

September 17, 2007

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 September meeting followed by the Pledge to the Flag.

Members present: William Amacher, Chairman
Norman Human, Jeffrey Hurtgam, John Phillips
Douglas Mawhiney, alternate
Member absent: Thomas Willett
Also present: Clifford Burch, Building Inspector
Donald Lane, Deputy Building Inspector
Gary Billingsley, Attorney

A motion was made by Mr. Human and seconded by Mr. Mawhiney to approve minutes of meeting of August 20, 2007 as presented. Unanimously approved, motion carried.

Secretary read Notice of Public Hearing as it appeared in the Lockport Union Sun and Journal to consider Site Plan approval for:

(07-14) JONATHAN DRURY, 3155 Upper Mountain Road, Sanborn, N.Y. 14132, for construction of a 30' by 40' pole barn addition onto an existing garage upon said premises. Site Plan approval by this board is required pursuant to Sections 804 and 805 of the Escarpment District Zoning Regulations.

The following have been submitted: Application for Escarpment District Review, Request for Minor Subdivision Approval in Escarpment District, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey map.

Chairman asked applicant how far is his home from the right-of-way and Mr. Drury said his home is approximately 500 feet from the road right-of-way. Chairman also asked how far is his home from the crest of the escarpment and Mr. Drury said his home is 400 to 500 feet from the crest of the escarpment.

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

Mr. Drury said he would like to construct a 30' by 40' pole barn onto his existing garage on the south side of his home to be used for storage of cars, etc. The building will have an overhead door, 10' by 10'. There will be no electricity in this building, but eventually, does plan to put in electric service.

Applicant was asked how he plans to get the posts for the building into the ground because of the closeness of the rock? Mr. Drury said he will try to get posts into the ground and if unable to, will have to pin them. The ridges will be the same as the house.

Applicant was asked if he needs a fire proof wall between garage and new addition?

Building Inspector said the need for fire wall will depend on where the roof line of the new garage is in relationship to the existing second floor of the existing house.

The new addition will be just an addition to the existing garage.

Mr. Drury said three-fourths (3/4) of the driveway is on his property and one-fourth (1/4) is on his brother's property. The parking lot is all (100%) on his property.

Concerns of board members:

Mr. Human asked if there would be any removal of trees, and Mr. Drury said no removal of trees.

Counsel asked applicant if there would be any changes in the topography and applicant said there would be no changes.

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

A motion was made by Mr. Human and seconded by Mr. Mawhiney to **approve** Site Plan for Jonathan Drury for construction of a 30' by 40' pole barn addition onto an existing garage upon said premises. Unanimously approved, motion carried.

Deputy Building Inspector said to applicant that he needs to get a building permit.

TABLED APPLICATION:

(07-13) CAROLYN COVER, Trustee for Heirs of Walter Freiert

Re: four (4) lot minor subdivision for premises located on the north side of Lower Mountain Road between Green Road and Cambria-Wilson Townline Road

Walter J. Freiert and John Freiert, sons of deceased Walter Freiert, and Gerald Miller were present on behalf of the estate.

Mr. Walter Freiert said they need to get the survey prepared and his brothers were given a thirty (30) day extension, which they had requested, to meet with their lawyers regarding purchasing of the subject property. The deceased, Mr. Freiert, died on October 31, 2006.

Public Hearing was held on August 20th for the proposed subdivision. At that meeting John Freiert said he and his two brothers, Dennis and Richard, are opposed to the subdividing of the frontage into lots from the farm and they are trying to purchase the farm and wish it to remain a farm. John Freiert said a proposal to purchase the farm is being drawn up by lawyers in Florida, namely, Donald Linski and Joel Sherwood. He said he and his brothers would like the board to table action on the subdivision proposal for one more month. He said the lawyers are to deliver the proposal to the trustee of the estate in about seven (7) days. John Freiert said the lawyers were waiting for a certificate from the bank and that has been done.

Chairman asked Walter Freiert if the attorneys have been talking about the issue and he said he has not heard anything and feels it would have been mentioned by now. He said he has been talking with

his sister , Ms. Cover, Trustee for the estate, regularly and she has not heard anything on the issue. Walter Freiert would like to proceed with the subdivision proposal.

John Freiert said his brother, Dennis, talked with the attorney this afternoon.

Chairman asked the board what they wish to do on the subdivision proposal? They would like to table action for one more month.

A motion was made by Mr. Hurtgam, in view of the fact, per John Freiert, the lawyers are preparing a proposal for purchase of the farm by John, Dennis and Richard Freiert, to table action on the subdivision proposal for four (4) lots consisting of frontage on Lower Mountain Road for an extended thirty (30) days. This motion was seconded by Mr. Human.

Secretary was requested to poll the board.

Mr. Human –	“aye”,	in favor of the extension
Mr. Mawhiney –	“aye”,	“ “ “ “
Mr. Phillips –	“aye”,	“ “ “ “
Mr. Hurtgam –	“aye”,	“ “ “ “
Mr. Amacher –	“no”	
Motion carried		

Counsel requested John Freiert to secure some paper work from the lawyers on the proposal and to send it to Planning Board Chairman, William Amacher, or Gary Billingsley, Attorney, as soon as possible.

REPORTS:

Mr. Amacher – discussion on Wind Power

He read from an article in a paper information on this subject. At present, there is no Local Law or anything in the books in our town on wind power. There are at least two (2) types, farm type and commercial type. Windmills need to be higher than forty (40) feet to be effective. He said Delphi plans to erect a wind power facility to see if there is enough wind to operate one.

Board members – would like a Local Law similar to what Somerset has on wind power. Mr. Shoemaker was involved with their process.

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to request the Town Board to consider a Local Law regulating Windmills and authorize the Planning Board to investigate the issue. Unanimously approved, motion carried. Also suggested a joint meeting to discuss the windmill issue.

Mr. Amacher reminded board members of the Training Sessions:

Lewiston Town Hall – September 27th and October 25th – 6:00 P.M. TO 8:00 P.M.
Albion High School - October 3rd- 5:00 P.M. – 8:45 P.M. (3 sessions)

Mr. Amacher said the Town Board will be scheduling a public hearing on the request of the Planning Board for a change in Subdivision Regulations regarding Recreation fee, per minutes of meeting of Aug. 20th.

Building Inspector –
Student Housing Village Corp. (NCCC) – no plans have been submitted or building permit issued as of this date.

Donald Mac Swan from Town of Wheatfield, certified Building Inspector, will be assisting our building inspectors on the Student Housing Village Corp. project.

Willow Creek subdivision – no requests for building permits have been issued as of this meeting. Some dirt has been moved.

Received renewal fee from Crown for tower on town property, but no paper work requesting renewal.

Property of “Poison Apple”, 2970 Saunders Settlement Road, Sanborn, formerly sold candy and pop, east of Market Place and HSBC bank, there are two (2) pigs in pen in the back yard. This property is in a B-2 district and they do not have five (5) acres. Complaints have been received. Also, there are unlicensed vehicles on this property and a banner. Requested attorney to send a letter of violation to these people who are renting the property.

Deputy Building Inspector – no report
Attorney – no report
Board members – no report

End of reports

Norma McQuay, 4308 Lower Mountain Road was present at this meeting in regard to the Friert proposed subdivision. No comments.

Next meeting will be October 15th at 8:00 P.M.

A motion was made by Mr. Mawhiney to adjourn at 8:45 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____