

January 28, 2013

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to appoint John Phillips, Vice Chairman of the Planning Board, as Acting Chairman in the absence of the Chairman, for the year 2013. Unanimously approved, motion carried.

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

A motion was made by Mr. Schreader and seconded by Mr. Hurtgam to approve minutes of meeting of December 17, 2012 as presented. Unanimously approved, motion carried.

SITE PLAN

2013-01 (01-04-13) Presentation of Plans for TIM HORTON'S RESTAURANT, 2970 Saunders Settlement Road, Sanborn, N.Y. 14132

The following have been submitted: Application for Site Plan Approval and Agreement consisting of 4 pages, Agricultural Data Statement, Short Environmental Assessment Form, copy of Land Title Survey dated 11-07-12, copy of Overall Concept Plan dated 01-04-13 and 2 pictures of Exterior Elevations.

Mr. Robert Benderson appeared on behalf of Tim Donut US Limited, Inc.

Mr. Benderson said Tim Donut US Limited Inc. would like to construct a 1953 square foot Tim Horton's Restaurant including drive-thru window, at 2970 Saunders Settlement Road, Sanborn, N.Y. 14132. He said there will be 32 seats in the facility, and 12 seats for seasonal on outside patio. He feels this facility will not interfere with the rest of the businesses in this plaza. They will need addition of 28 parking spaces. There will be a curbing area between Tim Hortons and residential use property to the east. They plan to plant Blue Spruce trees between their property and neighbor's property. There will be no lights shining into the neighbor's property. Required setback is 80 feet, they are asking for 36.5 feet from the road right-of-way. The front of the building will have cement product which looks like stone.

CONCERNS:

Mr. Phillips asked if new curb cuts was discussed with N.Y.S. D.O.T.(Dept. of Transportation)?

Mr. Benderson said the Applications for Site Plan Approval and Area Variance were before the County Planning Board today.

Will Storm Water plan in the future be taken care of?

Mr. Benderson said they will abide by requirements of the Town of Cambria and D.O.T. and will be in contact with Town Highway Superintendent on the issues.

Building Inspector said concerns were expressed by a neighbor, namely, traffic and safety for children.

Mr. Benderson said a privacy fence will be installed and lighting.

Danielle Hoover, tenant and neighbor who lives east of proposed restaurant, was present at this meeting and expressed the following concerns: traffic, as she has young children, would like some type of fence between residence and proposed restaurant, and also lighting. She said she would like a wrap-around fence for protection of her children from the new facility.

It was asked what the hours of operation would be and Mr. Benderson said it would be 24 hours a day seven (7) days a week, restaurant itself and the drive-thru also. There is no decision at this time on whether they will buy part of the property or lease it. So far, plans are in the preliminary stage.

As for time frame, Mr. Benderson said they would like approval in February. They would like to break ground in March or April of 2013. They must do the demolition work first which will take about thirty (30) days and approximately ninety (90) days for construction of the new facility. He said they are and have been working with Town Engineers, Wendel Duchscherer Eng. and everything is going along fine

Counsel said Niagara County Planning Board recommended approval of Site Plan and Variance, some type of cross access agreement be put in place, and any requirements of N.Y.S. D.O.T. (Dept. of Transportation) be approved, and a landscaping buffer for adjacent property.

Mr. Benderson said they want to be a good neighbor and do the right things for the neighbors and the community.

Mr. Phillips asked if the fence could be some type of a maintenance-free fence at a height of six (6) feet?

Sewer will tie into the pressure system.

Water service will be provided to the building and be designed per requirements of the Town of Cambria Water Department and New York State Department of Health per information from Agent, P.E., Parsons Brinckerhoff, in application packet. Copy attached.

Signage – Mr. Benderson said this issue will be discussed with Bendersons and plan to stay with character of the signage that is already there. This issue to be discussed at the February meeting.

Signage placement – should be no problem because tractor-trailers will be coming into the facility for deliveries. The drive-thru area will be 13 feet wide.

Lighting location – there is a pole in the back, per information attached. “New site lighting fixtures will be provided throughout the site for improved aesthetics and security. Light will be contained

within the site and will not spill to neighboring properties”.

Mr. Schreader asked about access from Route 31, will there be a separate parking area for employees? 24 foot drive isle, will round off curb, landscaping; what if there is an overflow of customers?

Snow removal – Mr. Benderson said they can push snow into areas around curbs (square corners), pockets for placing snow. If there is too much snow, will truck it off of the property.

Mr. Fred Frank, Wendel Engineers, said as of now, can foresee no problems with the proposal of Tim Hortons. Applicants can use the Short Form SEQR. This is a Type 2 action, meaning under 4,000 square feet for this establishment.

If the board members have any concerns, contact building inspector, Mr. Phillips or Mr. Amacher and if there are some concerns within the next two weeks, please contact town engineer

REPORTS:

Building Inspector – nothing to report tonight.

Attorney – planning to meet with Mr. McCann regarding transition from previous building inspector.

Board members – next regular meeting will be February 25th at 7:00 p.m.

The May Planning Board meeting will be on the 20th because of the holiday.

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to adjourn at 7:32 p.m.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____