

December 15, 2008

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, followed by the Pledge to the Flag. He welcomed everyone to the December meeting.

Members present: William Amacher, Chairman  
Gerardo Buzzeo, Jeffrey Hurtgam, John Phillips, Thomas Willett  
Also present: Robert Blackman, Councilman  
Joseph Ohol, Councilman  
Clifford Burch, Building Inspector  
Donald Lane, Deputy Building Inspector  
Gary Billingsley, Attorney

A motion was made by Mr. Hurtgam and seconded by Mr. Phillips to approve minutes of Special meeting and Regular meeting of November 24, 2008 as presented. Unanimously approved, motion carried.

**08-13 (12-01-08) DWIGHT C. OWEN**, 4179 Budd Road, Lockport, N.Y. 14094  
The following have been submitted: Application for Subdivision Review, Request for Minor Subdivision Approval, Short Environmental Assessment Form, Agricultural Data Statement, copy of Survey map and copy of portion of town map showing Owen's property.

Mr. Owen said he is dividing approximately 18.87 acres from his property which is located on the east side of Budd Road and is selling it to Jason Dumais, adjacent neighbor to the south. There will be 597+ feet of frontage on Budd Road in this subject parcel. This parcel is to be added on to purchaser's deed. There is a twenty (20) foot wide drainage ditch which Mr. Owen said was cleaned out a few years ago. At this time it is not known if there was an easement on same. Mr. Owen said he would provide an easement to the Town of Cambria if requested by Highway Superintendent who would need permission in the future to do the ditching. He said the ditch will belong to the new owner.

Counsel explained the purpose of an easement. He said there is a provision in the Subdivision Regulations that applicant provide an easement to clean the ditch when necessary. Approval would be given on condition of granting the Town of Cambria an easement. There may be an easement on file for this ditch, which will be checked into.

A motion was made by Mr. Phillips and seconded by Mr. Willett to **waive** public hearing on application of Dwight Owen for a minor subdivision on Budd Road. Unanimously approved, motion carried.

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

A motion was made by Mr. Phillips and seconded by Buzzeo to **approve** application of Dwight Owen, 4179 Budd Road, Lockport 14094, to divide off approximately 18.87 acres from his property to sell to Jason Dumais. Subject parcel is located on the east side of Budd Road on the south end of Owen property. Three parcels owned by Mr. Owen to the south, east and north, excluding his residence, shall be consolidated into a single deed. There is a twenty (20) foot ditch going through the 18.87 acres and Mr. Owen said the drainage ditch was cleaned out a few years ago by the Town of Cambria and an easement

shall be granted by applicant to the Town of Cambria if requested by the Highway Department Superintendent. Unanimously approved, motion carried.

Chairman asked Building Inspector if all fees had been paid?

Building Inspector said no new lots are being created and feels recreation fee is not required.

A motion was made by Mr. Buzzeo and seconded by Mr. Hurtgam to **waive** the Recreation fee on application of Mr. Owen because no new lots are being made. Unanimously approved, motion carried.

**08-14 (12-04-08) MARTIN KROENING**, 4165 Upper Mountain Road, Sanborn 14132

Mr. Kroening was present at this meeting and has submitted the following:

Application for one-lot minor subdivision, Request for Minor Subdivision Approval, Short Environmental Assessment Form, Agricultural Data Statement and copy of portion of town map highlighting the subject lot.

Mr. Kroening said he would like to divide off one lot, 125 feet by 225 feet, north of lot approved in 2007. He said he plans to continue selling one lot per year.

There appears to be no drainage problems on this lot.

Building Inspector had nothing to add to this proposal.

Attorney had no questions or concerns on this request.

Board members had no questions on this request.

A motion was made by Mr. Buzzeo and seconded by Mr. Phillips to **waive** public hearing on application of Martin Kroening. Unanimously approved, motion carried.

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

A motion was made by Mr. Hurtgam and seconded by Mr. Buzzeo to **approve** application of Martin Kroening for a one-lot minor subdivision on the west side of Cambria Road. Unanimously approved, motion carried.

Chairman asked Building Inspector if all of the fees had been paid and he replied the application fee for subdivision was paid and Recreation fee has not been paid as of this date. Chairman cannot sign the Final approval until Recreation fee is paid.

Mr. Kroening questioned the reason for this Recreation fee?

Chairman said State law authorizes this type of payment in lieu of green space. This is only on new subdivisions where there is road frontage

**08-15 (10-29-08) JOHN VALERY**, 4332 Ridge Road, Lockport, N.Y. 14094

Mr. Valery 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 highlighting portion to be subdivided.

Mr. Valery said he has sold a parcel of property, approximately 300 feet in width by 200 feet in depth to Paul Swisher, 4296 Green Road, Lockport. Subject parcel will be added to Mr. Swisher's property. There is a ditch on subject parcel. Mr. Valery said the Town of Cambria has cleaned the ditch and believes there is a twenty (20) foot easement to clean the ditch, but if there is no easement, he will sign one if the town requires one. He said Mr. Swisher wants to add this parcel, approximately 300 ' by 200', on to his existing property which goes back (west) about 250'.

Building Inspector said the Recreation fee needs to be paid on this parcel before the Chairman signs the Final Approval.

A motion was made by Mr. Willett and seconded by Mr. Hurtgam to **waive** the public hearing on application of John Valery for subdivision on Green Road. Unanimously approved, motion carried.

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

A motion was made by Mr. Buzzeo and seconded by Mr. Hurtgam to **approve** application for subdivision approval of John Valery, 4332 Ridge Road, Lockport 14094 for property on Green Road, dimensions approximately 300 feet wide by 200 feet in depth sold to Paul Swisher, 4296 Green Road, Lockport 14094, with condition easement be continued. Unanimously approved, motion carried.

**(08-16) 12-08-08) HARRY CRAFT**, 4315 Budd Road, Lockport, N.Y. 14094

The following have been submitted: Application for Subdivision Review, Request for Minor Subdivision Approval, Short Environmental Assessment Form, Agricultural Data Statement and sketch of property,

Mrs. Harry (Kelli) Craft was present at this meeting and said they are selling five (5) acres of back land to Jason Dumais, 4265 Budd Road, Lockport 14094, on the east side of Budd Road, which will be on the east side of Dumais existing property and will also connect with property Mr. Dumais is purchasing from Mr. Owen. She said the property line is in the center of the creek and will not be built on. There is no frontage on this subject five (5) acres.

A motion was made by Mr. Willett and seconded by Mr. Phillips to **waive** public hearing on application of Harry Craft. Unanimously approved, motion carried.

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

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to **approve** application for subdivision of five (5) acres from property of Harry Craft, 4315 Budd Road, Lockport 14094, with conditions:

1. The subdivided parcel, approximately five (5) acres, is to be combined with purchaser's existing property or combine with property being purchased from Mr. Owen, on to one deed.
2. Drainage easement to the Town of Cambria is required to clean the existing ditch, 10' on either side of the ditch, if requested by Town of Cambria Highway Superintendent.  
Unanimously approved, motion carried.

A Recreation fee is not required because no new building lots will be created. Unanimously approved, motion carried.

REPORTS:

Chairman – Association of Towns' meeting – February 15 – 18.

2009 Calendar:

January 19<sup>th</sup> meeting changed to January 26<sup>th</sup>

Work meeting 5:30 P.M.

Regular meeting 7:00 P.M.

February 16<sup>th</sup> meeting changed to February 23<sup>rd</sup> 7:00 P.M.

May 18<sup>th</sup> meeting 7:00 P.M.

All the rest of the 2009 meetings will be on the 3<sup>rd</sup> Monday

Building Inspector – no report

Attorney – no report

Board members:

Mr. Hurtgam suggested explaining the Recreation fees on the Subdivision Application.

A motion was made by Mr. Phillips to adjourn at 8:57 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: \_\_\_\_\_