

Town of Cambria Planning Board Meeting Minutes

March 21, 2022

Call to order

A meeting of the Town of Cambria Planning Board was held at 7:00pm on March 21, 2022. Chairman, Amacher welcomed everyone to the meeting followed by the Pledge of Allegiance.

Attendees included:

William J. Amacher, Chairman
Roger Schreader, Vice Chairman
Michael Sieczkowski, Member
Garret Meal, Member
Gerald Kroening, Member
David Carter, Alt. Member
Ben Musall, Town Board Liaison
Gary Billingsley, Attorney
James McCann, Building Inspector/Code Enforcement
Matthew Cooper, Deputy Building Inspector/Code Enforcement
Krista Brocious, Clerk Planning /Zoning Board
Members not in attendance included: N/A

Approval of Minutes

Minutes from the incorrect month were sent to the members therefore minutes could not be acted on from February at this time.

New Business

WALKER, Daniel
3769 Upper Mt. Rd.

P-SBD-2022-003/004
SBL#106.00-1-41.111

Mr. Walker was present for the meeting. He would like to subdivide two (2) parcels from his property.

Public Hearing open.

Ms. Sharon Walker asked how many lots are allowed to be taken out of a property before it's no longer considered a farm.

It was explained that removing parcels does not change the zoning of the main property.

Public hearing closed.

According to Mr. McCann there are no drainage issues with the proposed lots.

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Motion

A motion for negative SEQR was made by Mr. Sieckowski for lot assigned file P-SBD-2022-003 and seconded by Mr. Kroening, all in favor, motion carried.

A motion to approve the minor subdivision of lot assigned file P-SBD-2022-003 made by Mr. Meal and seconded by Mr. Kroening, all in favor, carried.

A motion for negative SEQR for lot assigned file P-SBD-2022-004 was made by Mr. Kroening and seconded by Mr. Schreader, all in favor, motion carried.

A motion to approve minor subdivision of lot assigned file P-SBD-2022-004 was made by Sieckowski and seconded by Mr. Meal, all in favor, motion carried.

Unfinished business

CODY DEVELOPMENT 2, LLC
5218 Upper Mt. Rd.
The Corner Store

P-SP-2022-001
SBL#107.00-2-23

Mr. Tim Arlington of Apex Consulting was present to go over revisions and additions that were made to the Site Plan since the last meeting. Per a letter sent from Tim Walck of Wendel Engineers, Mr. Arlington made clarifications to the layout. The pumps out front are being removed; there will be handicap parking available. Photometrics were provided to show the distribution of the lighting. The lights are all facing down so they don't provide glare. Drawings for the turning radius for the tractor trailers and a grading plan were also included. He has provided significant provisions to make sure the water doesn't leave the site other than in the drainage ponds. They added a swale on the west and south sides to ensure nothing leaves the site without draining through the detention pond. A sand filtration system and roof conductors have been included in the diagramed plans. Mr. Arlington states that is the extent of the changes that were made. The overall plans they have been working on over the last year have remained basically the same. The drive thru window was removed from Ava's Table and there were a couple minor tweaks on circulation.

Chairman Amacher inquired if they intend to keep the existing tanks that were installed 40 years ago. Mr. Arlington said the existing tanks will be used; they are owned and inspected by Reed Petroleum. Reed petroleum would have to answer questions regarding the condition of the fiberglass tanks. They have to maintain the fluid levels and would have to report discrepancies to the Department of Environmental Conservation (DEC). If they are fiberglass tanks their durability is better than other types. Chairman Amacher clarified that he would like a third party other than Reed Petroleum, who owns the tanks, to check for any contamination in the ground as there are houses very close. Mr. Walck responded that he will see what he can find out regarding someone else checking the condition of the tanks.

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The county can address the parking issues on Upper Mountain Rd. but not Townline Rd. because it is a State road. The Department of Transportation (DOT) is responsible for the intersection. Mr. Arlington said he won't be able to get any more comments from the DOT before officially filing for the highway work permit.

Mr. Walck says that the DOT and the town will be looking for what is being proposed along the roads to prevent customers from parking on the shoulders as they do now. The Town and DOT are looking for proposed changes to prevent these current issues from continuing with the new plan. Mr. Amacher asked about physical barriers to prevent parking along the side of the road. Mr. Walck wants to know if there were changes to the curbing. The Town Boards and DOT have concerns with the parking along the road. There is nothing to prevent anyone from parking on the shoulder. Mr. Arlington isn't proposing to put any signs on the shoulders or anything on the right of way area as the DOT usually does not want anything there and it is not up to him but up to the DOT.

Mr. Schreder proposes Ava's Table be removed to make it one building. Mr. Arlington will pass that along to his client, Mr. Barone. Mr. Amacher states that Ava's Table has more room than it needs to carry out its business. Demolishing the entire building would solve a lot of the problems. The convenience store is not in competition with Ava's so they could be in the same store and not two separate businesses. Mr. Arlington said the width of the lot is still narrow; there will be setback issues then.

Mr. McCann wants to know if patrons can get from Ava's Table to the convenience store as a customer. Mr. Arlington says you could but that you wouldn't because it would be going through Ava's back room so that is not the intent of the space. Ava's is essentially a separate space as tenant. They share utilities because there is one basement. They each have their own separate bathrooms.

Mr. Meal questions the amount of parking spaces that Ava's Table has being enough for their employees and customer. They have 3 employees they have 5 parking spots. Is that enough parking to support their business? Mr. Arlington says that is enough spaces for their businesses because it is a takeout set up. However the board members do not agree that there are enough parking spaces to satisfy the customer base and employees.

Mr. Amacher asked that Mr. Arlington go back to Mr. Barone and encourage making just one building as it would make everything easier.

Mr. McCann says by the building code Ava's doesn't fall under an eating establishment. If it is going to be considered an eating establishment it would need enough parking even if there isn't seating for people.

Mr. Arlington's proposed plan is deterring people from parking out in the front and parking on top of the tanks like they currently do. There are no spaces there so legally people can't park there. There are extra spaces for overflow and one handicap spot. There is no ramp going in because there is not room for one. Mr. Walck requested that Mr. Arlington do another parking

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analysis for the two uses. Mr. Meal says people will not use the extra spaces they are too far away from the Ava's entrance. It's a long walk. People will park on the sides and non-designated spots and cause problems.

Both buildings will be cleaned up and repainted and sided. The front of Ava's will be fixed up according to Mr. Arlington.

Lengthy discussion ensued regarding the tractor tailors crossing the centerline into traffic when exiting the space. Radiuses of driveways on the proposed plan are currently according to DOT requirements. Mr. Walck requested that the prints be changed to show the patterns of trucks entering and exiting both ways on the print.

Mr. Amacher briefly explained the following resolution:

Town of Cambria Resolution for coordinated review

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY FOR THE BAILEY'S 'B' CONVENIENCE STORE PROJECT

Whereas, Cody Development 2, LLC has proposed a 2400 square foot addition to the south side of the existing building at 5218 Upper mountain Rd., and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the project has been classified as an Unlisted Action; and

Whereas, the Town Planning Board has determined to conduct a Coordinated Review and seek to serve as Lead Agency for SEQRA review of this action and will determine if the proposed action will have a significant effect on the environment; and

Now, Therefore, Be It Resolved, that the Town Planning Board hereby designates its intention to serve as Lead Agency for the proposed action and will circulate Lead Agency Notices along with Part 1 of the Environmental Assessment Form and any other supporting documentation to all Involved Agencies; and

Be Further Resolved, that the Town Planning Board authorizes Wendel to begin the SEQR process by completing a SEQR coordinated review to establish the Town of Cambria Planning Board as SEQR Lead Agency by distributing the Lead Agency materials to Involved and Interested Agencies and receiving any comments from those agencies.

Motion

A motion to approve the Town of Cambria Resolution for Coordinated Review was made by Mr. Sieczkowski seconded by Mr. Schreader.

Mr. Schreader- Aye

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Mr. Sieczkowsky- Aye

Mr. Amacher- Aye

Mr. Meal- Aye

Mr. Kroening- Aye

Motion carried.

Reports

The next meeting is April 18, 2022 at 7:00pm and Mr. Amacher will call a Public Hearing for Cody Development 2-The Corner Store. Mr. Walck needs to be present at that meeting.

At last month's meeting Mr. McCann requested that the board consider making a recommendation that any subdivisions that are granted have to be recorded in the County Clerk's office within a certain amount of time. He gave the members an example of a recent issue with a lack of recording in these instances. In 2011 a subdivision was approved and the allowed lot size has changed since that time. The owners only got approval but never parceled the lot off and want to do so now. This would now create an illegal lot. Essentially we have unending approvals out because a timeframe has not been set.

Mr. Meal suggests accomplishing a remedy for this issue by adding a standard contingency on the board's approval.

Mr. Billingsley will look into possible remedies. He will talk to the county. He and Mr. McCann will get together and have answers on this for next month.

There is continued discussion on this matter.

Mr. Schreader inquired about the happenings at Moe's Backhoe. There are cars and trucks sitting over there. Mr. McCann is taking care of it.

Adjournment

A motion to adjourn @8:13pm made by Mr. Kroening and seconded by Mr. Meal, all in favor, motion carried.

Krista Brocious

Planning/Zoning Clerk