

October 19, 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, followed by the Pledge to the Flag.

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

A motion was made by Mr. Buzzeo and seconded by Mr. Phillips to approve minutes of meeting of September 21, 2009 as presented. Unanimously approved, motion carried.

Secretary read Notice of Public Hearing as it appeared in the Lockport Union Sun and Journal to consider minor subdivision approval of the application of:

09-05 (10-07-09) ERIC GUENTHER, 4588 Baer Road, Ransomville, N.Y. 14131, for a subdivision for one lot for premises located on the west side of Baer Road between Lower Mountain Road and Ridge Road that is northerly of and adjacent to 4588 Baer Road. The lot is approximately 251' in width and 1567 in depth.

Mr. Guenther has submitted the following: Application for Subdivision Review, Request for Minor Subdivision Approval, Agricultural Data Statement, Short Environmental Assessment Form and copy of survey map.

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

Mr. Guenther said he owns fifteen (15) acres and would like to split the property (15 acres) into two (2) lots. One lot would be six (6) acres with an existing house on and the second lot would be nine (9) acres and he would like to construct a new residence on it. He said he wants to maintain ownership of both parcels. There will be a separate deed for the new lot. Applicant said the new home will be in line with existing neighbors' homes. He plans to rent out the existing house and live in the new home.

Concerns of board members:

Mr. Willett expressed concern about the existing creek that goes through the property. Are there any drainage issues we should be concerned about?

Building Inspector said there is a narrow area of flood plain in the back.

Chairman asked applicant if the ditch (creek) had been cleaned out recently?

Mr. Guenther said no cleaning has been done recently. He said there has been no flooding problems.

Chairman asked applicant if there are any easements on the property and Mr. Guenther said there are no easements he is aware of.

Mr. Buzzeo asked Mr. Guenther when he plans to build and applicant replied, in the Spring of 2010. The house will be approximately 2600 square feet; and perhaps would like a barn in the future.

Building Inspectors had no concerns on this subdivision.
Attorney had no concerns.

It would be up to the Highway Superintendent if a drainage easement is required to clean the ditch.

Chairman mentioned that a Recreation fee is required and Mr. Guenther said he is aware of the fee.

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

A motion was made by Mr. Hurtgam and seconded by Mr. Willett to **approve** application for subdivision approval for one lot for premises located on the west side of Baer Road between Lower Mountain Road and Ridge Road, that is northerly of and adjacent to 4588 Baer Road. Dimensions of lot are approximately 251 feet in width and 1567 feet in depth with conditions:

1. A drainage easement to be granted to the town for cleaning of the ditch (creek) if requested by the Highway Superintendent.
2. There will be two (2) separate deeds, one for the 6 acre parcel with existing house and a new deed for the 9 acre lot being subdivided.

Mr. Buzzeo said he wishes to abstain from voting because he and Mr. Guenther were in school together.

Secretary polled the board:

Mr. Buzzeo - abstained
Mr. Willett - aye
Mr. Amacher - aye
Mr. Phillips - aye
Mr. Hurtgam - aye

Motion carried.

Mr. Ronald Scime was present at this meeting. He said he is purchasing a building, former service station, at 5083 Townline Road, Sanborn, N.Y. 14132, corner of Carney Drive, and wishes to operate a motor vehicle service station and used car dealership. He said he plans to do light mechanical repair, oil changes, N.Y.S. motor vehicle inspection, etc. He repairs old Corvettes and needs the dealership license to sell used cars. Car sales are not permitted in B-1 district. There is an overhead door on the building.

Chairman explained, if approved by the Zoning Board, will then need to have a Site Plan Review by the Planning Board. Dimensions of the property are 97' by 150'. He will need a detailed plan for Site Plan such as where vehicles will be parked, landscaping and any other pertinent information.

Outdoor Wood Burning Furnaces –

Counsel had prepared a draft on “Outdoor Heating Devices” using the regulations from the Town of Somerset as a guide. Some issues, draft provisions and alternative provisions were discussed as follows:

136-1 Legislative intent and purposes.

- B. “regulations pertaining to the installation, maintenance and operation of outdoor heating devices” etc.

136-2 Definitions.

FIREWOOD

“Dry seasoned trunks and branches of trees and bushes but does not include leaves, needles, and vines, or brush smaller than 1 inch in diameter.” (Environmental concern)

136-4 Regulations and requirements.

- B. ADD “The Town shall have the right to inspect the installation for safety and/or other code violations and to ensure that the unit is installed per manufacturer’s recommendations.”
- E. All new outdoor heating devices shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards. (not known what these standards are)

136-5 Operation requirements.

- A. Fuel burned in any outdoor heating device etc. (not sure on wood pellets and corn products what the operation requirements are).
1. Heating devices are not permitted in R-1, B-2 and PUD.
- C. Setbacks and other requirements for any new outdoor heating device.
3. The outdoor heating device shall have the minimum setbacks of (60) (100) feet from the road, 150 feet from any other property line. If house is closer than 60’, may need a variance. Rural locations – setback from rear property lines, 150’ from other property lines.
- NEW:**
4. No outdoor heating device shall be located upon premises containing less than one to two acres.
 5. No outdoor heating device shall be located closer to an adjoining residence than (100) (150) (200) feet.
 6. No outdoor heating device shall be located in the R-1 Zoning district.
 7. No outdoor heating device shall be operated between May 15 and September 15.
- D. Manufacturer’s instructions and requirements should be met.

Chimney heights for new outdoor heating devices.

1. Furnace should be located no less than 150' from any residence not served by the furnace.
2. If located within 100 ' to 300' to any residence not served by the furnace, the stack shall be at least two (2) feet higher than the peak of that residence.

431-5 Existing outdoor furnaces. (grandfather clause)

431-7 Review of permit. Allow town to review. Permit should remain in effect until certain things happen. If there is a problem, contact Code Enforcement officer.

431-8 Enforcement procedure. Follow procedure in booklet.

- A. If there is potential for significant impact on neighbors
 1. Do a Site Plan review before granting a permit.
 2. If in compliance and someone builds a house closer to the furnace, what happens then? One time permit. If in violation, then check on the owner of the furnace. Code Enforcement officer grants the permit after Site Plan Review.

Mr. Buzzeo asked if there is a provision for existing outdoor furnaces? Could Enforcement officer go there and see if box is okay? Provision shall apply to previously used furnaces brought into the town. Code Enforcement officer may go and look at the furnace.

REPORTS:

Chairman – the Town Board is addressing the lighting issue at Willow Creek subdivision.

Building Inspector – monthly report given out

Someone had a house on a lot and wanted to add 50 feet to existing property from the adjoining neighbor and was given approval by the Planning Board and was to add the 50 feet to their existing deed, but did not record consolidated deed as required. This property has been sold without the 50 foot addition. The owner of that property has moved out of state

Counsel was asked to check on the deeds in the future when footage is added to existing lot and make sure it is recorded in County Clerk's office. May need to have a date by which consolidation deed is to be recorded

Attorney – nothing to report

Board members – nothing to report this evening.

Next regular Planning Board meeting will be on November 16th at 8:00 P.M..

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

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____

