

February 22, 2010

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

Members present: John Phillips, Vice Chairman  
Jeffrey Hurtgam  
Roger Schreader, alternate  
Members absent: William Amacher, Chairman  
Gerardo Buzzeo  
Douglas Mawhiney  
Also present: Clifford Burch, Building Inspector  
Donald Lane, Deputy Building Inspector  
Gary Billingsley, Attorney

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to approve minutes of meeting of January 25, 2010 as presented. Unanimously approved, motion carried.

**09-11 (12-07-09) MARIA SHAH**, 4621 Ridge Road, Lockport, N.Y. 14094

There was no one present at this meeting or the January meeting on behalf of Ms. Shaw and no communication received.

The following have been submitted: Application for Subdivision Review, Request for Minor Sub-division Approval, Short Environmental Assessment Form, Agricultural Data Statement, a map - Maintained by the GIS Program, highlighting subject parcel and copy of Survey Map.

Per information on SEQR form, Ms. Shah wishes to divide house plus five (5) acres from main 40 acre parcel.

A letter is to be sent to Ms. Shah informing her if there is no response, application will be denied due to lack of communication.

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader if there is no representative present or communication received by the March 15<sup>th</sup> Planning Board meeting, the application for subdivision will be denied. Unanimously approved, motion carried.

**10-02 (01-04-10) CHARLES KESTERSON**, 5943 Campbell Boulevard, Lockport 14094, was present at this meeting and said he would like subdivision approval for a triangular lot, 1.12 acres, fronting on Campbell Boulevard, dimensions 265.4' deep by 467.0' on the east side and frontage of 420.0' on Campbell Boulevard.

Mr. Kesterson said Mr. Dick Miller has inquired from him about purchasing this parcel, which is zoned B-1 and is aware that a residence would not be permitted on this parcel. Mr. Miller would like to purchase this property for an access road from Campbell Boulevard to his property on the east side of Kesterson property, which is located in the Town of Lockport. Mr. Miller has frontage of about 1,000 feet along Lockport Road which includes the woods. There are existing power lines on the northern tip of the triangular piece. Subject property is located in the Town of Cambria.

Mr. Kesterson was informed that any further development involving this parcel, 1.12 acres, will need to come back to the Planning Board, Zoning Board or Town Board for review.

Mr. Kesterson said Mr. Miller is in the construction business and he needs access from Campbell Boulevard to his property to the east.

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to **waive** public hearing on application of Charles Kesterson for a minor subdivision on the east side of Campbell Boulevard. Unanimously approved, motion carried.

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

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to **approve** application for minor subdivision consisting of 1.12 acres of Charles Kesterson, 5943 Campbell Boulevard, Lockport, N.Y. 14094. Any residential development or future roads involving this parcel will require approval by the Town Planning Board, Zoning Board of Appeals and/or Town Board depending on the nature of the application. This property is zoned B-1 and does not allow residential dwellings. Unanimously approved, motion carried.

#### **OUTDOOR HEATING DEVICES** (Wood burning furnaces)

Page 4, No. 6. -paragraph 2, sentence 2 – “At that time, the owner will be issued a permit at no cost, provided the owner can prove that said furnace was in operation before the time when this chapter took effect and that the furnace was installed in accordance with manufacturer’s instructions”.

A few concerns expressed and discussed by board members:

Page 3 B. Fuels prohibited

- (1) Correct type of wood – protect the town in accordance with manufacturer’s specifications by using correct type of wood.

Page 3 C. – Setbacks, etc.

- (3) Minimum setback of 100 feet from road, and 135 feet from any other property line.
- (4) No outdoor heating device shall be located upon premises containing less than 5 acres or containing less than 400 feet in frontage. Would Agriculture and Markets supercede this?
- (7) No outdoor heating device shall be operated between May 15<sup>th</sup> and September 15<sup>th</sup> . Heating of just water between those months for other than heat? Building Inspector said these types of furnaces are not efficient for just heating water.

Would wood burning devices be subject to variances – variance from Local Law?

Chairman asked board members if they would like more time to study the Outdoor Heating Device Law and the answer was no.

A motion was made by Mr. Schreader and seconded by Mr. Hurtgam to forward the proposed Outdoor Heating Device Law to the Town Board for their action. Unanimously approved, motion carried.

New Business:

Robert Stephens, 2970 Saunders Settlement Road, Sanborn 14132, was present at this meeting and said he, his wife and a friend would like to operate a Day Care Center from an existing building on this property, which is located east of CVS. They would like a 4' by 3' sign. They plan to open March 1<sup>st</sup>. They are allowed to have a maximum of eight (8) children and there are ten (10) parking spaces available with a stone driveway. Mr. Stephens said he and his wife live in the house, which they rent, on this same property. He said they have approval from the state.

Hours of operation could vary based on what the people need.

Counsel said applicants shall comply with any parking requirements, signage, prevent dust and any other requirements on any Site Plan approvals previously approved by this board.

Mr. Stephens said the name of the day care will be "Honey Pot".

A motion was made by Mr. Schreader and seconded by Mr. Hurtgam to **approve** 4' by 3' sign to be on existing bracket. Unanimously approved, motion carried.

Mr. Stephens was advised he will need to get a Building Permit for the sign.

REPORTS:

Building Inspectors – no report this evening

Attorney – no report

Board members – no report

The next meeting will be Monday, March 15<sup>th</sup> at 8:00 p.m.

A motion was made by Mr. Schreader and seconded by Mr. Hurtgam to adjourn at 7:50 p.m.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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

