

March 16, 2009

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

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

A motion was made by Mr. Willett and seconded by Mr. Mawhiney to approve minutes of Special meeting and minutes of Regular meeting of January 26, 2009 as presented. Unanimously approved, motion carried. There was no Planning Board meeting held in February 2009.

09-01 (03-05-09) CLIFFORD C. ANDREWS, 5319 Shawnee Road, Sanborn, N.Y. 14132, has 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.

Lewis and Lori Skinner were present at this meeting on behalf of Mrs. Skinner's father, Clifford Andrews.

Mrs. Skinner said they would like to build a single-family home on a lot, 263 feet in frontage by 350 feet in depth, from her father's farm, which is located on the east side of Shawnee Road.

At present, the property is not in the flood plain, but according to the revised map (FEMA Flood Plains), about one half of the property would be in the flood plain if the town adopts new map. Mr. and Mrs. Lewis are in the process of challenging this revision. They can bring in fill and then the structure would be about two (2) feet above base flood elevation level and within the flood plain regulations. If they were to build now and then flood plain revised map approved, they would need to get flood insurance. Currently the land is at about 628 feet and the base flood elevation needs to be 630 feet above. If they bring in fill, they should be okay.

They will need to install a sand filter system for their septic system.

They were advised to follow the stipulations. If house is built now, as is, would not be in flood zone, but if new map is approved, would be in flood zone. The back of the lot will not be in the flood zone. About two thirds (2/3) of their property would be in the flood plain if new map is adopted.

In the application, on page "Request for Minor Subdivision Approval", No. 3 "Is the property in a Federal flood plain? It was answered "yes" and should be "no". Mrs. Skinner was advised to answer "no" to that question because as of today, their property is not in the flood plain. Application was amended.

Counsel asked the board if they wish to have a public hearing on the application of Mr. Andrews? They felt it was not necessary.

A motion was made by Mr. Hurtgam and seconded by Mr. Phillips to **waive** public hearing on application for minor subdivision for Mr. Andrews on Shawnee Road. Unanimously approved, motion carried.

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

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to approve application of Clifford Andrews, 5319 Shawnee Road, Sanborn 14132, for a minor subdivision consisting of 263' in frontage by 350' in depth, located on the east side of Shawnee Road with conditions:

1. Home to be constructed at least two (2) feet above base flood elevation level.
2. Home to be 75 feet to 100 feet back from the road.
3. Applicant be required to abide by all applicable Federal, State and local regulations.

Mr. Burch, Mr. Lane and Mr. Klavoon were asked if they had any further concerns and they had none.

The motion was then amended to include that no Building Permit be granted until the Recreation fee of \$350.00 is paid.

Mr. Phillips and Mr. Hurtgam agreed to this amendment to their motion. Unanimously approved, motion carried.

2009-02 (03-06-09)	Site Plan Review
Owner -	Modern Recycling Inc.
Applicant -	Cambria Asphalt Products, Inc.
Address of site -	5204 Lockport Junction Road, Lockport 14094

Paul Pass, owner of Shelby Crushed Stone, Inc., and Thomas Biamonte, applicant/sponsor, were present at this meeting.

The following have been submitted: Site Plan Review (Applicant Checklist), Application for Site Plan Approval and Agreement dated 03/06/09, a picture of their existing plant, Shelby Crushed Stone, Inc., Summary of their existing business consisting of 7 pages; Short Environmental Assessment Form, copy of proposed property they are planning to lease from Modern Recycling and surrounding properties.

Counsel explained the process that needs to be taken for this proposed business to be located in the Industrial District. He said applicant will need a Special Permit for use of the building, provision in the Special Permit section of the Zoning Ordinance for a new use to be permitted by Special Permit in the Industrial Zone.

Planning Board will need to make a recommendation to the Zoning Board on this proposal. The Planning Board will do a Site Plan Review. The application has been referred to the Niagara County Planning Board. He said applicant did attend the county Planning Board meeting and they recommended approval of this proposed business. As for SEQR form, Cambria Asphalt Products will need to do a long form and a coordinated review needs to be done – with a 30 day comment period.

Zoning Board is the permit-granting authority and would be the Lead Agent in regard to SEQR.

If all of the issues are taken care of and necessary paper work completed, a public hearing could be scheduled for April 27th on the SEQR comments by the Zoning Board. The Planning Board should not do a Site Plan Review or recommendation on the Special Permit until Zoning Board holds the public hearing.

Counsel said if the applicant is willing to pay for the cost of a Special meeting to be held after the public hearing is held by the Zoning Board and adjourns, this board (Planning Board) could hold a Special meeting and do Site Plan Review and recommendation on the Special Permit. If there are no issues, the Zoning Board could reconvene and act on the Special Permit for the proposed business. Time-wise, this is a convenience for the applicant.

Mr. Pass then explained what is proposed.

They would like to install a portable hot mix asphalt plant at 5204 Lockport Junction Road. This plant would be located on the west side of the existing warehouse approximately 650 feet back from Lockport Junction Road. The site is finished on three sides and a berm to the north. All truck traffic would enter and exit from the current driveway on Lockport Junction Road.

Mr. Pass said they have talked to New York State Electric and Gas and also to Tennessee Gas as to the cheapest service. They, Cambria Asphalt, would have to run the gas down Junction Road. They will also need electric – 1200 amp service. They will have coal-fed bins, industrial size burner, two asphalt tanks and maybe three, asphalt tanker trucks with hot oil in. Mr. Pass said they own a stone quarry.

Proposed area is a centralized location, increase sales in this area.

They may have silos in the future for storage. Truck pulls in and put two drops into truck from the silo. Four tractor trailers bring in the aggregate. Might need to hire additional truckers. He said they haul in a lot of aggregate during the season by their own trucks.

They supply to retail, County, State, Towns and Villages. Road into the premises from Lockport Junction Road is solid enough for the trucks. Capacity of tanks - 25 tons per tank. Waste oil tank holds approximately 30,000 gallons. Some items are on the Lockport Junction Road property now, namely: parts, bins, conveyor systems, burner, asphalt tanks are coming in. They will be power washing before painting the control house, cable trays, intercom system and soap rack. They plan to refurbish retention pond and are bringing in stone.

It was suggested the applicant start working on securing the needed permits such as D.E.C., etc.

It was asked about how many trucks per day will go to and from this facility?

Mr. Pass said not known at present. Eventually, hope for approximately 100,000 tons of asphalt per day when business picks up.

It was asked about water and sewer?

Mr. Pass said they will use Johnny-on-the-spots. They will need to get a water meter. They will need to power wash the plant that is on the property and they want to do some painting on the plant.

Applicant was asked what is done when material falls off of the truck?

Mr. Pass said they try to be careful and load the trucks correctly. Driveway is in good shape and hopefully won't pick up mud. Can pave the exit.

Control dust through pumping water from pond or water system. Can put down millings which pack down and control dust. Facility is designed to meet State regulations. Aggregate is washed and not much dust in the stone.

Make very good mix and fumes get re-burned through new burner. There are some fumes in the truck, an asphalt smell. Warm asphalt – new, no fumes, new technology.

They will be open for business six days per week.

They have one loader. They have safety meetings once a week. They have security lighting, lights all around the building. They start work early in the morning when it is still dark. They would like to have a sign at the road.

Counsel went over the proposed agenda for April 27th: Cambria Asphalt Products, Inc. has agreed to pay for the Planning Board meeting on the 27th

1. Zoning Board regular meeting at 8:00 P.M. - Public Hearing on the application and SEQR determination. Adjourn meeting.
2. Planning Board will then do a Site Plan Review and recommendation on the Special Permit for the business at approximately 8:30 P.M.
3. Zoning Board reconvenes and acts on the application for Special Permit for the Cambria Asphalt Products business.

If for some reason the Special Permit is not granted, Mr. Pass said they can get rid of the stone that is on site.

REPORTS:

Chairman – Seminar on “Land Use in New York”, May 14 and 15, 2009 at West Harrison, N.Y.

Building Inspector – there is no Final Approval on subdivision of Norman Human, 10/20/08, to separate farm house from farm buildings.

Attorney – nothing this evening

Chairman – Work meeting on wind mills at 7:00 P.M. on April 20th
Regular meeting at 8:00 P.M. on April 20th
Special meeting at approximately 8:30 P.M. April 27th – Cambria Asphalt Prod.

A motion was made by Mr. Willett to adjourn at 9:10 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____