

Approved
December 19, 2016

**Town of Cambria
Planning Board Meeting
November 21, 2016**

The regular monthly meeting of the Planning Board of the Town of Cambria was called to order by William Amacher, Chairman at 7:02 PM. Everyone was welcomed to the meeting, followed by the Pledge to the Flag.

Members Present: William J. Amacher, Chairman
Roger Schreader, Sr.
John W. Phillips
Gerald E. Kroening
Garret Meal

Members Absent: Douglas Mawhiney

Also Present: Randy Roberts, Councilman, Acting as Town Board Liaison
Michael Sieczkowski, Chairman of the Zoning Board
Gary Billingsley, Attorney

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

PSBD-2016-010 James-Donna Church
5347 Townline Road, Sanborn, NY 14132
SBL# 119.00-1-68
One lot minor Subdivision

Mr. Church was present at the meeting and stated that he would like to create a 122.9 x 250 lot. The property in question is located one mile north of Route 31; it had once been part of the Mayer Farm. It is located near what was at one time Wendts gas station. The property originally had 519 feet of frontage, according to a survey map from 1996. Mr. Church would like to subdivide because his son may build a house on the newly created lot. Mr. Church stated and Mr. Billingsley agreed that the lot size of 122.9 would be considered a building lot because the law in the Town of Cambria changed after the property was divided. Mr. Church further stated that he has no intention of building on the remaining 90 foot lot.

A motion was made by Mr. Kroening and seconded by Mr. Meal to waive the Public Hearing for this one lot minor subdivision, all in favor, motion carried.

A motion was made by Mr. Phillips and seconded by Mr. Kroening to declare a negative declaration under SEQR, all in favor, motion carried.

A motion was made by Mr. Schreader and seconded by Mr. Phillips to grant Mr. Church his one lot minor subdivision based on advice from Mr. Billingsley regarding the size of the lot, all in favor, motion carried.

PSBD-2016-011 John Wasik
5362 Comstock Road, Lockport, NY 14094
SBL# 121.00-1-1

Two lot minor Subdivision

Mr. Wasik was present at the meeting and stated that he plans to sell one lot to Fran Barone with the existing building and one lot to Greg McCaffrey. Mr. McCaffrey plans to build a warehouse. This property is in an industrial zone; no residence is permitted. Mr. Wasik intends to retain the lot between the proposed Barone and McCaffrey lots in order to continue to farm the back land. This entire parcel is over 141 acres which the Wasik Family intends to continue to farm. Mr. Billingsley advised the Board that they could proceed with this application for subdivision approval but clarify that it must remain industrial and meet site plan approval requirements per Town of Cambria Ordinances.

A motion was made by Mr. Phillips and seconded by Mr. Kroening to waive the Public Hearing for this two lot minor subdivision, all in favor, motion carried.

A motion was made by Mr. Schreuder and seconded by Mr. Meal to declare a negative declaration under SEQR, all in favor, motion carried.

A motion was made by Mr. Kroening and seconded by Mr. Phillips to grant Mr. Wasik his two lot minor subdivision provided future use of property will remain industrial and provided future use will be subject to site plan approval requirements of the Town of Cambria Zoning Board of Appeals, all in favor, motion carried.

Site Plan Laura Hoffman-Thomas Gworek
ZBAV-2016-010 3453 Upper Mountain Road, Sanborn, NY 14132
SBL# 105.00-1-32-122

An application for an Area Variance is on the agenda for a public hearing at the Zoning Board of Appeals Meeting on Monday, November 28. Ms. Huffman and Mr. Gworek were present at the meeting and stated they would like to build a 30 foot by 30 foot pole building. The building would be used to store and work on classic cars. Due to the location of the property on the escarpment the proposed location of the building is 24 feet from the road and parallel with their existing house, applicants require site plan review by this Board. Their proposed contractor has suggested placing the posts for the pole barn, then building a 6 foot retaining wall. This area would then need to be back filled in an effort to even out the grade prior to construction. Mr. Billingsley stated that due to the location of this property in the escarpment district there are many restrictions on what can and cannot be done. The Town Engineer will need to be involved and additional topographical information will probably be needed before the board can further discuss this issue. In addition it appears that this property is located in the flood plain.

Laura Hoffman-Thomas Gworek

Site Plan-Continued

The Board suggested that this discussion be tabled for tonight to allow further discussion. The Building Inspector who was unable to attend tonight's meeting will have an opportunity to discuss these issues with Wendel Engineering.

A motion was made by Mr. Kroening and seconded by Mr. Phillips to table this discussion until further notice. This Area Variance will remain on the Zoning Board of Appeals Agenda on November 28, 2016 for a Public Hearing.

Old Business

PSBD-2016-009 Mark Voelker
5336 Lockport-Junction Rd, Lockport NY 14094
SBL# 121.00-2-27.1
Minor Subdivision

Mr. Voelker was not present at the meeting. Mr. and Mrs. Robert Farnham and their Attorney, Dan Seaman were present. Mr. Farnham is intending to purchase the existing residence along with 3.2 acres from the Voelker Family. The Voelker's will retain 16.6 acres. Mr. Seaman asked that the Board approve this minor subdivision as this item has been on the agenda for several months awaiting approval. Mr. Billingsley stated that there has been no further contact with the Voelker's Attorney and they have not rescinded the application. There is not an issue with approving this subdivision in the Voelker's absence; the fees have been paid and the Mr. and Mrs. Farnham have an interest as perspective purchasers to request approval.

A motion was made by Mr. Phillips and seconded by Mr. Kroening to waive the Public Hearing for this one lot minor subdivision, all in favor, motion carried.

A motion was made by Mr. Kroening and seconded by Mr. Meal to declare a negative declaration under SEQR, all in favor, motion carried.

A motion was made by Mr. Schreder and seconded by Mr. Meal to grant this one lot minor subdivision, all in favor, motion carried.

PSBD-2016-005 Mark and Mary Jane Fremont
5012 Baer Road, Sanborn, NY 14132
SBL# 105.00-1-90
Minor Subdivision

Mr. and Mrs. Fremont would like to divide their 12 acre lot into a 5 acre and a 7 acre lot. The 5 acre lot with the existing church will be renovated into a residence for their son and they will retain the 7 acre lot and construct a new residence. They plan to bury all utilities underground. There is a common driveway that is approximately 8 feet wide which both

Old Business-Continued

Mark and Mary Jane Fremont

Minor Subdivision

residences will share, located on a 66 foot right of way; access to Baer Road should be specified on deeds for both parcels. Mr. Schreader is concerned that the common 8 foot by 400 foot driveway will not hold a large firetruck in the event of an emergency. Mr. Billingsley suggested the Board may want to grant approval with the conditions that the Town Engineer and Fire Departments have an opportunity to evaluate these issues. Public Hearing held at Zoning Board of Appeals Meeting on August 22, 2106.

A motion was made by Mr. Phillips and seconded by Mr. Kroening to declare a negative declaration under SEQR, all in favor, motion carried.

A motion was made by Mr. Schreader and seconded by Mr. Phillips to grant this one lot minor subdivision with the Town of Cambria Engineer and Fire Department to review and approve driveway specifications and location of underground utilities, all in favor, motion carried.

Mr. and Mrs. Fremont were asked to please contact the Building Inspector and the Cambria Fire Chief to discuss these issues.

ZBAV-2016-008 Jeff Rodger
4772 Ridge Road, Lockport, NY 14094
SBL# 79.00-1-20.1

Site plan recommendation for an area variance and special permit to construct a10kw residential wind turbine.

ZBAV-2016-009 Kelly Strade-Crowley
4453 Green Rd, Lockport, NY 14094
SBL# 93.00-1-1.1

Site plan recommendation for an area variance and special permit to construct a10kw residential wind turbine.

Tyler Palmer of 2726 Angling Road, Medina, New York was present at the meeting to answer questions for both wind turbine applicants.

Jamie Johnson, from Wendel Engineering, Engineer for the Town of Cambria was present at the meeting and stated in a Memo dated November 21, 2016 the following:

1. Wendel has completed Parts 2 and 3 of the two Long Form EAFs on behalf of the Town of Cambria Planning Board (Lead Agency). For both locations it has been determined that the project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, it is recommended that a negative declaration be issued.

2. It is understood that the operational noise level of the wind turbine exceeds the Town's Audible Noise Standard; 52.1 dB(A) vs. 50.0dB(A). However, given the distance between the turbines and nearby residences and/or structures, we recommend exception to the Audible Noise Standard be granted.
3. The applicants shall verify that lighting in accordance with the Memorandum provided by Mercy Flight will be provided for both wind turbine sites.
4. For the Green Road site, applicant shall provide a letter from the adjacent air strip owner to verify their concurrence with the project, as well as to verify whether they have any specific requirements for the wind turbine in terms of lighting.

Based on their review of the revised applications, Wendel takes no objection to site plan approval for the 4453 Green Road and 4772 Ridge Road wind turbines applications, conditional upon receipt of items 3 and 4 above.

Town of Cambria Local Law No. 1 of the Year 2009, Section 3 was used in the compilation of these comments.

Mr. Billingsley explained that the Planning Board will act as lead agent and make recommendations to the Zoning Board.

The board had several questions for Mr. Palmer, Mr. Phillips asked why is the height necessary on the Wind Turbines, Mr. Palmer explained that the height has been calculated and determined to be the most effective. Mr. Palmer further stated that the wind turbines have an Auto Furling System, this prevents the wind turbine from spinning too quickly, by turning the blades away from the direction of the wind, either horizontally or vertically.

Mr. Palmer stated that he will provide the Building Inspector with the information on the decommissioning of the wind turbines.

Jeff Rodger

4772 Ridge Road, Lockport, NY 14094

A motion was made by Mr. Kroening and seconded by Mr. Phillips to declare a negative declaration under SEQR, all in favor, motion carried.

A motion was made by Mr. Phillips and seconded by Mr. Kroening to recommend that this wind turbine application be referred to the Zoning Board of Appeals for its review and determination, all in favor, motion carried.

Kelly Strade-Crowley

4453 Green Rd, Lockport, NY 14094

A motion was made by Mr. Kroening and seconded by Mr. Meal to declare a negative declaration under SEQR, all in favor, motion carried.

A motion was made by Mr. Phillips and seconded by Mr. Meal to recommend that this wind turbine application be referred to the Zoning Board of Appeals for its review and determination, all in favor, motion carried

November 21, 2016

Planning Board
Continued

Both wind turbine applicants were reminded following approval by the Zoning Board of Appeals they will need to come back to the Planning Board for Site Plan Approval.

New Business:

Reports:

Chairman- Nothing at this time.

Building Inspector- Nothing at this time.

Attorney- Nothing at this time.

Board Members- Nothing at this time.

A motion was made by Mr. Kroening and seconded by Mr. Schreader to adjourn the meeting at 8:35PM.

The next meeting of the Planning Board will take place Monday, December 19, 2016 at 6:00PM.

Respectfully Submitted by
Melinda Olick