

November 19, 2012

The regular monthly meeting of the PLANNING BOARD of the TOWN of CAMBRIA was called to order by William Amacher, Chairman, at 8:04 p.m. followed by the Pledge to the Flag.

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

A motion was made by Mr. Schreader and seconded by Mr. Phillips to approve minutes of meeting of October 15, 2012 as presented. Unanimously approved, motion carried.

#### **SITE PLAN:**

**2012-09 (10-16-12) LYNDA McSPADDEN**, 2911 Maple Road, Wilson, N.Y.14172,  
**DAVID ERWAY**, 4204 Willow Road, Wilson, N.Y. 14172 and Paul Biddlecombe  
were present at this meeting

The following have been submitted: Application for Site Plan Approval consisting of three pages, Short Environmental Assessment Form and Agricultural Data Statement.

They are requesting Site Plan Approval for the Hot Dog Stand and to erect a fence on the east side property line at 4078 North Ridge Road, Lockport, N.Y. 14094. The building is 10 feet by 16 feet and is on a foundation. There is water into the building and is connected to septic system at the market. The hot dog stand is about 50 feet from the main building, Coulter Farms Market. The hot dog stand has a metal roof, propane for the grill and no restroom facility. There has been a complaint from one neighbor.

The fence must be installed on Erway/McSpadden property. The hot dog stand is about 80 feet from the east lot line. The market is about 80 feet from the road right-of-way.

Applicants wish to construct a split rail fence approximately 33 feet from the center line of the road to corner of the main building.

Concerns of board members:

Discussion on split rail fence or a privacy fence.  
Mr. Erway said he would like to erect a privacy fence.

Building Inspector said the fence must be at least six (6) feet high.

The hot dog stand is a seasonal business, open seven (7) days a week from May 1<sup>st</sup> through September 30<sup>th</sup>. They open at noon and close at 9:00 p.m. They have two (2) employees. A sign will be placed on the building and will use the existing parking area.

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to **approve** Site Plan subject to determination if fence will be split rail, as stated on the application, or a privacy fence, to be located approximately 38 feet from the road right-of-way and go back approximately 80 feet to the corner of existing market. Applicant to advise Building Inspector type of fence to be constructed, split rail or privacy fence. Unanimously approved, motion carried.

**SITE PLAN:**

**2012-10 (11-13-12) LARRY BOONE, 4900 Cambria Road, Lockport, N.Y. 14094**

Mr. Boone has submitted the following: Application for Site Plan Approval in the Escarpment District consisting of three pages, Short Environmental Assessment Form, Agricultural Data Statement and copy of portion of town map.

Mr. Boone wishes to construct an accessory building , 30 feet by 40 feet, on the south/south-east side of primary residence. He said he is not sure at this time whether the building will be wood or metal, is getting prices. His property is on two different tax maps. His home is approximately 60 feet from south property line. He plans to put the building on the 8.29 acre parcel where his residence is located.

Mr. Boone is before the Planning Board because the proposed new building will be in the Escarpment District.

He said he would like to have a twelve (12) foot door, building itself will be 14' or 16' in height. It will be 13' or 14' to the eaves. He said he is getting prices at the present time. There will be just one big door and a man door. He plans to put cement in about 50 per cent of the area and the other half will be stoned, building will be a pole barn type structure. Power line will run from the house or from the pole underground. There will be no heat and no water in the building and will be for personal use and storage only.

There will be no driveway to the building, will park his tractor and a small motor home in the building per Mr. Boone. The ground area he plans to use is fairly level.

There were no concerns of board members, Building Inspector or Attorney.

A motion was made by Mr. Schreder and seconded by Mr. Mawhiney to **approve** Site Plan with information presented from Mr. Boone. Unanimously approved, motion carried.

**10-07 Robert Moore, 3792 Ridge Road, Lockport, N.Y. 14094**

Mr. Billingsley received a letter dated November 13, 2012 from Seaman, Jones, Hogan & Brooks, LLP, Attorneys.

Re: Town of Cambria Planning Board  
Robert Moore – Premises: 3792 Ridge Road, Lockport, N.Y.

Reference to minutes of regular monthly meeting of July 19, 2010, “Mr. Moore wished to subdivide “approximately 5 acres including his residence, dimensions 550 feet in width by 1336 feet in depth”. “Also, enclosed herewith is a copy of the survey by Apex Consulting as to the premises in question. You will note that these premises are approximately **600 feet by 1263 feet**”.

Attorney said “his concern is that parcel that is being subdivided from the farm is approximately **17.526 acres** as opposed to **5 acres**. Actually, it would not have been possible to subdivide a parcel that had 550 feet by 1336 feet and have it be “5 acres”.

“Actually, it should be 17.526 acre parcel including their home to one entity and the balance of the premises to another entity”. A copy of the letter is on file.

Counsel recommended amending previous subdivision approval to 600 feet wide by 1263 feet in depth pursuant to survey attached (17.526 acres).

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to **amend** application No. 10-07 to Robert Moore dated September 15, 2010 to revise to 17.526 acres, as per dimensions shown on survey, namely 600 feet in width by 1263.22 feet in depth. Unanimously approved, motion carried.

**2012-11 (11-19-12) Robert Moje**, 3894 Saunders Settlement Road, Sanborn, N.Y. 14132, was present at this meeting and has submitted the following: Application for Site Plan Approval consisting of three pages, Short Environmental Assessment Form and a form showing layout of his existing buildings.

Mr. Moje said the proposed building will be 24 feet by 36 feet and put on an existing pad. Mr. Moje said he will be putting in a new septic system, two overhead doors, one on the south side and the other on the east side. He plans to store tractors and back hoe in this building. On the east side there will be a small window approximate size 8” by 8”. There will be blocks, already there, on the pad and then wood structure with 12’ outside wall and shingle roof.

Counsel said to applicant if he plans to have a business in the future on this property, he would need to have Site Plan approval.

Mr. Moje said, for now, new building will be for personal use only. The building will not be visible from the road.

There were no concerns from board members.

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

A motion was made by Mr. Hurtgam and seconded by Mr. Phillips to **approve** application for Site Plan Approval to Robert Moje to construct a building on an existing pad, dimensions 24’ by 36’. Unanimously approved, motion carried.

**12-08 (09-28-12) Erica Vranic**, 3112 Saunders Settlement Road, Sanborn, N.Y. 14132

Two parcels are being divided off of the Vranic’s property.

The surveys that accompanied the application of Ms. Vranic showed:

- 12-08A** Parcel to Brandon and Rachel Birtch, 5777 Willow Creek Lane, Sanborn, N.Y. 14132 –  
100 feet in width by 86.77 feet in depth and  
**12-08B** Parcel to Todd Nicholson, 5775 Willow Creek Lane, Sanborn, N.Y. 14132 –  
100 feet in width by 70.35 feet in depth

When the new surveys on the two lots were submitted to the Building Inspector, the two parcels are on an angle and dimensions are:

- 12-08A** Parcel to Brandon and Rachel Birtch – 86.61' – west side; 136.28' – east side; 100' - south side  
and 111.5' - north side and  
**12-08B** Parcel to Todd Nicholson - 70.36' by 112'

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to **approve** the new surveys as submitted, per request of applicant, Erica Vranic, dated 11/15/12. Unanimously approved, motion carried.

December meeting will be at 7:00 p.m. on the 17<sup>th</sup>.

A motion was made by Mr. Phillips to adjourn at 9:05 p.m.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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