

February 28, 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
Michael Sieczkowski, alternate
Member absent: Peter Smith
Also present: George Bush, Councilman
Robert Blackman, Councilman
Clifford Bush, Building Inspector
Donald Lane, Deputy Building Inspector
Gary Billingsley, Attorney
Robert Klavoon, Wendel Duchscherer Eng.

Chairman announced the application for Use Variance for
2011-05 (02-04-11) Owner – **CAMBRIA’S DOGS R US LLC (Paul Wendt)**
Address – 2990 Carney Drive, Sanborn, N.Y. 14132

for dog boarding, grooming, etc. has been withdrawn per Building Inspector.

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

2011-06 (02-09-11) **MODERN RECYCLING, INC.**, 4746 Model City Road, Model City, New York 14107, a/k/a Cambria Recycling Facility, 5204 Lockport Junction Road, Lockport, New York 14094 to amend a Special Permit to permit applicant to conduct wood and brush chipping and grinding operations, and recycle clean hard fill, drywall, paper, cardboard, metal, glass, concrete and electronics processing, and to expand recycling, separation, baling and processing operations involving non hazardous recyclables at or near a building located at 5204 Lockport Junction Road pursuant to the Special Permit Ordinance of the Town of Cambria. Said premises are located in the Industrial (I-1) District.

Minutes of January 24, 2011 meeting – correction made on Page 2, entire second paragraph was deleted and new paragraph two, corrected copy prepared.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to approve minutes of meeting of January 24, 2011 with correction, namely “Page 2, second paragraph deleted and new paragraph 2 inserted”. Unanimously approved as corrected, motion carried.

RENEWALS (Current) :

1996-01 **David W. Cloy II**, 4269 Burch Road, Ransomville, N.Y. 14131
Special Permit to operate a fabricating and duct work business in an existing building

No one was present on behalf of Mr. Cloy at this time.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **table** action on this renewal of special permit of Mr. Cloy until the end of the meeting and see if someone appears. Unanimously approved, motion carried.

2005-03 (02-03-05B) Donald Robinson, 3677 North Ridge Road, Lockport, N.Y. 14094
Special Permit to maintain temporary living quarters for farm laborers

Mr. Robinson said he would like to renew the Special Permit.

Building Inspector said there have been no concerns on this Special Permit.
Board members had no concerns.

A motion was made by Mr. Sieczkowski and seconded by Mr. Bechtel to **renew** Special Permit to Donald Robinson to maintain living quarters for farm laborers on his property at 3677 North Ridge Road for a period of five (5) years. Four board members voted “aye” and Mr. Robinson abstained because of a conflict of interest. Approved, motion carried.

PUBLIC HEARING:

2011-06 (02-09-11) Owner - **MODERN RECYCLING, INC.**
Address - 4746 Model City Road, Model City, N.Y. 14107
A/k/a - **CAMBRIA RECYCLING FACILITY**
Address - 5204 Lockport Junction Road, Lockport, N.Y. 14094
Request - Amendment to Special Permit to Expand Recycling Operations

The following have been submitted:

Request for Special Permit Amendment
Short Environmental Assessment Form
Agricultural Data Statement
Project Description (3 pages)
Draft of Proposed Modification of the Existing Special Permit (3 pages) (last extended January 25, 2010 with expiration date of January 25, 2015)
Town of Cambria Zoning Map
Town of Cambria Tax Map
DRAWINGS: Prepared by Ensol, Inc.(Environmental Solutions) : Sheet Nos.:
01 Site Survey and Existing Conditions Plan
02 USGS Topographic Map
03 Tax Parcel Identification & Wetland Mapping
04 Site Plan with Proposed Expansion
05 Material Flow Diagram
06 Landscaping Plan
07 Site Plan with Proposed Expansion

Modern Recycling/Cambria Recycling Facility – cont.

Mr. James Goehrig, P.E., Vice President of Engineering Services and John B. Battaglia representing EnSol, Inc. (Environmental Solutions) were present on behalf of Modern Recycling/Cambria Recycling Facilities.

Mr. Goehrig said they are requesting to amend their existing Special Permit to expand their recycling operations “to provide material recovery and reuse for a wide variety of small volume waste streams as well as small number of larger volume materials. Materials handled will be clean wood/brush, source separated drywall, old corrugated cardboard, recyclable products, concrete, glass and hard fill and metal/electronics”. There is a demand for many of these products.

Mr. Goehrig said they have had approximately 20 years of recycling experience. Materials come in and go out.

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

Public Hearing closed.

Concerns of board members:

Mr. Bechtel asked applicant if there will be a lot of vehicles going in and out?

Mr. Goehrig said approximately 100 material delivery trucks in and about 30 product shipping trucks out per day.

Mr. Sieczkowski asked if there will be dust?

Mr. Goehrig said dust will be controlled. Most of the work will be done inside of the existing building. The hard fill will be outside and used for gravel. Drywall will be broken down.

The utilities that are existing will be sufficient for the expanded operation.

Mr. Bechtel asked if there would be burning of materials?

Mr. Goehrig said there will be no burning.

Chairman asked about the maximum number of trucks parking on the west side of the property?

Mr. Goehrig said a maximum of 25 trucks to be parked at the west end of the building off of road facility inside the gates. There will be no addition to the existing building.

Mr. Robinson asked applicant how many employees will there be?

Mr. Goehrig said there will be two (2) employees to start with and as business picks up, there may be four to six employees.

Applicant is requesting Amendment to Existing Special Permit for a period of five (5) years from today?

Counsel questioned No. 10 in Modifications regarding drainage improvements?

Mr. Goehrig said the drainage is okay.

Planning Board granted conditional approval of Site Plan contingent on this board, Zoning Board,

amending the original Special Permit.

Counsel said the Niagara County Planning Board recommended the Zoning Board grant the amendment to the original Special Permit with any new stipulations or conditions.

Building Inspector said there will probably be a little more material outside.

Counsel recommended conditions be as proposed by applicant, Modern Recycling Inc., a/k/a Cambria Recycling Facility, Expansion of Recycling Operations, Processing, Sorting and Storage Facilities, with the following changes, if necessary, and additions: "PROJECT DESCRIPTION" (3 pages)

- No. 1. through No. 16. - okay as is with the following additions:
- No. 9. Applicant to furnish copy of its annual report to the N.Y.S. D.E.C. to the Town Code Enforcement officer each year, pending approval of the Zoning Board.
- No. 10. is okay unless there are any other State mandated requirements
- No. 13. add to existing, "Adequate dust control be provided by the applicant".

Copy of PROJECT DESCRIPTION included with these minutes.

Mr. Klavoon said he is satisfied with the Site Plan as presented.

Chairman asked Mr. Goehrig when they plan to start the additional expansion project?

Mr. Goehrig said they plan to start in the Spring of 2011.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to declare **negative declaration under SEQR** on Amended Special Permit. Unanimously approved, motion carried.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **Amend Special Permit** to Modern Recycling Inc. a/k/a Cambria Recycling Facility, 5204 Lockport Junction Road, Lockport N.Y. 14094, per PROJECT DESCRIPTION MODIFICATIONS, to permit applicant to conduct wood and brush chipping and grinding operations, and recycle clean hard fill, drywall, paper, cardboard, metal, glass, concrete and electronics processing, and to expand recycling, separation, baling and processing operations involving non hazardous recyclables at or near a building at 5204 Lockport Junction Road, for a period of five (5) years from this date, February 28, 2011. Unanimously approved, motion carried.

REPORTS:

Chairman – MEMORANDUM received from Niagara County Center for Economic Development dated February 16, 2011

RE: NYS Smart Growth Public Infrastructure Policy Act

Received February report, Annual Report from Building Inspector and new Town Roster

Attorney - Mr. William Goodhue, owner of Dawn til Dusk Café, 5252 Saunders Settlement Road, was Present this evening regarding his application for Area Variance.

Mr. Klavoon said he had contacted D.O.T February 8th and was informed there was not enough information furnished in order to issue any comments on the proposed drive-thru coffee hut to be located approximately five feet from the road right-of-way on property of William Goodhue, 5252 Saunders Settlement Road. D.O.T. said the right-of-way issue is Town of Cambria's concern. D.O.T.'s concern is the traffic at the intersection of Saunders Settlement Road and Campbell Boulevard.. They cannot offer any comments pro or con until more definite information is received.

Mr. Goodhue was advised to furnish more definite information to D.O.T. They need to know where the people using the restaurant on the premises park their vehicles, more information on the intersection, where the lamp post is and where entry and exits are located.

Applicant was asked if he wishes to proceed with the drive-thru coffee service and he replied "yes".

Mr. Klavoon said Mr. Goodhue needs a full-blown concept plan, drawings with dimensions, length of vehicles, like tractor trailers, etc., and exiting on to Saunders Settlement Road

Attorney said the Niagara County Planning Board recommended denial of the application for variance.

Building Inspectors – nothing to report this evening

Board members – no report this evening

(08-04-10) Chris and Curt Rechin were present this evening regarding their request for a Use Variance to allow tenant, D & M Landscavation to temporarily store excavated material closer to the road right-of-way than 500 feet. Additional information was requested, but nothing has been received as of this date. They said Mr. Musall, from D & M Landscavation was supposed to be at this meeting tonight but he did not appear.

Mr. Klavoon had nothing to report on the issue and said nothing can be done on the property until the weather breaks.

Mr. Cloy did not appear regarding renewal of Special Permit to operate a business, namely, fabricating and duct work from building on his property.

A motion was made by Mrs. Kroening and seconded by Mr. Sieczkowski to **table** renewal of Mr. Cloy for one **(1)** month and another letter to be sent to Mr. Cloy. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Sieczkowski to adjourn at 8:35 P.M.

Respectfully submitted

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____