

September 15, 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
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 August 18, 2008 as presented. Unanimously approved, motion carried.

08-09 (6-26-08) JAMES AND MARIAN POWLEY Subdivision, 4950 Upper Mountain Road, Lockport 14094, consisting of approximately 110 acres, to be divided into seven (7) lots, six (6) are for their children and Lot No. 5 their home is on.

Mr. and Mrs. Powley, some of their children and Clarence Burkwit, P.E., were present this evening. Applicants and Mr. Burkwit were present at the July 21st meeting. Application for subdivision approval was submitted at that time. Applicants were advised that this is a Major subdivision and would require Sketch Plan Review, Site Plan Review and an engineer.

At the July 21st meeting Preliminary Sketch plan was approved with conditions: a fifty (50) foot easement to be given to the town for cleaning of the ditch at the rear of the property and to show Mr. and Mrs. Powley's existing home on the map.

The town highway superintendent requires an easement be provided to the town to clean out the ditch on this property.

A revised map dated September 5, 2008 showing water line, flood zone and drainage easement was submitted this evening. The easement has not been signed as of this meeting.

A copy of letter from Mr. Klavoon to Mr. Burkwit dated August 15, 2008, stated in part:

1. Design engineer must show location of existing water line on the design plans.
2. "Ditch", depicted on the plan is a regulated waterway named Bull Creek. The Federal Emergency Management Agency (FEMA), has mapped and documented the creek's floodplain information. Design engineer shall include and label FEMA's floodplain delineation on the survey.
3. Design engineer shall re-label the "ditch" as Bull Creek.
4. Applicant is required to dedicate fifty(50) foot drainage easement over Bull Creek centered on the middle of the creek.

A letter dated September 15, 2008 to Mr. Amacher from Mr. Klavoon stated that Wendel Duchscherer has completed second review of the proposed subdivision (Powley property) with design plans dated September 5, 2008 and recommended approval of the Site Plan as presented and latest design plans have addressed comments from letter of August 15th. This letter also stated:

1. "If any of the future homeowners wish to develop, or disturb land within the floodplain

(including grading operations) a floodplain development permit must be obtained from the Town of Cambria prior to any work being started.

2. At the time the landowner proposes to construct a home on one of these lots, the applicant must submit construction drawings (grading, utility, erosion control plans, details, etc.) for review and approval to the Town of Cambria Building Department.”

This board has not given Preliminary Plan approval which will be required before the public hearing. Final approval could be given after the October meeting (public hearing), subject to any additional conditions. This is a Major subdivision.

Regarding the easement along Bull Creek, twenty-five (25) feet from the center on each side is required.

Mr. Powley said he would like the regulations pertaining to the easement in writing as far as what they can do and cannot do on that property, the fifty (50) feet. He asked why is an easement required?

Applicant was told that is one of the conditions to granting a subdivision if there is a ditch running through the property and applicant must sign the easement. The purpose of the easement is for the town to be able to clean the ditch when necessary.

Craig Powley asked if the land could be used up to the ditch and the answer was yes.

Jan Powley asked about trees in the ditch area, would they be taken down and replaced?

Answer was if trees are in the easement property, they would be taken down but not replaced. Easement is only for cleaning the ditch.

Beth Powley asked about a culvert to get across the ditch to the other side?

She was told she would need to contact the highway superintendent about size of culvert required.

Mr. Klavoon said some of the Powley farm is in the floodplain and there are different rules governing that property, cannot grow crops or put a fence up in the floodplain area. Floodplain area cannot be disturbed. Easement is for cleaning Bull Creek.

Board members had no concerns on the proposed subdivision.

Mr. Burkwit, engineer, had nothing further to add.

A motion was made by Mr. Hurtgam and seconded by Mr. Phillips to declare **negative declaration under SEQR** on Preliminary Plat Plan for Powley Subdivision. Unanimously approved, motion carried.

A motion was made by Mr. Buzzeo and seconded by Mr. Willett to **approve** Preliminary Plat Plan per revised plans dated September 5, 2008 for the James and Marian Powley Subdivision on Upper Mountain Road Unanimously approved, motion carried. Public Hearing will be scheduled for October 20, 2008 at 8:00 P.M.

Mrs. Powley asked about the recreation fee?
She was told that it would be a one-time fee.

WINDMILLS:

Mr. Klavoon gave to board members a wind map for Town of Cambria (windmills 30' high for residential use and 70' high for commercial purpose). He said Wendel has worked on regulations for the towns of Evans, Eden, North Tonawanda, Somerset and Newstead.

Mr. Burch asked about jet engine type?

Commercial could be up to 450' high.

Some areas of concern are ice build-up, bats and other flying creatures, site lines, setback and tower height.

Board members are to look over information handed out this evening and a work meeting on windmills is scheduled for October 20th at 6:30 P.M. at the town hall.

Mr. Chuck Haring was present at this meeting and said he is operating "Store Room Storage" at 4487 Ridge Road, formerly Carter property. He said he would like to operate an outdoor flea market and have vendors, approximately fifteen (15). He would like to have flea market Saturday, October 4th and see how it goes. If successful, would like to have more in the future on Saturdays only. He said he will advertise and vendors would be charged a fee for a table.

Mr. Haring will need a Site Plan. People could use restroom in the existing building on the property.

Mr. Buzzeo asked Mr. Haring about parking facility for customers?

Mr. Haring said the plan is to park between existing building and Ridge Road (104).

He also mentioned about selling food on the premises.

Building Inspector said he will need to have off-street parking facility.

It was suggested to have this one flea market, Saturday, October 4th, and see how it goes and if successful, do a Site Plan.

Hours requested 9:00 A.M. to 4:00 P.M. Saturday only.

A motion was made by Mr. Buzzeo and seconded by Mr. Willett to permit Chuck Haring to have a flea market at 4487 Ridge Road with conditions:

1. Must provide off-street parking for vehicles.
2. Flea market for Saturday, October 4, 2008, one time.

3. Hours: 9:00 A.M. to 5:00 P.M.
Mr. Haring must comply with Niagara County Health Department regulations as far as restrooms are concerned.
4. Mr. Haring is to consult with Health Department with regard to serving food on the premises.

Unanimously approved, motion carried.

REPORTS:

Chairman –

1. Schooling for Planning and Zoning Board training:

Warsaw - United Church of Warsaw	Oct. 7, Nov. 3
Sanborn - N.C.C.C.	Sept. 23, Oct. 23, Nov. 11
Springville – Concord Town Hall	Oct. 15, Nov. 20
Albion – High School – windmills	Sept. 24
2. Someone is dropping materials (including bricks) on property, Shawnee Road and Rt. 31, For Sale sign on property, property formerly owned by Mr. Zetes.

Building Inspector –

Regular monthly report handed out
Minor subdivision on Baer Road for next month

Attorney – nothing this evening

Board members –

Mr. Buzzeo asked Mr. Klavoon if there had been any amendments to the regulations on Windmills in the Town of Hamlin since they were adopted?

Mr. Klavoon said he is not aware of any mistakes before they were adopted.

A motion was made by Mr. Hurtgam to adjourn at 8:55 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____