

April 19, 2010

The regular monthly meeting of the PLANNING BOARD of the TOWN of CAMBRIA was called to order at 7:00 P.M. by William Amacher, Chairman, followed by the Pledge to the Flag and welcomed everyone to the meeting.

Members present: William Amacher, Chairman
Jeffrey Hurtgam, John Phillips
Roger Schreader, Sr., alternate
Members absent: Gerardo Buzzeo, Douglas Mawhiney
Also present: Robert Blackman, Councilman and liaison
Clifford Burch, Building Inspector
Donald Lane, Deputy Building Inspector
Gary Billingsley, Attorney
Robert Klavoon, Wendel-Duchscherer, Eng.

A motion was made by Mr. Schreader and seconded by Mr. Phillips to approve minutes of meeting of March 15, 2010 as presented. Unanimously approved, motion carried.

09-11 (12-07-09) MARIA SHAH, 4621 Ridge Road, Lockport, N.Y. 14094
Tariq Shah, 100 North Clark Road 303, Los Angeles, California 90048

Matthew T. Weber, PC, Attorney, was present on behalf of Mrs. Shah. He apologized for the delay on this Request for Subdivision Approval by Mrs. Shah, but said he had not received any communication. The SEQR form was corrected and submitted.

The request is for a Minor subdivision of house and five (5) acres from main 40 acre parcel at 4621 Ridge Road, Lockport.

Mr. Weber said the bank would only allow a mortgage on the front 5 acres of property including the house. There will be two (2) S.B.L. numbers, one for house and 5 acres and one for the remaining property, about 34 acres. He said the deed has been recorded. The property was purchased in January 2008 from Dayle Chapman. Frontage requirement has been met and does meet Zoning regulations. Mr. and Mrs. Shah still own the property the cell tower is on.

The frontage on the remaining parcel of approximately 34 acres is about 235 feet. The cell tower has an easement on. Mr. Weber said Mr. and Mrs. Shah have indicated to him that they have no intention of building or doing anything with the 34 acres at this time.

Board members had no concerns.

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to **waive** the Public Hearing on application for Minor subdivision of Maria Shah at 4621 Ridge Road, Lockport. Unanimously approved, motion carried.

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

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to **approve** application of Maria Shah for a Minor subdivision of house plus five (5) acres from main 40 acre parcel at 4621 Ridge Road, Lockport 14094. Unanimously approved, motion carried.

An amendment to the preceding motion was made that if Maria Shah decides to sell frontage on the 33.5 acres in the future, for a building lot, the Recreation fee would have to be paid at that time. This amendment agreed to by Mr. Phillips and Mr. Hurtgam. Unanimously approved, motion carried.

RENEWAL

2007-05 **David Kubiniec**, 4268 Upper Mountain Road, Sanborn 14132
Site Plan for yard and shop area for plumbing business at 4049 Saunders Settlement Road, Sanborn 14132

Mr. Kubiniec had informed Building Inspector that he would not be able to attend tonight's meeting and would like action postponed for 1 month.

2010-02 (3-09-10) **Stan Tubinis**, owner, and **Hooper Realty**, applicant
Business Site Plan for business at 2960 Saunders Settlement Road, Sanborn 14132

The following have been submitted: Application for Site Plan Approval for a business consisting of 3 pages, sketch of office, waiting area and entry to the building; Short Environmental Assessment Form, Agricultural Data Statement and a picture of the front of the building.

Mr. Tubinis was present at this meeting and said Hooper Realty would like to open a branch office at 2960 Saunders Settlement Road in the plaza, between Market Place and Tanning business. They would like a sign on the existing pole and will be the same size as existing signs. He said Market Place may move their sign and be on with the HSBC bank. Hours of operation would be Monday thru Friday 10:00 P.M. to 6:00 P.M. and Saturday if there is a demand. He said there will be no outside storage and should be opening for business in about a month.

Building Inspector said this business would not create much traffic and there is plenty of parking area.

Mr. Tubinis said Benderson takes care of the parking lot.

Board members had no concerns.

Counsel said Niagara County Planning Board recommended approval on this Site Plan application.

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to **approve** Business Site Plan of Stanley Tubinis, owner, and Hooper Realty, applicant, as presented. Unanimously approved, motion carried.

2010-03 (3-29-10) Christopher Matyas, 7166 Pendale Circle, North Tonawanda, N.Y. 14120
Business Site Plan for business at 4935 Lockport Road, Lockport 14094

Mr. Matyas was present at this meeting and has submitted the following: Site Plan Review Applicant Checklist, Short Environmental Assessment Form and copy of subject property highlighting the building on the property.

Mr. Matyas said his business is light manufacturing – computer control. Bring in raw materials and convert to finished product and then ship out. There are five employees, will be no outside storage, will be using natural gas for heat.

He said they have been cleaning up the property from prior business, namely, propane tanks which have been removed from the property, scrap and old furniture have been disposed of.

Counsel reported the Niagara County Planning Board had some concerns as follows:

1. What is being done with computers?

Mr. Matyas said they make parts for computers and then ship them out.

2. Environmental concerns, such as, what does applicant do with the scrap materials?

Mr. Matyas said scraps are put in a dumpster inside of the building. Old furniture from previous owner will be removed from the property.

Mr. Matyas said John Wasik, from whom the property was purchased, is cleaning up outside with his equipment. There will be no heavy welding.

There had been environmental problems with the previous business.

Mr. Matyas said they have cleaned up inside, lot of dust and general cleaning and painted the walls, etc.

Regarding signage, there is a lighted sign there now which is in a “V” shape and will use that for the new business. There is security lighting around the building on the outside.

Hours of operation will be 7:00 A.M. to 5:00 P.M. Monday thru Friday and 7:00 A.M. until noon on Saturday. There is enough parking area.

Deputy Building Inspector said everything is basically the same and applicant is cleaning up the property.

Mr. Matyas will need to get a Special Permit for the business. Planning Board can make a recommendation and Zoning Board will make the final decision,

A motion was made by Mr. Schreader and seconded by Mr. Phillips to recommend that the Zoning Board make final decision on this application of Christopher Matyas for a business at 4935 Lockport Road. The Planning Board recommended a few conditions as follows:

1. Hours of operation – 7:00 P.M. to 5:00 P.M. Monday thru Friday and 7:00 P.M. until noon on Saturday.

2. Five (5) employees
3. No outside storage
4. Sign – not to exceed the size of current sign on the property.
5. No recycling of computer parts on the premises.

Unanimously approved, motion carried.

PUBLIC HEARING:

Secretary read portion of Public Hearing Notice as follows:

2010-04 LEE KROENING, 5788 Pascoe Park, Sanborn, New York 14132, for Site Plan Approval for a residence to be located 300 feet from the road right-of-way upon premises on the east side of Cambria Road approximately 200 feet from the south edge of the Escarpment shelf pursuant to the Escarpment District Regulations of the Town of Cambria.

Mr. Kroening along with Shelagh Thomas representing Berkshire Homes, were present at this meeting.

The following have been submitted: Application for Site Plan Approval in the Escarpment District consisting of 3 pages, Short Environmental Assessment Form, Agricultural Data Statement and copy of portion of Deed.

Ms. Thomas said Mr. Kroening would like to construct a residential home, approximately 5,250 square feet, about 300 feet from the road right-of-way and approximately 200 feet from the south edge of the escarpment shelf. The house will be built on rock about four (4) feet down and approximately two and one-half (2-1/2) feet will be above grade.

Public Hearing open:

Robert Blackman, 4472 Thrall Road, Lockport, asked if the house will be in the Escarpment District and the answer was, yes, according to the Zoning map. Also said he has no problem with where Mr. Kroening wants to place his house.

Public Hearing closed.

It was asked what is the distance from the front of the house to the first building lot and the answer was approximately 200 feet and Mr. Kroening said he owns that lot also.

Mr. Kroening said some of the brush has been cleaned out and some will be left.

Chairman asked if he would have to put in a meter pit for the lot?

Mr. Kroening said there will be a two (2) inch water line to the house and there is a hydrant near his driveway.

Mr. Schreader said the driveway is approximately 400 feet long and another 300 feet to the house, total of about 700 feet. He has a concern for getting fire equipment back to the home if necessary. Fire company has five (5) inch hoses and would need three (3) pieces of fire equipment to get back to the house. Also, would the driveway be solid enough to hold fire equipment vehicles?

Mr. Kroening said the driveway will be solid and will put in a turn-around in driveway near the house. The width of the driveway will be approximately sixteen (16) feet. House will be equipped with an alarm system.

It was asked how large a turn-around is necessary?

Mr. Schreader said the turn-around should be at least 20 feet, 30 feet by 40 feet, equal to three cars.

Counsel asked applicant why 300 feet from the road right-of-way rather than 125 feet as required in the Zoning Ordinance?

Mr. Kroening said they want to be back for the view of Toronto and the lake.

It was asked about landscaping to block view of the homes to the south?

Building Inspector had nothing further to add to this application.

Counsel said as far as the homes to the south, they are back approximately 125 feet. He asked if applicant plans to put a buffer in for privacy purpose?

Mr. Kroening said there is a natural buffer there already. He said he will add some trees along the line for privacy. Quantity of trees will depend on the type of trees. Pine trees are good.

This Site Plan Approval will be subject to Mr. Kroening obtaining a variance for setbacks.

A motion was made by Mr. Schreader and seconded by Mr. Hurtgam to **approve** Site Plan with conditions:

1. There is to be a 20 foot turn-around (30' by 40').
2. Plant trees for buffer for privacy of neighbors to the south.
3. Approval of Site Plan is subject to obtaining a Variance for setbacks.

Unanimously approved, motion carried.

Mr. Phillips said the front of the house will be facing the south and the back to the north.

Mr. Kroening said that is for view.

10-04 (04-01-10) MOHAMMED M. HOSSAIN, 9803 – 53RD Avenue, College Park, Maryland 20740

Mr. Hossain was not present at this meeting. David Coulter was present on behalf of Mr. Hossain.

The following have been submitted: Application for Subdivision Review, Request for Minor Sub-

division Approval, Short Environmental Assessment Form, Agricultural Data Statement, a sketch of the property and Rough map of existing house and land for Mr. Hossain, 3876 North Ridge Road.

Mr. David Coulter is purchasing all of Mr. Hossain's property, except for five (5) acres including the existing home. Mr. Hossain plans to do organic farming on the five acres. This property was formerly owned by James and Gertrude Luff.

Secretary read the portion of the Notice of Public Hearing as follows:

10-04 MOHAMMED HOSSAIN, 9803 –53rd Avenue, College Park, Maryland 20740, Preliminary Plot approval for a Minor subdivision for one lot from premises located on the south side of North Ridge Road in the vicinity of 3870 North Ridge Road. The lot contains approximately five acres.

Public Hearing open:

Nathan Talun, 3892 North Ridge Road, Lockport, said he has no problem with Mr. Hossain keeping the five (5) acres and existing home, but does not want a house between his, Mr. Talun's home and Mr. Hossain's home. For several years the plastic from the unused greenhouses has been blowing around.

Land is zoned Agricultural-Residential.

Mr. Coulter said as far as he knows, there are no plans for a home on the five acres, Mr. Hossain just wants to farm the land.

James Lafler, 3718 North Ridge Road, Lockport 14094, said the Luff farm has been an "eye sore" for at least the last year. Mr. Hossain purchased the property but did not clean up the premises. There were greenhouses on the property and the plastic came off and was everywhere and got into the creek and when heavy rains came, backed up on the properties in that area and also created a log jam.

Lauren Lewis, 3892 North Ridge Road, Lockport said she is against the way applicant has taken care of the property and not cleaned up.

Public Hearing closed.

Chairman said there has been a lot of controversy and complaints on the looks of the property.

Mr. Phillips has mentioned to the board at several meetings the condition of the property.

Building Inspector said he has written letters to Mr. Hossain about the condition of the property and the plastic from the greenhouses blowing around.

Mr. Coulter said he will take care of the back portion of that property.

No further development of the applicant's retained property, 5 acres, would be permitted unless applicant is in compliance with the provisions of the Zoning Ordinance.

Mr. Coulter said the purchase agreement is contingent on separating the five (5) acre lot off of the farm and retained by Mr. Hossain.

Mr. Robinson said it has been several years getting this property cleaned up.

Mr. Coulter said the existing house is not in livable condition. He said sale of the property is contingent on lot being approved. He said surveyors are working on the survey for the property. Mr. Coulter's property would be behind, south of the 5 acres.

Building Inspector said Mr. Hossain was informed of the \$350.00 Recreation Fee for a residential lot.

A motion was made by Mr. Hurtgam and seconded by Mr. Phillips to declare **negative declaration under SEQR** on application for subdivision of Mr. Hossain. Unanimously approved, motion carried.

A motion was made by Mr. Hurtgam and seconded by Mr. Schreder to **approve** preliminary plot approval for a Minor subdivision for Mohammed Hossain for one lot, approximately five (5) acres, from premises located on the south side of North Ridge Road in the vicinity of 3870 North Ridge Road; with provision, a copy of survey showing the five (5) acre parcel is to be submitted to the town. Unanimously approved, motion carried.

10-05 (04-05-10) SHIRLEY COULTER/DAVID J. COULTER, 3871 North Ridge Road, Lockport 14094.

The following have been submitted: Application for Subdivision Review, Request for Minor Subdivision Approval, Short Environmental Assessment Form, Agricultural Data Statement, copy of portion of Survey map and copy of portion of town map highlighting subject parcel.

Mr. Coulter said they would like to separate 4.03 acres from Parcel no. 78.00-1-6. The new parcel would be joined to parcel with frontage to the north, William Buzzard, 3920 North Ridge Road, Lockport 14094. Subject property is in the flood plain. Subject parcel is to be consolidated on to Mr. Buzzard's deed within three (3) months.

A motion was made by Mr. Phillips and seconded by Mr. Schreder to **waive** Public Hearing on application of Shirley Coulter/David Coulter for Minor subdivision on the south side of North Ridge Road. Unanimously approved, motion carried.

A motion was made by Mr. Phillips and seconded by Mr. Schreder to declare **negative declaration under SEQR** on application of Shirley Coulter and David Coulter. Unanimously approved, motion carried.

Coulter – cont.

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to **approve** application of Shirley Coulter and David Coulter, son, for a Minor subdivision on the south side of North Ridge Road, namely, 4.03 acres from Parcel no. 78.00-1-6. This parcel will be joined to parcel with frontage to the north. Unanimously approved, motion carried.

Robert Stephens 2970 Saunders Settlement Road was not present this evening. He was present at the March 15th meeting requesting to open a Day Care center at the aforementioned address, located east of CVS and said they had New York State approval. The board had some concerns on this proposal and requested Mr. Stephens to come to our next meeting.

A letter was sent to Mr. Stephens dated April 8th advising him to appear at tonight's meeting and there has been no response or communication. He is not operating per Building Inspector.

New Business:

(04-08-10 A & B) Community Bible Church, 4168 Church Road, Lockport, N.Y. 14094, owner
Apex Consulting, Survey & Engineering Service, 102 East Avenue, Lockport
N.Y. 14094 – agent

Mr. Timothy Arlington and Mr. David Stuntz were present on behalf of Apex Consulting on behalf of Community Bible Church, who are planning to build a new church on the south side of Upper Mountain Road, between Comstock Road and Subbera Road, property formerly owned by Robert and Loanne McCollum.

Board members were given a copy of Survey dated 11/24/09, copy of Preliminary Layout Plan and Preliminary First Floor Plan of the church.

Mr. Arlington said Phase 1 is to construct a Community building and Phase 2 would be the church. They plan to have services in the Community (Recreation) building until the church is ready

According to town regulations, the main building, church, must be built first.

The entrance would be off of Upper Mountain Road. Parking will be in front and rear of the church. In the back will be room for approximately 236 parking spaces.

There will be a detention pond. There will be two (2) fire hydrants in the back to meet fire code.

Drainage will be to the south through a swale to Bull Creek. Mrs. McCollum owns the property behind the church property .

Services will be held in the gym to start with.

The church will need a variance for the pond and a variance for setback of the building, asking for 250 feet setback.

Community Bible Church – cont.

Time frame for construction, start with Site Plan Approval and then start construction of the building in the Summer of 2010. Hope building will be enclosed by Winter of 2010.

They are working with Wendell-Duchscherer Eng. Zoning Board will be Lead Agent for SEQR.

REPORTS::

Chairman – no report
Building Inspector – no report
Attorney – no report
Board members – no report

Next meeting will be Monday, May 15th at 8:00 P.M.

A motion was made by Mr. Schreader to adjourn at 8:23 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____