

June 28, 2021 –Approved July 26, 2021

Town of Cambria
Zoning Board Meeting
June 28, 2021

The regular meeting of the Zoning Board of the Town of Cambria was called to order by Peter Smith, Chairman, at 7:00 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag.

Members Present: Peter Smith, Chairman
Alan Johnson,
Harmony Retzlaff-Hurtgam
Thomas Andrews
Bradley Rowles

Member Absent: Cheryl Shoop

Also present: James McCann, Building Inspector
Gary Billingsley, Attorney
Randy Roberts, Councilman, Town Board Liaison Zoning Board

A motion to approve the minutes for the April and May meetings of this Board was made by Mr. Johnson and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

Renewal Christopher Matyas
Special Permit 7166 Pendale Circle
4925 Lockport Road North Tonawanda, NY 14120
Machine Shop

Christopher Matyas appeared before the Board this evening and advised the Board that he had not received correspondence concerning renewal of his special permit until after the Board's meeting on May 24, 2021. Since the Board had not heard from him, a motion had been made at that meeting to allow Mr. Matyas' special permit to expire by its own terms. Mr. Matyas was present this evening to request renewal of his special permit. Motion made by Mr. Andrews and seconded by Mr. Johnson to rescind the motion made at the May meeting to allow the special permit to expire by its own terms, all in favor, motion carried. Motion made by Mr. Rowles and seconded by Ms. Retzlaff-Hurtgam to renew special permit for five (5) years, all in favor, motion carried.

Attorney read the Notice of Public Hearing for the following application:

(Z-AV-2021-009) DELMAR ELECTRIC CONSTRUCTION of 21 Cooper Avenue, Tonawanda, NY 14150 for an area variance to permit applicant to construct a building in the Industrial Zoning District of the Town of Cambria containing approximately 6,250 square feet for an office and

storage facility approximately 12 feet from the south side property line upon premises located on the west side of Comstock Road between Saunders Settlement Road and Upper Mountain Road (Tax Map No. 121.00-1-1.2), whereas the Zoning Ordinance of the Town of Cambria does not permit construction of such a structure closer to a side lot line than 30 feet.

New Business
Area Variance
ZB-AV-2021-009

Delmar Electric Construction
21 Cooper Avenue, Tonawanda, NY 14150
Area Variance for side yard setback

Thomas Arlington of Apex appeared before Board to request an area variance on behalf of applicant as per the above Notice of Public Hearing. Craig and Joseph McCaffrey of Delmar Electric Construction were also present. They explained that premises were previously purchased from the Wasiks, with intention that a building be constructed for an office and storage. When the plans were prepared, they became aware that there would be difficulty in meeting side yard setback requirements contained in the Zoning Ordinance while still arranging for areas of ingress and egress, as well as addressing Stormwater management regulations.

Public Hearing-Open

Stephen Larsen from 5359 Comstock Road was present. He would like the Board to deny the area variance request and require that applicant meet the 30 foot setback requirement. There were no other comments from the public.

Public Hearing-Closed

Mr. Andrews asked about the practical difficulty in having tractor trailers enter premises if building meets 30 foot setback requirement. Applicant stated that if reconfigured, they would lose an entire truck bay. Mr. Smith asked if there would be a loading dock. Applicant said no. Mr. Johnson asked about building plan. Applicant said it would be similar to the Cooper Avenue site in Tonawanda. There was further discussion concerning the type of building, location of building and shape of the building being constructed, as well as the cost of complying with Stormwater management regulations if the location of the structure is changed to meet the 30 foot setback requirement. Applicant said that if area variance is denied, there will be additional costs of approximately \$100,000 that will be incurred due to applicable regulations. Mr. McCaffrey stated that he has examined all possible alternatives, and there are none that can eliminate the above excessive costs other than the granting of the area variance requested.

A Motion for a Negative Declaration under SEQRA was made by Mr. Andrews and seconded by Mr. Rowles, all in favor, motion carried.

Mr. Rowles asked about number of trucks and hours of operation. Applicant said approximately

five (5) trucks and that business hours were usually 8:00 am to 4:30 pm. Applicant confirmed that no heavy equipment will be stored outside. Mr. Johnson asked about amount of traffic. Applicant said approximately 1-2 semis per week, with box trailer deliveries more frequent. Mr. Rowles asked Mr. McCann whether drainage was an issue. Mr. McCann said no problems are anticipated. Mr. Andrews asked about zoning on property to the south. Mr. McCann confirmed it was zoned Industrial. Applicant confirmed that business would be open some weekends, but not usually. Mr. Andrews asked if property to south is vacant. Mr. McCann confirmed that it is.

A motion was made by Mr. Andrews and seconded by Mr. Rowles to grant the area variance as requested, all in favor, motion granted.

There was a brief discussion concerning Bevaqua application for an area variance for premises at 4471 Ridge Road. A public hearing on the application was held at the May meeting. A motion to table the application was made by Mr. Rowles and seconded by Mr. Johnson, all in favor, motion granted.

Reports

Board Members – Nothing at this time

Building Inspector – Nothing at this time

Randy Roberts – Nothing at this time

Attorney – Nothing at this time

A motion to adjourn the meeting at 7:26 p.m. was made by Mr. Rowles and seconded by Mr. Andrews, all in favor, motion carried.

Meeting adjourned.

Respectfully submitted by Gary Billingsley