

February 25, 2013

The regular monthly meeting of the PLANNING BOARD of the TOWN of CAMBRIA was called to order at 7:05 P.M. by John Phillips, Vice Chairman, followed by the Pledge to the Flag.

Members present: John Phillips, Vice Chairman  
Jeffrey Hurtgam, Douglas Mawhiney, Roger Schreader, Sr.  
Gerald Kroening, alternate  
Member absent: William Amacher  
Also present: Matthew Foe, Councilman, liaison to the Town Board  
James McCann, Building Inspector  
Gary Billingsley, Attorney

Minutes of meeting of January 28, 2013, there is one correction.

The person who represented Tim Donut US Limited, Inc., was Robert \*Bender. There are ten (10) places in the minutes stating Robert \*Benderson.

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to approve minutes of meeting of January 28<sup>th</sup> as corrected. Unanimously approved, motion carried.

#### **SUBIVISION:**

**13-01 (01-28-13) JOSEPH D. CRITELLI**, 4958 Blackman Road, Lockport, N.Y 14094  
Application for Minor Subdivision Approval for one lot on the west side of Green Road.

Mr. Critelli was present at this meeting and has submitted the following: Request for Minor Subdivision Approval, Application for Subdivision Review, Short Environmental Assessment Form, Agricultural Data Statement, Notice of Adoption of Recreation Fee and copy of portion of Town map, highlighting subject parcel.

Mr. Critelli said he is subdividing a parcel in Lot No. 4, dimensions 150 feet in width by 754.61 feet in depth on the northwest corner. There will be one lot, approximately 150 feet in width remaining in Lot No. 4. There is a ditch that runs through the back corner of subject lot, about 650 feet back from the road. A 60 foot easement has been given to the town for cleaning purpose. The ditch does not impact on the lot. The Recreation fee is to be paid at time of issuing the building permit for the new home.

A motion was made by Mr. Schreader and seconded by Mr. Mawhiney to **waive** public hearing on application for minor subdivision of Mr. Critelli. Unanimously approved, motion carried.

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

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to **approve** Application for Minor Subdivision of Mr. Critelli for one lot on the west side of Green Road, dimensions 150 feet in width by 754.61 feet in depth, from Lot No. 4, northwest corner, with condition that upon securing a building permit, the Recreation fee shall be paid. Unanimously approved, motion carried.

**SITE PLAN REVIEW** (update)

**2013-01 (01-04-13) Owner – Tim Donut US Limited, Inc.  
Business Use – Tim Hortons Restaurant  
Location – 2970 Saunders Settlement Road, Sanborn, N.Y. 14132**

Updated engineer's drawings were submitted by Parsons Brinckerhoff, Dale R. Gerbetz, Lic. P.E.; prepared for Tim Donut Limited Inc., dated 02-14-13, consisting of twelve (12) pages.

There was no one present on behalf of Tim Hortons this evening. Per conversation with Building Inspector, a representative will be at the March meeting for final presentation. Tim Hortons plans to lease the property.

Issues still have to be worked out with D.O.T. (Dept. of Transportation).

Wendel Engineers have no concerns on the proposal of Tim Hortons as of this date.

Mr. Phillips said Tim Hortons proposes to have a six (6) foot high privacy fence between restaurant property and neighbor to the east. Lighting will be addressed and may need to be adjusted.

Building Inspector said discussions with D.O.T. are on-going. Storm water drainage is under the parking lots in the plaza.

Reported that the Cambria Zoning Board granted an Area Variance last month for set back from the road, and the board requested landscaping buffer for adjacent property.

Building Inspector was requested to contact Mr. Mc Swan and Mr. Shoop on the proposal for the restaurant.

Dawn Staub, present at this meeting, said she and her family reside in the house at 2970 Saunders Settlement Road which she rents. Tim Hortons' plans are to have the house and garage on that property demolished and construct a Tim Hortons restaurant on that property. She said she has not been informed by her landlord of the proposal and inquired about future plans.

Mrs. Staub was advised to contact landlord or the engineer for Tim Hortons for further information.

A motion was made by Mr. Schreder and seconded by Mr. Hurtgam to **table** action on the Site Plan for Tim Donut US Limited Inc. at the request of the applicant. Unanimously approved, motion carried.

Old Business – none

New Business – none

REPORTS:

Vice Chairman – no report

Building Inspector – reported the person who was proposing to purchase property in front of the church on Baer Road for a business, the sale did not go through. Will check with Attorney on the zoning lines in that area.

Attorney – no report

Board members – no report

A motion was made by Mr. Kroening and seconded by Mr. Mawhiney to adjourn at 7:30 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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