

April 16, 2007

The regular monthly meeting of the PLANNING BOARD of the TOWN of CAMBRIA was called to order at 8:00 P.M. by William Amacher, Chairman. He welcomed everyone to the meeting followed by the Pledge to the Flag.

Members present: William Amacher, Chairman
Norman Human, Jeffrey Hurtgam, John Phillips, Thomas Willett
Douglas Mawhiney, alternate
Also present: Clifford Burch, Building Inspector
Donald Lane, Deputy Building Inspector
Gary Billingsley, Attorney

A motion was made by Mr. Phillips and seconded by Mr. Willett to approve minutes of meetings of March 19 and Special meeting of April 2, 2007 as presented. Unanimously approved, motion carried.

Secretary read Notice of Public Hearing as it appeared in the Lockport Union Sun and Journal to consider one-lot minor subdivision approval for the following applicants at the following property locations:

07-05 ROBERT PAGE – East side of Budd Road between Shunpike Road and Ridge Road.

07-06 GARY W. PROHASKA – East side of Green Road between Van Dusen Road and Lower Mountain Road.

07-07 BARBARA FORREY - West side of Baer Road between Ridge Road and Lower Mountain Road.

PUBLIC HEARINGS:

07-05 Robert Page, 474 Britton Road, Rochester, N.Y. 14616, was present at this meeting and has submitted the following: Application for Subdivision Review, Request for Minor Subdivision Approval, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey Map.

Mr. Page said the total parcel is approximately 25 acres and wishes to divide 1.8 acres off of this property which contains a two-story house, a 40' by 30' barn and a 10' by 20.5' shed.

Public Hearing open:

Katherine Duffin, 4502 Budd Road, Lockport, a neighbor, asked what is Mr. Page going to do with the property?

Counsel explained that applicant wishes to take one single lot off of main parcel.

There were no further comments from members of the public.

Public Hearing closed

Mr. Page said he lives in Greece, a suburb of Rochester, and is not selling anything at present, just dividing the property. The rest of the property, approximately 23 acres, is used for agriculture purposes.

Building Inspector said there is no problem with dividing the property.

William Sturak, 4373 Budd Road, Lockport, asked how big of an area do you need for a lot?

Building Inspector said town requirements are 150' frontage by 200' in depth from the road right-of-way. The driveway to subject parcel is from Budd Road. He said there appears to be no drainage problems on this property.

There were no concerns of board members or attorney.

A motion was made by Mr. Willett and seconded by Mr. Phillips to declare **negative declaration under SEQR** on application of Robert Page. Unanimously approved, motion carried.

A motion was made by Mr. Willett and seconded by Mr. Human to **approve** application of Robert Page, as submitted, for a one-lot minor subdivision on the east side of Budd Road between Shunpike Road and Ridge Road. The dimensions of subject parcel are 270' by 310', approximately 1.8 acres. Unanimously approved, motion carried.

07-06 Gary W. Prohaska, 4469 Lower Mountain Road, Lockport 14094, has submitted the following: Application for Subdivision Review, Request for Minor Subdivision Approval, Short Environmental Assessment Form, Agricultural Data Statement and copy of portion of town map highlighting the subject parcel.

Frank and Shirley Prohaska, parents of the applicant, were present on behalf of the applicant. The dimensions of the lot are 150' by 350' located on the east side of Green Road near Lower Mountain Road.

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

Public Hearing closed.

Building Inspector said there appears to be no problems with drainage on this lot.

Deputy Building Inspector said he has no concerns on this lot.

Board members had no concerns.

A motion was made by Mr. Phillips and seconded by Mr. Willett to declare **negative declaration under SEQR** on application of Gary Prohaska. Unanimously approved, motion carried.

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to **approve** application of Gary W. Prohaska for a one-lot minor subdivision on the east side of Green Road, dimensions 150' by 350'. Unanimously approved, motion carried.

07-07 Barbara Forrey-Cooper, 1740 Lockport Olcott Road, Burt, N.Y. 14028, was present at this meeting and has submitted the following: Application for Subdivision Review, Request for Minor Subdivision Approval, Short Environmental Assessment Form, Agricultural Data Statement and copy of town map hi-lighting subject parcel.

Mrs. Forrey-Cooper said she is dividing a lot 175' by 1299' (5.2 acres).

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

Building Inspector said there appears to be no drainage problems.

Board members:

Mr. Willett inquired about the other parcel, namely, parcel to the south, 325' by 1299' and she said that parcel is sold and closing on it on May 1, 2007. The subject lot tonight is a 5.2 acre parcel and is in the middle of her property. She said she understood the subject parcel tonight is 325' by 1299 which is sold and is the southern most part of her property. She said the 175' by 1299 is also sold and will be the next to be divided off.

Counsel explained the property being subdivided this evening is under the old Subdivision Regulations and the next lot will be under the new regulations. He then explained the new Subdivision Regulations were implemented by the Town Board on April 12, 2007. The Planning Board can now grant subdivision approval, if a minor subdivision, without a Public Hearing. If the Planning Board wants a Public Hearing held, they may do so. A recreation fee will be charged to the applicant of \$350.00 for each lot and must be paid to the town before Final filing. In this case, the lot approved tonight is under the old Subdivision Regulations and the next lot will be under the new regulations.

Counsel said the board may act on the parcel, dimensions 325' by 1299' tonight.

There were no further concerns from board members.

A motion was made by Mr. Human and seconded by Mr. Willett to declare **negative declaration under SEQR** on application of Barbara Forrey-Cooper. Unanimously approved, motion carried.

A motion was made by Mr. Phillips and seconded by Mr. Human to **approve** application of Barbara Forrey-Cooper for a one-lot minor subdivision consisting of 325' by 1299.96', lot that is directly north of southern lot line of her property. Unanimously approved, motion carried.

She said the owners of Lots # SBL 19.3, 19.2 and 19.4 may be interested in purchasing vacant land in back of their existing lots.

Building Inspector said each of the property owners of the aforementioned lots will be requested to add the back property to their existing deeds if they do purchase the back land.

Mrs. Forrey-Cooper said that is agreeable with her.

BUSINESS SITE PLAN:

2007-05 **DAVID J. KUBINIEC**, 4268 Upper Mountain Road, Sanborn, N.Y. 14132
Business Use – shop/yard for plumbing business at 4049 Saunders Settlement Road,
Sanborn, N.Y. 14132.

Mr. Kubiniec was present at this meeting for a Site Plan Review and has submitted the following: Site Plan Review (Applicant Checklist), Application for Site Plan Approval and Agreement (3 pages), Short Environmental Assessment Form, Agricultural Data Statement, Survey map, map showing business location and surrounding properties and list of properties within 500' of subject parcel.

Mr. Kubiniec said he would like a yard and shop area for his plumbing business. He said he plans to erect a 45' by 60' pole barn for storage of his equipment. He would like to store outside a couple of loads of stone in the back of the property and some pipe supplies. He does plan to fence rear part of property. Pole barn will be wood frame with steel siding, stone floor and in the future may concrete one half of the barn area. There will be two overhead doors, each 12' by 14', one on the side and one in the rear. Driveway will be to the right side of the building. There will be no sales on premises. Property will be just for personal use. In the future may have a small office, no walk-in business and no restroom facilities at the present time. He said he has a few pieces of equipment, a dump truck, trailer and two service trucks and two small excavators. There will be no change in the existing driveway.

Mr. Phillips questioned the outdoor storage and Mr. Kubiniec said there will be a couple of loads of stone and some pipe.

Applicant said there will be no blocks stored or debris, no huge stock pile. There will be one (1) employee. There will be a security light on the side of the building with a motion sensor. Mr. Kubiniec is not requesting a sign at this time. There are existing swales which drain around the power lines. He said building will be a Parco with a steel roof, 16' side walls to facilitate doors and 22' high at the peak. At present he is renting a place for storage of his equipment as he wants to keep equipment out of the weather.

Building Inspector recommended, if Site Plan is approved, grant it for one (1) year and then applicant come back for a review.

Mr. Phillips recommended limiting amount of stone to a few loads. He said Mr. Kubiniec said he is going to stone the whole back area. He asked applicant if there will be more things stored there?

Mr. Kubiniec said that will allow trucks to get in and turn around. He said he doesn't intend to store more things in the back. There is a 20' berm in the back and that will remain. There will be 30 feet from building to lot line.

Stoned area can be no closer than ten (10) feet from lot lines.

Outside storage will be directly behind the building to the north side of property. Any copper will be stored in the building. Limited amount of stone at any one time.

A motion was made by Mr. Willett and seconded by Mr. Hurtgam to declare **negative declaration under SEQR** on Site Plan application of David Kubiniec. Unanimously approved, motion carried.

A motion was made by Mr. Human and seconded by Mr. Willett to **approve** Business Site Plan application of David J. Kubiniec, 4268 Upper Mountain Road, Sanborn, for a business use, namely shop/yard for plumbing business at 4049 Saunders Settlement Road, Sanborn 14132, as submitted, with conditions:

1. No signs
2. Outside storage of stone and other material permitted in limited and defined area no closer than ten (10) feet from lot lines and no closer to the road than rear of proposed building within proposed fenced area.
3. Stoned area to the rear of the property is to be no closer to the lot lines than ten (10) feet.
4. Equipment to be stored in the proposed building.
5. Site Plan is approved for a period of one (1) year subject to review by the Planning Board at that time.

Unanimously approved, motion carried.

Mr. Kubiniec was reminded that he needs to obtain a building permit for construction of the building.

New Business – none

REPORTS:

1. Niagara County Community College – Special Permit required from Zoning Board and a Site Plan from the Planning Board.
 - (a) Special Permit for educational institution, dormitories will be in AR district.
 - (b) Site Plan – dormitories will be rented out – in AR zone – private entity

About twelve (12) acres is being divided taken off of college property. Subdivision approval and Site Plan approval are necessary.

SEQR – Planning Board or Zoning Board can act as Lead Agent. Chairman of each to discuss the issue and make decision.

A meeting of the three boards, Planning, Zoning and Town Board, will be scheduled for next week on the aforementioned issue. No date set as of tonight's meeting. Mr. Amacher would like the alternate board members also to be present at the meeting.

This new facility will be privately owned and privately run. The proposed dormitory will be located on the northeast corner of the college property.

2. James Zetes – property located on the east side of Shawnee Road between Saunders Settlement Road and Upper Mountain Road. In January 2006 application was approved for a one-lot subdivision. At that time Mr. Zetes said he would like to construct a plaza on this property. The top soil was stripped but nothing further done.

Building Inspector said he notified Mr. Zetes that he needs to do something with the top soil before frost time. Nothing was done.

A motion was made by Mr. Willett and seconded by Mr. Human to direct Mr. Burch, Building Inspector, to write a letter to Mr. Zetes advising him to inform Building Inspection Department what his plans are for the property and to do so before the end of May 2007. Unanimously approved, motion carried.

End of reports.

Mr. Mawhiney said in regard to the Kubinieć Site Plan application, is Mr. Kubinieć planning to store fuel on the property for his machinery? Building Inspector is to ask Mr. Kubinieć at the time of applying for a building permit for the building about the fuel situation.

Next scheduled Planning Board meeting will be Monday, May 21st at 8:00 P.M. There is a possibility of a time change because the Zoning Board's regular meeting will be on the holiday.

A motion was made by Mr. Hurtgam and seconded by Mr. Phillips to adjourn at 9:15 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____