

March 15, 2010

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 and welcomed everyone to the meeting.

Members present: William Amacher, Chairman
Jeffrey Hurtgam, Douglas Mawhiney, John Phillips
Roger Schreader, Sr., alternate
Member absent: Gerardo Buzzeo
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. Mawhiney to approve minutes of meeting of February 22, 2010 as presented. Unanimously approved, motion carried.

09-11 MARIA SHAH, 4621 Ridge Road, Lockport, N.Y. 14094

Ms. Shah had submitted Application for Minor Subdivision, namely, to divide house plus five (5) acres from main forty (40) acre parcel in December 2009.

There was no one present at the January, February or tonight's meeting and no communication has been received from the applicant. Letters have been sent to Ms. Shah and no response.

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to table action on the Shah subdivision application for one (1) more month and Attorney will write one more letter requesting a response to same. Unanimously approved, motion carried.

10-03 (02-17-10) MIRON B. WASIK, 4876 Saunders Settlement Road, Lockport, N.Y. 14094.
George Wasik, son of Miron, was present on behalf of this subdivision.

The following have been submitted: Application for Subdivision Review, Short Environmental Assessment Form, Agricultural Data Statement and copy of portion of Survey map.

Also present, Christopher Matyas who is purchasing the subject property (183.37' by 440.44') located at 4935 Lockport Road, north side. Mr. Matyas said his business will be similar to what the previous occupant of the building did, machine shop, light manufacturing computer work. He said there will be approximately five employees at this time. Property is zoned B-2.

Mr. Matyas was informed that his application must go to the Niagara County Planning Board for their review. He will also need a Special Permit for the business.

Chairman asked if there are wetlands on this property and Building Inspector said the building is outside of the wetland.

Mr. Wasik said the entire property this parcel is on runs from Saunders Settlement Road to Lockport Road and there are about 68.7 acres total. Mr. Matyas is purchasing approximately 2.107 acres.

Building Inspector had no further concerns on this proposed subdivision and board members had no concerns.

A motion was made by Mr. Phillips and seconded by Mr. Schreader to **waive** Public Hearing on application of Miron Wasik for a Minor Subdivision on the north side of Lockport Road. 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 Miron Wasik. Unanimously approved, motion carried.

A motion was made by Mr. Phillips and seconded by Mr. Mawhiney to **approve** request for Minor Subdivision of Miron Wasik, 4876 Saunders Settlement Road, Lockport 14094, for subject property at 4935 Lockport Road, dimensions 183.37 feet by 440.44 feet, and no Recreation fee is required because this is for a business use. Unanimously approved, motion carried.

Chairman reported on the following:

Letter dated Nov. 24, 2008 from New York Planning Federation regarding on-line training and certification for board members.

07-04 Willow Creek Lighting:

A letter dated Feb. 12, 2010 to Paul Nesper, Attorney, Amherst, N.Y. from Cambria Town Board regarding the lighting in Willow Creek Subdivision off of Saunders Settlement Road as follows: "A single street light shall be erected at the intersection of Willow Creek Lane and Shenk Road as part of the Town street lighting program in lieu of the three (3) street lights originally proposed and approved. Payment of \$750.00 by the developer to the Town to offset Town expenses will satisfy any further action by the developer."

Day Care center at 2970 Saunders Settlement Road to be operated by Robert Stephens, wife and friend. At the February 22, 2010 meeting Mr. Robert Stephens was present and said they would like to operate a day care center, name: "Honey Pot", at the aforementioned address on property located east of CVS. A sign, 4 feet by 3 feet, was requested and approved. Mr. Stephens said they plan to open March 1st and have New York State approval.

It was not clear which building will be for day care center, the house or the former garage, but was determined that the day care center will be in the house.

A letter is to be sent to Mr. Stephens advising him that the board would like him to attend the April 19th meeting as there are some concerns on this day care business. He is to be advised that he cannot operate the business until they have approval from the town. The board would like a copy of State approval and would like Building Inspector to check the building for fire safety and any other issues. Chairman said to Building Inspectors to make sure the day care center is not operating at this time.

Attorney reported on Wind Energy systems (wind mills)

1. Wind turbines
2. Noise on each wind Energy System – Noise Report

Planning Board
Reports – cont.
Attorney – cont.
Wind Energy Systems – cont.

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3. Collapsing of wind mills – if the wind mill should collapse, it must be on the owner's property.
4. Can request information as required by Town Engineer or Town Board.

Building Inspectors –

Deputy Building Inspector - regarding Wood Burning stoves

If someone has a complaint about an existing stove and it was in use before regulations become effective, will the "grandfather" clause apply? He was told about a stove on Lockport Road and he checked on it and said the stove is only about 60 feet from the house. It looked like the stove had not been in use for awhile.

Attorney said there will be setback requirements and only can burn material that is permitted by Manufacturer's specifications.

Board member –

Mr. Mawhiney said there is time limit on use of these stoves, no use May 15th thru September 15th. What if it is being used to heat water?

Building Inspector said the stoves are not efficient for just heating water.

Mr. Mawhiney said there are farmers using orchard wood to burn and heat hot water.

Attorney said a Variance may be in order.

Mr. Burch said they are not cost effective for just hot water use. That is when the fire is kept low and could cause smoke and nuisance for swimming pools.

Next Planning Board meeting will be April 19th at 7:00 P.M.

A motion was made by Mr. Mawhiney to adjourn at 8:40 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____