

October 20, 2008

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. He then welcomed everyone to the meeting.

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
Robert Klavoon, Wendel Duchscherer, Eng.

A motion was made by Mr. Hurtgam and seconded by Mr. Willett to approve minutes of meeting of September 15, 2008 as presented.

Secretary read Notice of Public Hearings as they appeared in the Lockport Union Sun and Journal to consider the following applications for preliminary plot approval for:

(08-09) JAMES and MARIAN POWLEY, 4950 Upper Mountain Road, Lockport N.Y. 14094, for six (6) lots for premises located on the south side of Upper Mountain Road, between Junction Road and Comstock Road. The lots have dimensions of between 191 feet and 205 feet in width and between 3380 feet and 4096 feet in depth.

(08-10) NORMAN HUMAN, 3546 Human Road, Sanborn, N.Y. 14132, for a one-lot minor subdivision for premises located on the north side of Human Road between Shawnee Road and Baer Road.

PUBLIC HEARINGS:

(08-09) JAMES and MARIAN POWLEY were present at this meeting. The Application for **(6-26-08)** Subdivision Review along with sketch plan, etc. were submitted for the July 21, 2008 meeting. Additional information was requested from the applicants at that time. In September applicants were present along with their engineer, Mr. Burkwit. A revised map dated September 5 was submitted with the additions. Preliminary plan per revised plans was approved. Easements for cleaning the ditch must be filed by applicants.

Public Hearing open:

Mrs. Powley questioned the width of the lots per Public Hearing Notice? In the Public Hearing Notice stated lots would be between 191' and 205' in width. She thought they would be 209' in width. The reason for difference was explained to her.

Richard Heffler, 5370 Baer Road, Sanborn, expressed concern about the division of the property.

It was explained to him that Mr. and Mrs. Powley are dividing their property for their children.

Public Hearing closed.

It was explained there will be one easement and applicants and their children must sign it. This permits the Highway Dept. to clean the ditch when necessary.

Mr. Powley feels the easement is not fair. Owner of the property can't plant trees on the easement property and no buildings can be put up on that 50'. He then explained when the Tennessee Gas went through their property, had problems with them. If someone buys property from one of the six parcels, the easement goes with the land. Easements all have to be signed.

May 13, 2008 is the date of the original plan and September 5, 2008 is the date of the revised plan.

There will be one Recreation fee for each lot.

A motion was made by Mr. Buzzeo and seconded by Mr. Phillips to **approve** Preliminary Plot plan for application of James and Marian Powley, 4950 Upper Mountain Road, Lockport 14094, between Junction Road and Comstock Road. The lots have dimensions of between 191 feet and 205 feet in width and between 3380 feet and 4096 feet in depth. Unanimously approved, motion carried.

A motion was made by Mr. Willett and seconded by Mr. Buzzeo that Chairman may sign the final plan when all applicable paper work has been completed including signing of the easement. Unanimously approved, motion carried.

Mr. and Mrs. Powley said one of their daughters may wish to purchase part of the land, from Lot No. 5, which their home is on, at a future time. Nothing definite on this issue at this time.

(08-10) **NORMAN HUMAN** was present at this meeting and has submitted the following:
(9-05-08) Application for Subdivision Review, Request for minor Subdivision Approval, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey map.

Mr. Human said he would like to give approximately six (6) acres of wooded wasteland to his son which is located on the east side of Baer Road. The land is in the wetlands and no building can be constructed on this parcel. The son would use this property for hunting purpose.

Public Hearing open.

Andrea Heffler, 5370 Baer Road, Sanborn, asked where is this property located?

Mr. Human said the property, approximately six (6) acres, is in the wetland and cannot grow anything on it, a wooded lot on the east side of Baer Road. He is giving it to his son.

Public Hearing closed.

Board members had no concerns on this application.

Chairman asked if the recreation fee had been paid on this subject parcel? Answer was "no".

Building Inspector said this property cannot be built on because it is in the wetland.

Per Subdivision Regulations, all new subdivisions of land require payment of recreation fee.

Mr. Human withdrew his application, No. 08-10.

08-11) (10-20-08) NORMAN HUMAN, 3546 Human Road 14132, has submitted the following:

Application for Subdivision Review, Request for Minor Subdivision Approval, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey map.

Mr. Human wishes to separate farm house from farm buildings and has to establish new rear and east side property lines approximately fifteen (15) feet from existing agricultural buildings on property located at 3539 Human Road. This was approved by variance by the Zoning Board on September 22, 2008.

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

Mr. Human said he is separating the house from the farm.

Public Hearing closed.

There were changes made and previously recorded in County Clerk's office but did not go through Town of Cambria records. A couple of years ago changes were made and now basically is the way the property was several years ago.

No recreation fee required on this subdivision.

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

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to **approve** request of Norman Human to divide house from the farm at 3539 Human Road, Sanborn 14132, and dimensions of subject property will be 448.88' frontage by 241.48' east side lot line. Unanimously approved, motion carried.

A motion was made by Mr. Hurtgam and seconded by Mr. Buzzeo to Waive Recreation Fee on the aforementioned property of Norman Human, at 3539 Human Road, Sanborn. Unanimously approved, Motion carried.

A motion was made by Mr. Buzzeo and seconded by Mr. Hurtgam to authorize Wendell-Duchscherer Eng. to draft regulations for Wind Energy System for the Town of Cambria. Unanimously approved, motion carried.

REPORTS:

Mr. Phillips said the committee working on Niagara Communities Comprehensive Plan did not meet in September.

Chairman and Mr. Ellis met with Dennis Dragich, Niagara County Community College, regarding a service road from Rt. 31 into college property for semi-trailers and trucks making deliveries. This proposed road would be lit.

Mr. Lane said five (5) local fire departments will run through a complete drill at the college between 8:00 A.M. and 11:00 A.M. on Saturday.

Mr. Burch – monthly report handed out.

Two applications for subdivision, one is to add 25’ to existing lot with house on; and the second one is to add 40’ to existing lot with house on.
No recreation fee required for the two aforementioned additions to existing lots.

Attorney – suggested when the Town Board has their re-organizational meeting, to set changes for the Planning Board meetings that fall on a holiday:

from January 19th to January 26th at 7:00 P.M.
from February 16th to February 23rd at 7:00 P.M.
from May 25th to May 18th at 7:00 P.M.

A motion was made by Mr. Hurtgam to adjourn at 9:05 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____