

April 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 8:07 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
Joseph Ohol, Councilman
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:

(03-24-11) STEPHEN BLOCHO, 4354 Budd Road, Lockport, New York 14094, for an Area Variance to permit applicant to construct a 30' by 30' accessory building upon said premises the same distance from the road right-of-way as the front foundation of applicant's residence, whereas, the Zoning Ordinance does not permit construction of such a structure closer to the road right-of-way than the rear main wall of applicant's residence.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to approve minutes of meeting of March 28, 2011 as presented. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWALS (current):

2004-05 (03-31-04B) Mrs. Robert Storrey, 3927 Fair Court East, Sanborn, New York 14132
Special Permit to operate home sewing business

Mrs. Storrey was present at this meeting and said she would like to renew her Special Permit and requested no changes in the business.

Building Inspector said he had received no complaints on the business.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **renew** Special Permit to Mrs. Storrey to operate a home sewing business for a period of five (5) years. Unanimously approved, motion carried.

2004-07 (04-01-04B) Mr. and Mrs. Edward Pufpaff, 5184 Shawnee Road, Sanborn, New York, 14132
Special Permit to operate dog kennel

Mrs. Pufpaff was present at this meeting and said she would like to renew the Special Permit to operate dog kennel and requested no changes.

Building Inspector said he had received no complaints on this special permit.

A motion was made by Mr. Bechtel and seconded by Mr. Smith to **renew** Special Permit to Mr. and Mrs. Pufpaff to operate dog kennel for a period of five (5) years. Unanimously approved, motion carried.

2009-04 (04-02-09A) Eric Wisor, owner of property at 2958 Ridge Road, Ransomville, N.Y. 14131 and **William Pearce, applicant**, 4566 Ridge Road, Lockport, N.Y. 14094

Special Permit revision of existing Special Permit to allow applicant to do motor vehicle repair in existing building at 2958 Ridge Road .

There was no one present on behalf of Mr. Wisor or Mr. Pearce at this time.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to place this renewal at the end of tonight's meeting and see if someone appears. Unanimously approved, motion carried.

2010-03 – (03-17-10) Christopher Matyas, 7166 Pendale Circle, North Tonawanda, N.Y. 14120

Special Permit to conduct light manufacturing business relating to computers and computer related items upon premises known as 4935 Lockport Road in the Town of Cambria.

There was no one present on behalf of Mr. Matyas.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to place this renewal at the end of tonight's meeting and see if someone appears. Unanimously approved, motion carried.

PUBLIC HEARING:

(03-24-11) STEPHEN E. BLOCHO

Mr. and Mrs. Blocho were present at this meeting and have submitted the following:
Application for Area Variance, Short Environmental Assessment Form, copy of Agricultural Data Statement and copy of portion of deed.

Mr. Blocho said he would like to construct a 30' by 30' pole barn which will be the same distance from the road right-of-way as the front foundation of applicant's residence.

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

Mr. Blocho said he wishes to store tractor and other items in this building for himself, personal items. There will be no business operated from this building.

Concerns of board members:

Mr. Robinson asked applicant why he wants this building up front?

Mr. Blocho said on the north side is his septic system and leach field is in the back and would be more costly than in the front.

The building will be 30' by 30' and 10' high and about 16' or 17' to the peak, a little less peak than the attached garage.

No further concerns.

A motion was made by Mr. Robinson and seconded by Mr. Smith to declare **negative declaration under SEQR** on application of Mr. Blocho for the accessory building. Unanimously approved, motion carried.

A motion was made by Mr. Bechtel and seconded by Mrs. Kroening to **approve** application of Stephen Blocho for an Area Variance to construct a 30' by 30' accessory building upon said premises the same distance from the road right-of-way as the front foundation of applicant's residence. Unanimously approved, motion carried.

(12-06-10) Thomas W. Bos and Eileen R. Brown, 7367 Bear Ridge Road, Pendleton, N.Y. 14120, were present at this meeting regarding Application for Area Variance to build a home, south side, immediately west of 4750 Lower Mountain Road, Lockport, N.Y. 14094, and wish to place future home between 125 feet and 230 feet from the road right-of-way. Zoning Ordinance does not permit construction of a residence farther from the road right-of-way than 125 feet.

At the December 20, 2010 meeting (Public Hearing), action was tabled on the application for a variance and applicants were asked to find out what the actual depth of the rock is in the area of 125 feet to 230 feet, and also to provide more detailed information on the rock formation on that property.

Tonight they submitted the following:

Aerial view pictures of their property, neighbors' properties, and other properties with different setbacks, pictures on file;

Receipt from Lowe's Home Center for the 10 trees they had purchased to place on the east and west sides of their property;

Letter dated April 22, 2011, on file, from BOXWOOD HOMES, LLC, who plan to construct a Green certified home on the Bos/Brown property.

Mr. Bos said Mr. and Mrs. Cassata, 4730 Lower Mountain Road, had no objection to the placement of the applicants' future home.

Mr. and Mrs. Miles, 4766 Lower Mountain Road, are concerned about blocking of their view and they have two barns on their property.

Mr. Bos said they plan to do the test holes for rock when they get the contractor to start the digging. They will build where there is no rock.

Miss Brown said they wish to have more privacy for their future children and she has a personal fear and also traffic safety for their children and pets.

Mr. Bos said the homes along Lower Mountain Road, east and west, are not in line and quoted the setback figures on McIntosh, Miles, Cassata, Johnson and Sarlas. He said at previous meeting Kirk Brown expressed his opinion and doesn't live in the area.

Chairman said the board heard comments from the neighbors at the previous meeting in December. Also said, the board needs evidence of the bedrock and formation, a real concern. The board needs to know the information as previously requested in order or make a decision. As far as privacy is concerned, that is a personal preference. The main concern is the depth of the rock where applicants plan to build their home

Mr. Lane said to applicants, you are requesting setback for future home between 125 feet and 230 feet from the road right-of-way.

Mr. Bos said they are aiming for 175 or 180 feet setback.

Letter received from Glenn McIntosh, 4750 Lower Mountain Road, neighbor to the east, copy on file, dated April 21, 2011, stated in part, "he feels the request should be denied based on the points in NYS Town Law, etc. regarding Area Variances", pages on file.

Mr. Johnson, 4722 Lower Mountain Road, said, as was stated in previous meeting, by allowing this proposed setback, would be a disruption of the neighborhood.

Mr. Burch had nothing to add to the aforementioned.

Mrs. Kroening said she did not know this issue was to be on tonight's agenda. There have been new issues brought up at this meeting tonight for this tabled application. She said she would like to review the application, her notes and the new information that was submitted this evening.

Counsel recommended a new Public Hearing on the Bos/Brown application based on the new information submitted this evening. This public hearing would be to amend setback footage and there would be no new fee required.

Applicants were requested to secure information on "Green Homes" and the significance of building further back from the road right-of-way and submit to the board.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **table** application of Thomas Bos and Eileen Brown for one (1) month for Area Variance for setback of between 125 feet and 230 feet from road right-of-way for their future home on Lower Mountain Road, and request a new Public Hearing for the May meeting. Also, applicants are to provide additional information regarding "Green Homes" and rock formation and depth in area they want to build on.

As not all board members voted "aye", secretary was requested to poll the board:

| | | |
|---------------|-------|------------------------------------|
| Mr. Robinson | "Yes" | to table application for one month |
| Mrs. Kroening | " | " " " " " " |
| Mr. Reardon | " | " " " " " " |
| Mr. Smith | " | " " " " " " |
| Mr. Bechtel | "No" | do not table |

motion carried.

Mr. Burch received a copy of letter addressed to Joe Wegrzyn, P.O. Box 520, Sanborn, N.Y. 14132 from David Drust, P.E., Niagara County Dept. of Health, **Re: Commercial Building, 2990 Carney Drive, (T) Cambria**, which stated in part “You contacted this Department recently with concerns regarding the above referenced property. One concern was a pipe exiting the back of the building. The Health Department inspected the property on April 5th and said it appears pipe is connected in with various downspouts and drains to the east side of the property. There was no evidence of sewage on the ground surface at the time of inspection”, etc.

Chairman received a letter from Willard F. Antoncich who has sold the property at 4593 Cambria Wilson Road, former residence, and had a business there, namely, Heating and Air Conditioning. He requested the Special Permit for the business be terminated.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to terminate the Special Permit of Willard Antoncich for Heating and Air Conditioning business at 4593 Cambria Wilson Road. Unanimously approved, motion carried.

Other Business:

Kenith and Dolores Hill, 3262 Lower Mountain Road, Sanborn, N.Y. 14132
Re: Letter dated 2/18/2011 from Mr. and Mrs. Hill

Mr. Burch mentioned letter he had written to members of the Zoning Board of Appeals pertaining to Mr. and Mrs. Hill’s concerns. He said Mr. and Mrs. Hill felt they did not need a Special Permit for their business because of the “Right to Farm” guidelines. He also said he feels the Hills are doing things on their farm that do need a special permit.

Attorney was authorized to write a letter to Mr. and Mrs. Hill regarding what is permitted under “Right to Farm” regulations and what is required with a special permit.

A motion was made by Mr. Robinson and seconded by Mr. Smith that attorney write a letter on behalf of the Zoning Board to explain the “Right to Farm” law and requirements for Special Permit. Unanimously approved, motion carried.

As no one appeared on behalf of Wisor/Pearce Special Permit renewal and Matyas Special Permit renewal, secretary was requested to send a second letter to them.

A motion was made by Mr. Bechtel and seconded by Mr. Smith to **table** renewals of Wisor/Pearce and Matyas for one (1) month. Unanimously approved, motion carried.

REPORTS:

Building Inspectors – working on clean up issues in the town

Cedar Knolls apartment complex – health hazards – roof leaks, windows do not open, someone stealing fire extinguishers and smoke alarms

Talked to someone at Health Department about setting up a meeting and look into the issues.

W.N.Y. Urology building is progressing but probably will not be using it as soon as they had planned.

Chairman - there will be a training meeting on Wednesday, June 29, 2011 at Albion Middle School 5:00 p.m. to 9:30 p.m. Also, mentioned the schooling could be done on line

Attorney – no report this evening

Board members – no report this evening

A motion was made by Mr. Bechtel and seconded by Mr. Smith to adjourn at 8:55 p.m.

The July meeting will be on the 18th instead of the 25th (3rd Monday).

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____