

February 26, 2007

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

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

A motion was made by Mr. Willett and seconded by Mr. Mawhiney to approve minutes of meeting of January 22, 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:

07-01 DALE T. FORREY – west side of Baer Road between Ridge Road and Lower Mountain Road.

07-02 VIRGINIA J. FERCHEN and PHYLLIS R. ORCHARD – west side of Cambria-Lockport Townline Road between Ridge Road and Shunpike Road.

07-03 DANIEL and VICTORIA HOGUE – south side of Lower Mountain Road between Shawnee Road and Cambria Road.

PUBLIC HEARINGS:

07-01 DALE T. FORREY, 2014 Payne Stewart Drive, Titusville, Florida 32796
No one was present at this time on behalf of Mr. Forrey.

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

07-02 VIRGINIA I. FERCHEN and PHYLLIS R. ORCHARD

Virginia I. Ferchen and husband, 5166 Ridge Road, Lockport 14094, were present at this meeting and have 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 subject parcel..

Public Hearing open:

The dimensions of the subject parcel are 172 feet by 610 feet, 2.4 acres, located on the west side of Cambria-Lockport Townline Road, approximately 627 feet south of Ridge Road.

There were no comments from members of the public.

Public Hearing closed.

Per Building Inspector, there are no drainage problems.

Mr. Mawhiney said there was some drain tile installed on that property.

There were no further comments from board members.

There has been no response from the Niagara County Planning Board on this application as of this meeting, therefore, no action by this board can be taken this evening.

A motion was made by Mr. Phillips and seconded by Mr. Willett to table action on application of Virginia Ferchen and Phyllis Orchard until the March meeting. Unanimously approved, motion carried.

At this time, Mr. Scott Stopa, 365 Market Street, P.O. Box 463, Lockport 14094, appeared on behalf of **Dale T. Forrey** for a one-lot minor subdivision on Baer Road.

Public Hearing open:

Per SEQR form, stated land affected is 300 feet by 1330 feet.

There were no comments from members of the public.

Public Hearing closed.

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

Mr. Phillips questioned the division of this property as shown on copy of town map. It shows the highlighted area as actually 450' wide. One parcel is 150' by 1311' and the other as 300' wide by 1306'.

Mr. Stopa said the aforementioned is correct, two parcels. He said there is a purchase offer for the 150' wide lot which is being divided from the 450' parcel.

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

A motion was made by Mr. Phillips and seconded by Mr. Willett to **approve** application of Dale T. Forrey for a one-lot minor subdivision on the west side of Baer Road between Ridge Road and Lower Mountain Road, dimensions of subject lot are 150' wide by 1311' in depth. Unanimously approved, motion carried.

07-03 DANIEL and VICTORIA HOGUE, 4402 East Lake Road, Wilson, N.Y. 14172

Mr. Hogue 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 deed.

Mr. Hogue said he is subdividing seven (7) acres from his property and selling it to Alan and Judith Horowitz who will incorporate this parcel into their existing deed.

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

Public Hearing closed.

Mr. and Mrs. Horowitz were present at this meeting. Mr. Horowitz said they are purchasing this property as they wish to expand and move the boundary line away from their home. He said they will incorporate the seven acres into their existing deed. He said they wish to build a barn or storage facility for agricultural purposes.

Building Inspector's concern on this issue is that the seven acres be incorporated into Mr. and Mrs. Horowitz's existing deed.

Board members had no comments on this issue.

A motion was made by Mr. Hurtgam and seconded by Mr. Mawhiney to declare **negative declaration under SEQR** on application of Daniel and Victoria Hogue. Unanimously approved, motion carried.

A motion was made by Mr. Phillips and seconded by Mr. Willett to **approve** application of Daniel and Victoria Hogue for a one-lot minor subdivision on the south side of Lower Mountain Road between Shawnee Road and Cambria Road, with condition that subject parcel, seven (7) acres, be added to purchasers, Alan and Judith Horowitz's existing deed, at 3918 Lower Mountain Road. Unanimously approved, motion carried.

End of Public Hearings

BUSINESS SITE PLAN:

2007-03 **MARLENE SLATER**, 2970 Saunders Settlement Road, Sanborn, N.Y. 14132, was present at this meeting and has submitted the following: Application for Site Plan Approval and Agreement, Short Environmental Assessment Form, Agricultural Data Statement and sketch of the property showing home and proposed store.

The proposed store was formerly used as a retail business, namely, sale of uniforms.

Mrs. Slater said she would like to sell fountain sodas and prepackaged candy. There is a restroom in the building. She said she lives in the house on this property which she rents. She doesn't know if the property is sewerred. She plans to be open year-around. There will be no changes to the structure of the building, but will redecorate the inside, paint and add counter space. The building is insulated and

carpeted. She will not be putting in any petitions, all open inside. She will need Health Department approval. Hours of operation will be Monday through Friday 10:00 A.M. to 9:00 P.M. and Saturday and Sunday 10:00 A.M. to 10:00 P.M., closed on Wednesday. There will be no outside storage, two (2) employees, will leave parking facility as is and will extend gravel to the front of the property, will stay back from the existing ditch along the road.

Applicant said there is a walk bridge to the CVS parking lot which is to the west of her place. She would like a sign. There will not be any advertising on the building itself. This will be a walk-in business. She said she may have tables set up which would be determined by Health Department. She said a total of seven (7) vehicles could be parked in the driveway at one time on an angle.

Building Inspector said there can be no backing out on to the road and she must have ample parking area so people can turn around and drive out.

Applicant said the owner of the property is aware of her plans.

Counsel said blacktopping is a requirement and usually after one year of opening of business.

Ms. Slater said she could not do that right a way and would like to operate the business for at least one year and see if it succeeds or fails before making any further investment. She does not plan to do any further landscaping at this time. She needs to have a ten (10) foot buffer from the road.

The board would like some additional information on the sketch plan prior to making a decision such as: location of the driveway, parking facility – number of spaces, brief description of the inside of the building, buffer area between parking area and ditch, survey from the owner of the property with exact measurements and show where property line is in the front of the property.

A motion was made by Mr. Philips and seconded by Mr. Willett to table action on Business Site Plan of Marlene Slater until March meeting. Unanimously approved, motion carried.

Applicant was asked to get the information to the Building Inspector Department as soon as possible and go over same. Copies can then be made and sent to board members for their review prior to the March meeting.

06-04 Willow Creek Patio Homes

Mr. Thomas Plotar, P.E., Greenman Pedersen, Inc., on behalf of Castleton Development Corp. Petitioner, and other persons were present on behalf of Willow Creek Patio Homes Subdivision, in the vicinity of Shenk Road, Sanborn.

A new design sketch plan was shown to board members for twenty-four (24) lots and two (2) lots fronting on Saunders Settlement Road. The two lots have already been approved. Mr. Plotar updated the board on what has transpired. The Town Board requested a Flood Plain Study be done which is a requirement in Local Law. The FEMA map showed a larger flood plain area then previously shown on plans. He said the total subject property is approximately eighteen (18) acres and the southern end of the

property is in the flood plain area and per previous plans, would not be feasible to get the number of proposed homes, 58, outside of flood plain area. A meeting was held February 6th with representatives of Willow Creek, Mr. Shoemaker, Attorney; Mr. Ellis, Supervisor; Mr. Billingsley, Attorney for the Planning Board and John Phillips, Planning Board Vice Chairman, on this issue.

The water line will remain where planned. Plans have not been presented to the Highway Department for review as of this meeting.

Two (2) lots fronting on Saunders Settlement Road were previously approved and on one of them they would like to construct a model home prior to any work being done on the proposed 24 homes. They would like approval for the model home and concept of the new sketch plan for the 24 homes this evening. The proposed figures on the model home are: 60 foot wide lot, setback from right-of-way of Saunders Settlement Road 60' to 72', depth of the model home lot approximately 267' and square footage of the home approximately 1460, 2 to 3 bedroom, and landscaped. These two lots are sewered from the front and are in the PD district.

Counsel said no formal action can be taken this evening on the concept plan but approval could be given for the request for the model home.

A motion was made by Mr. Phillips and seconded by Mr. Mawhiney to recommend approval of request of Willow Creek Patio Homes Sub., Castleton Develop. Corp. to construct a model home on Lot No. 1 fronting on Saunders Settlement Road (Rt. 31) as follows:

1. Lot to be at least sixty (60) feet in width.
2. Setback from right-of-way, Route 31, shall be between 60' and 72'.
3. Approximate depth of lot - 267'.
4. Model home shall be approximately 1460 square feet – 2 to 3 bedroom.
5. Property to be suitably landscaped.
6. Model home to be placed on Lot No.1 which is sewered. Lot No. 2 is also sewered.

Unanimously approved, motion carried.

Regarding the concept of new plan for 24 patio homes, there appears to be no problems. A copy of this new plan needs to go to Wendel Engineers for their review. Board needs to see plans for sewer.

Building Inspector requested applicant to try and stake out where the actual flood plain is located on this subject property.

A motion was made by Mr. Hurtgam and seconded by Mr. Phillips to **approve** concept plan as presented this evening by Mr. Plotar on behalf of Willow Creek Patio Homes Sub. Unanimously approved, motion carried.

2007-02 (1-24-07) Cambria Volunteer Fire Co., Inc., 4631 Cambria-Wilson Road, Lockport 14094, submitted application for Site Plan/Special Permit to use fire company property to hold a dog show sponsored by the Niagara Falls Kennel Club for four (4) days in July 2008. There will be approxi-

mately 80 trailers and many dogs for this event. The application was approved for the four-day event.

Counsel said per Zoning Ordinance, Section 1119, “In an Agricultural and Residence District AR or on the premises of a building occupied by a church, civic organization or similar non-profit group in any district, a permit may be issued under the terms of Section 1100 for a fair, carnival or circus for a period not to exceed three days in any calendar year. The permit may be issued by the Planning Board upon completion of a Site Plan Review.”

After discussion on this issue with Howard Morgan, President of Cambria Fire Co., and confirmation per letter dated February 23, 2007, which states this will be a 4 day event in September 2008, interpretation in the Zoning Ordinance, is that only 72 hours (3 days) is permitted by the Planning Board, which does not have jurisdiction to grant a permit for over 72 hours.

Mr. Billingsley said Mr. Morgan agrees they should go through the regular Special Permit process.

Counsel said the Planning Board should rescind the approval given on January 22, 2007. The applicant should proceed with regular Special Permit process through the Zoning Board.

A motion was made by Mr. Willett and seconded by Mr. Hurtgam to **withdraw** the motion made at the January 22nd meeting to approve application of Cambria Volunteer Fire Co, Inc., for Site Plan approval and Special Permit approval to have a 4-day dog show sponsored by Niagara Falls Kennel Club per attorney’s comments and that the said fire company go through the regular Special Permit process for this application. Unanimously approved, motion carried.

Mr. Phillips attended meeting with HSBC and IDA representatives regarding proposed project on the north-east corner of Comstock Road and Lockport Road, namely, HSBC Technology and Services. A briefing of the project was given. A Public Hearing is scheduled on this issue for March 13th at 4:30 P.M. at the Cambria Town Hall.

Mr. Burch asked how close to the corner will the building be? No Site Plan or paper work has been received as of this meeting. Mr. Phillips said per information he received, this project is forthcoming by April.

Subdivision Regulations:

The following recommendations were made this evening:

1. Clarify when a fee is a recreation fee where required (as opposed to a fee for the Subdivision Application), including on Page 25, Section C, where Recreation should be in 3 places , (First paragraph, fifth line; and Second paragraph, first and third lines); and
2. Add a reference to FEMA regulations where relevant including page 21, Section J and page 24, Section D.

A motion was made by Mr. Phillips and seconded by Mr. Willett to recommend that the Town Board amend Subdivision Regulations and to take into consideration the additional proposed changes and additions discussed at tonight's meeting. Unanimously approved, motion carried.

REPORTS:

Building Inspectors – nothing this evening

Attorney – nothing this evening

Board members – nothing this evening

The next regular Planning Board meeting will be held on March 19th at 8:00 P.M.

A motion was made by Mr. Willett to adjourn at 8:10 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____