board (Zoning) cannot act until Niagara County Planning Board has reviewed the application.

A motion was made by Mr. Smith and seconded by Mr. Robinson to send application of Joseph and Julie Snyder for a Use Variance to run a business from 4130 Cambria Lockport Town Line Road, Lockport, namely a landscape and porta pot business, to the Niagara County Planning Board for review.

Mr. Suita requested that the people across the road within 500 feet be notified. He owns land across the road.

Unanimously approved, motion carried.

#### **PUBLIC HEARING:**

**(08-22-14) ANDREW DUFFIN** was present at this meeting and has submitted the following: Application for an Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, Eave side of proposed building, Cross Section Detail and Pole Layout.

Mr. Duffin said he would like to construct an accessory building approximately 1200 square feet upon said premises, having a residence containing approximately 1152 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 first floor of the residence.

Applicant said he would like to store a camper, truck, car and personal equipment in this building.

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

Chairman asked applicant what the height of the new building would be?

Mr. Duffin said height will be about 18 feet, building will be about 50 square feet larger than it should be according to the ordinance. The garage in front is 35 feet high.

The color will be green and white.

New building will be behind existing garage 15 and ½ feet from property line to the neighbor to the west and 70 feet to the neighbor to the east and 25 feet behind existing garage.

Building Inspector had no concerns on this proposed accessory building.  
Board members and Attorney had no concerns.

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

A motion was made by Mr. Smith and seconded by Mr. Johnson to **approve** Area Variance to permit Andrew Duffin to construct an accessory building containing approximately 1200 square feet. Unanimously approved, motion carried.

**Old Business:**

**(06-27-14)** Owner ó **Lawrence Ryndak** - present at this meeting  
Applicant ó **Michael Schweitzer** - present at this meeting

Mr. Ryndak would like to sell subject property, approximately nine (9) acres, located between 4766 and 4788 Lower Mountain Road, south side, to Mr. Schweitzer to construct a farm winery.

An Application for an Area Variance has been requested because of the shortage on setback on the east side.

Chairman said we have received a copy of an older survey from owner of the property and there is a discrepancy in dimensions on all four sides in comparison to the dimensions in the records of the Town Assessor.

Mr. Ryndak said there is no reason for difference in figures. He said his original plans were to build a home on this property.

There are other concerns on this property such as parking plan.  
Per Building Inspector, there will not be enough parking spaces in the front.

Chairman said there could be traffic problems.

Letters have been received from neighbors opposing this proposed winery because of traffic problems, character and safety of the community, etc.

Chairman said the board has not seen the plans yet. Another winery on the Wine Trail, expansion, bring business into the area, is good for the town. New winery will need room for off-street parking.

It is the feeling there will not be enough area for off-street parking. Dimensions on parking. It was said next door, Eveningside to the east, doesn't have a large parking area. People park on the grass. In the Fall wineries are very busy.

Craig Kunkel, 4774 Marjorie Drive, Lockport 14094, said buses and limos park on the road, they come from both the east and west and turn around into Marjorie Drive, need to add more parking spaces for them. There are a lot of children in that area.

Barbara Miles, 4766 Lower Mountain Road, Lockport, said the proposed winery will be too close to their property. She said she had canvassed the neighborhood and there were many neighbors against this proposed winery at this location. She said there would be cigarette butts, papers thrown out, noise, fumes from buses, more people wandering around on their property and more intoxicated people.

Randy Biehl, owner of Eveningside winery, said there is a Zoning Ordinance adopted and it is the board's responsibility to look at the ordinance and to enforce it. There is no land for sale. The burden is on the applicant, not on the board. The board should not grant a variance to Mr. Ryndak. He needs a variance, cannot move property lines.

Counsel said more information in writing should be submitted on the parking of vehicles on this parcel before doing anything final. Applicant needs to show adequate space for off-street parking. Best land for vineyard is in the front.

It was suggested that the building could be placed back further toward the south.

Building Inspector said applicant would need to provide handicap parking, lighting, some sort of shield on the west side next to Mr. and Mrs. Miles property and what kind of driveway will there be?

Counsel said the board has noted a discrepancy on survey with figures from the Town Assessor's office records. Applicant must submit more accurate information. Counsel said it is not up to the board to tell applicant what he needs to submit. Some issues have been brought up. The public has provided some information.

Chairman said the burden is on the applicant to provide correct information, such as discrepancy between survey figures and town's records. We need to see what is on the deed.

Chairman said burden is on the applicant to provide correct information, such as discrepancy between survey figures and town's records. We need to see what is on the deed.

Mr. Smith asked applicant if he plans on joining the Wine Trail and answer was yes. Buses and limos need enough room to turn around. As is, property is not wide enough.

Chairman said the sketch is not clear, we need correct dimensions on all sides, information on the parking, correct setbacks that you are asking for and driveway study. Action on this variance request will be tabled until the board receives better information.

Building Inspector asked if the applicant wants to request the board to table this application and submit additional information? We also need plans in writing.

Chairman asked if the Planning Board should have a Site Plan review?

Counsel said most wineries are agricultural and Planning Board does not do Site Plans on proposed wineries. Does applicant have enough frontage and width to accommodate parking and setbacks for that type of business? The town doesn't want to set precedents by sending application for a winery to the Planning Board. This board, Zoning Board, looks at the issue in terms of setbacks and can applicant conform with plans.

Counsel said this board will not be notifying anyone. This board will conduct further deliberations at their meeting on October 27<sup>th</sup>. Counsel said to the people in the audience to call Building Inspector and see if applicant has submitted all of the information. There will be no further notice on this proposal.

A motion was made by Mr. Robinson and seconded by Mr. Powley that applicant, Mr. Schweitzer, must submit better documents and plans for off-street parking, driveway, correct dimensions on subject parcel for the board's review. Unanimously approved, motion carried.

#### Special Permit Renewal:

Kathrin Caccamise, Ridge Road, Lockport, for her renewal of dog and cat grooming business. There was no one present on applicant's behalf.

A motion was made by Mr. Smith and seconded by Mr. Robinson at the beginning of the meeting to table renewal until the end of this meeting and see if someone appears on her behalf for this renewal. No one appeared and secretary was

requested to write a second letter to her regarding the renewal. Unanimously approved, motion carried.

Zoning Board

-8-

September 22, 2014

REPORTS:

Chairman ó Proposal to change starting time at Planning and Zoning Board meetings:

It was brought up at Planning Board meeting to start meetings at **7:00** P.M. instead of 8:00 P.M. and when there are two meetings on one night, the first one would begin at **6:00** P.M. and second meeting at **7:00** P.M. Board members were in agreement with this issue. This would take effect in January 2015.

Building Inspector ó no report

Attorney ó no report

Board members ó no report

Councilman Randy Roberts was not present at this meeting

Next regular meeting will be October 27, 2014 at 8:00 P.M.

A motion was made by Mr. Robinson to adjourn at 9:17 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: \_\_\_\_\_