

April 16, 2012

The regular monthly meeting of the PLANNING BOARD of the TOWN of CAMBRIA was called to order by William Amacher, Chairman, at 8:00 p.m. followed by the Pledge to the Flag.

Members present: William Amacher, Chairman  
Jeffrey Hurtgam, Douglas Mawhiney, Roger Schreader, Sr.  
Gerald Kroening, alternate  
Member absent: John Phillips  
Also present: Matthew Foe, Councilman, liaison to Town Board  
Clifford Burch, Building Inspector  
Gary Billingsley, Attorney  
Two town residents

A motion was made by Mr. Schreader and seconded by Mr. Mawhiney to approve minutes of meeting of March 19, 2012 as presented. Unanimously approved, motion carried.

### **SUBDIVISION**

**12-01 (04-04-12) DAVID W. CLOY**, 3130 Ridge Road, Ransomville, N.Y. 14131

David and Joyce Cloy were present at this meeting and have 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.

Mr. Cloy said they would like a minor subdivision to divide off 135 feet by 1137 feet on the west side of his property leaving 25 feet to the property line. He would like to leave 50 feet to get back to an existing pond on the property. One hundred thirty-five feet frontage is not big enough for a building lot.

Applicant said he has a prospective buyer for his business, a slaughterhouse, and existing farm except for the 135 feet by 1137 feet on the west side and 50 feet along the east property line. He would be dividing property into three (3) parcels, namely, one main parcel with existing business, the 135 feet by 1137 feet and the 50 foot parcel. The home on this property is rented out at the present time.

No new building lots would be created. No Recreation Fee is required. The 50 feet would be to get back to the pond.

A motion was made by Mr. Schreader and seconded by Mr. Kroening to **waive** Public Hearing on Application for Subdivision of David Cloy. Unanimously approved, motion carried.

A motion was made by Mr. Hurtgam and seconded by Mr. Mawhiney to declare **negative declaration under SEQR** on the 135 feet by 1137 feet subdivision. Unanimously approved, motion carried.

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to **approve** the minor subdivision of 135 feet frontage by 1137 feet with condition that the variance is approved by the Zoning Board. Unanimously approved, motion carried.

It was suggested to leave the 50 foot wide parcel up to the jog and then a 75 feet wide by 75 feet long parcel along the east side lot line of the property and to combine on to one deed that goes straight back as access to existing pond.

A motion was made by Mr. Schreuder and seconded by Mr. Mawhiney to **waive** Public Hearing on the 50 feet along east property line. Unanimously approved, motion carried.

A motion was made by Mr. Hurtgam and seconded by Mr. Kroening to declare **negative declaration under SEQR** on the 50 foot wide parcel. Unanimously approved, motion carried.

A motion was made by Mr. Mawhiney and seconded by Mr. Hurtgam to **approve** 50 foot wide parcel along the entire east side line except for a 75 foot by 75 foot parcel near the jog approximately 1322 feet from the road right-of-way and including the land-locked parcel. Unanimously approved, motion carried.

**2011-10 (10-06-11) Modern Recycling** – request for Special Permit Amendment for a “composting” operation on Lockport-Junction Road.

No further information received.

A motion was made by Mr. Hurtgam and seconded by Mr. Kroening to **table** application for another month. Unanimously approved, motion carried.

**2011-12 (10-17-11) Carol Vosburgh / Lori Kendzia** – Proposed used car sales business at 2970 Saunders Settlement Road, Sanborn, N.Y. 14132

No additional information, as requested, has been received.

At the March 26<sup>th</sup> meeting of the Zoning Board of Appeals for a Variance for the Used car sales business, the request was denied. No action was taken this evening on the Site Plan.

#### NEW BUSINESS:

James Deuro was present at this meeting. He said he would like to construct a building for a business on his property located between Old Shawnee Road, Shawnee Road and Saunders Settlement Road. There is approximately 4.57 acres total. He said he has been putting in clean fill on this property for approximately two years. He said, per Wetland’s map, it is not shown as being in the wetlands. He would like to use about 2.5 acres of that land which is zoned commercial, for a family-type restaurant and spaces for retail business. He plans to bring in more fill into that area.

The Army Corps of Engineers asked him to work with the town on his plans. He asked how much parking could he have, what are the required setbacks, utilities and septic system requirements? He said he will be hiring a consultant for his proposed project. He would like reaction from the board to use approximately 1.3 acres of the property.

Chairman said he could get information on setbacks and other information from the Town Building Inspector.

Building Inspector said building would have to be 80 feet from property line on both sides and would need to check with D.E.C. on storm water issue. Property located on the south side of Route 31 is in the shape of a triangle.

Building Inspector asked Mr. Deuro how many feet to the south does he own?

Mr. Deuro said property goes between the two roads, about 370 feet from Shawnee Road to Old Shawnee Road.

Mr. Deuro was advised to contact Building Inspector for further discussion on the issue.

OTHER BUSINESS:

Logging operation on Lower Mountain Road by Brian Whyte.

Mr. Whyte feels he does not need a Special Permit for his business operation, a Right-to-Farm issue.

Counsel's opinion is he needs a Special Permit from the town for the business. He should apply for a Special Permit in May.

REPORTS:

Chairman – no report

Building Inspector – no report

Counsel – no report

Board members – no report

Next meeting will be May 21<sup>st</sup> – Work meeting at 7:00 p.m. and Regular meeting at 8:00 p.m.

A motion was made by Mr. Hurtgam and seconded by Mr. Schreder to adjourn at 8:30 p.m.

Respectfully submitted

Marjorie E. Meahl, Rec. Secy.

Minutes approved: \_\_\_\_\_