

July 17, 2006

The regular monthly meeting of the PLANNING BOARD of the TOWN of CAMBRIA was called to order at 8:00 P.M. by William Amacher, Chairman. He welcomed everyone to the meeting followed by the Pledge to the Flag.

Members present: William Amacher, Chairman
Norman Human, Jeffrey Hurtgam, John Phillips, Thomas Willett
Also present: Clifford Burch, Building Inspector
Donald Lane, Deputy Building Inspector
Gary Billingsley, Attorney
Robert Klavoon, Wendel Duchscherer, Eng.

A motion was made by Mr. Human and seconded by Mr. Willett to approve minutes of meeting of June 19, 2006 as written. Unanimously approved, motion carried.

2006-13 DANIEL J. PYSKATY, 8845 Townline Road, Barker, N.Y. 14012
Project location –Junction Road, Lockport, 14094
Application for Rezoning

There was no one present on behalf of Mr. Pyskaty.

Mr. Pyskaty has submitted the following: Application for Rezoning, Short Environmental Assessment Form, Agricultural Data Statement and copy of town map highlighting portion for rezoning. Also received, documentation to the Town of Cambria that three owners, namely, Donald Pyskaty, Donald Richardson and George Wolf, do not object to the proposed rezoning of subject property.

Mr. Pyskaty would like to rezone property on Junction Road, approximately fourteen (14) acres, on the west side from Agriculture-Residential to Industrial. This application was before the Town Board and they have requested recommendation from the Planning Board.

Mr. Pyskaty applied for just his portion, namely, approximately fourteen (14) acres.

It was reported that the Town Board feels all of that parcel north of National Grid right-of-way should be the same zoning, Industrial, to square up the parcel.

Mr. Phillips said one-half of that area is already zoned Industrial and should make it contiguous to the existing Industrial zone. The three property owners have agreed to the proposed rezoning.

The Town Board will refer this application to the County Planning Board for their review.

On Mr. Pyskaty's property initially to be rezoned was approximately fourteen (14) acres and now it will be 28.2 acres, his entire property.

A motion was made by Mr. Phillips and seconded by Mr. Willett to recommend approval for rezoning of 28.2 acres from Agriculture-Residential to Industrial. Unanimously approved, motion carried.

Secretary read Notice of Public Hearing as it appeared in the Lockport Union Sun and Journal and the Niagara Falls Gazette to consider Preliminary plot approval of the application of **Barbara Valenti**

(06-03), C/O 280 East Avenue, Lockport, New York 14094 for a subdivision to be known as the **GREEN ACRES SUBDIVISION** for nine (9) lots for premises located on the west side of Green Road between Ridge Road and Lower Mountain Road.

Mr. Clarence Burkwit represented Green Acres. Also in attendance this evening were Barbara Valenti, executrix of the Burcyk estate (Green Acres) and Marianne DeMaison, sister of Mrs. Valenti.

Mr. Burkwit said the width of the ditch easement on lots No. 3 and 4 is 60 feet and that will be filed with the Niagara County Clerk per plot map.

1. Regarding the drainage issue, received a letter from Highway Superintendent, Jon MacSwan, dated July 14, 2006, which stated “that the ditching that needed to be done for drainage purposes on Green Road has been completed”.
2. Received letter from Niagara County Health Department dated June 29, 2006 “Re: Approval of Plans – Sand Filter Sewage Disposal Systems on Green Acres 9-lot Development, Green Road, approved with conditions”.
3. Received letter from Wendel Duchscherer Eng. dated July 17, 2006 stating they had reviewed the documents on subject property and based on their review, recommended approval of the Site Plan as presented.

Public Hearing open:

David Miller, 4380 Green Road, Lockport 14094, asked how wide and how deep are the proposed lots?

It was explained to him what the proposal is for and the lay out. This is the rest of the Burcyk property.

Patrick Garland, 4375 Lower Mountain Road, Lockport, bought the Burcyk home, barns and some acreage adjacent to the buildings and also a parcel adjacent to original purchased property. He asked how big is the subdivision. He was told, right now there are nine (9) lots which encompasses the balance of the farm. The largest parcel is seventeen (17) acres . The parcels range from approximately 700+’ to 800+’ in width, except Lot No. 5 which has been subdivided into two parcels, No. 5 and 5A and are 404.29’ and 444.52’ in width. These nine parcels can be further re-subdivided in the future and when further subdivided, person or persons must come to the Planning Board with plans.

Counsel said there is a possibility for re-subdividing each parcel into approximately four (4) lots.

It was asked about the “Right to Farm law” and it was said proposed action on this issue will be before the Town Board at their August meeting.

Joseph Critelli, Blackman Road, builder, present at this meeting, said he will try to split the parcels he is purchasing, namely No. 2, 6 and 8. He said there will be no cul-de-sacs. Two proposed roads are planned going west from Green Road, namely, an extension of Van Dusen Road and between Lots No. 7 and 8. He said he wants to keep the property as “country” as possible. He plans for one house per parcel per year.

There are no new roads proposed within the subdivision, development of Green Road frontage only.

Public Hearing closed.

Reserving of area for recreation purposes in large subdivisions per Subdivision Regulations “if in the opinion of the Board it is not desirable, the Board may waive the requirements that the Plat show land for such purposes. The Board may then require the payment of a fee of \$200.00 per subdivision lot in lieu of the dedication or reservation of areas or sites for the above uses.”

Counsel said the town decided it wanted a town park in lieu of a park area for recreation and decided to charge the \$200.00 per subdivision lot. This would also apply to any re-subdivided lot from the original parcel and this fee to be paid up front.

Mr. Burkwit said the applicant has agreed to the fee issue.

A motion was made by Mr. Human and seconded by Mr. Willett to declare **negative declaration under SEQR** on application of Green Acres (Burcyk farm). Unanimously approved, motion carried.

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to **approve** subdivision to be known as Green Acres Subdivision for nine (9) lots for premises located on the west side of Green Road between Ridge Road and Lower Mountain Road. Unanimously approved, motion carried.

An amendment was made to the preceding motion that provision for recreation fee of \$200.00 per lot for nine (9) lot subdivision and also will apply to re-subdividing of the nine (9) lots. Mr. Phillips and Mr. Hurtgam agreed to the amendment to the original motion. Unanimously approved, motion carried.

Mr. Burkwit was advised that when final plans on Green Acres are complete, to send them to Mr. Amacher for signature.

Secretary read Notice of Public Hearing as it appeared in the Lockport Union Sun and Journal and the Niagara Falls Gazette to consider Application of **CASTLETON DEVELOPMENT, LLC (06-04)**, 8300 Black Walnut Drive, East Amherst, New York 14051 for a Site Plan Review and approval for use of premises in the vicinity of Shenk Road containing approximately 18.3 acres for the purpose of permitting construction of fifty-eight (58) single-family patio homes to be known as Willow Creek Patio Homes Subdivision and for making a recommendation to the Cambria Town Board regarding same, pursuant to the provisions of the Cambria Zoning Ordinance regulating permitted uses in the Planned Development District of the Town of Cambria.

Mr. Kenneth Zollitsch, Planning Associate and Thomas Plotar from Greenman Pedersen, Inc. and several men representing this project were present at this meeting.

Mr. Zollitsch said this is a fifty-eight (58) lot subdivision on the south side of Saunders Settlement Road with entrance from Shenk Road. Engineering plans have been submitted and working on required revisions.

Mr. Zollitsch was asked if they plan on doing this project in one phase and he replied “yes”, infrastructure will take about one year and then plan to sell these homes.

Regarding Home Owners’ Association, everyone who buys a lot in this subdivision will be required to buy into the association. Association will take care of the maintenance and needs of the owners.

Type of housing – these will be single-family homes approximately 1300 – 1800 square feet, two or three bedrooms, ranch style, 40’ by 60’, two-car garage, cellar, average size lot 60’ by 120’ and some lots will be deeper.

Public Hearing open:

Charlotte J. Bruening, 1064 Saunders Settlement Road, Sanborn, 14132 and her mother, Violet Voelker, 3118 Saunders Settlement Road, were present at this meeting. Mrs. Bruening said her name is on her mother’s deed. Mrs. Bruening asked what is the price range on these future homes, and the answer was upper \$100,000.00’s to lower \$200,000.00’s. She then said if these are for senior citizens, they couldn’t afford that.

Mr. Amacher said there are no age restrictions in this proposed subdivision.

Mr. Zollitsch said these are geared to senior people whose children have grown up and left home, not really for total seniors.

Mrs. Bruening said her mother’s property butts up to the back of subject property. Is there a possibility of her mother’s two lots being included in this subdivision? Otherwise, her property will be blocked in.

Mr. Zollitsch said they could not add on to their proposal.

Mrs. Bruening asked if the town has any insurance or a bond to assure this proposed subdivision will be developed properly? Would a bond be required while development is in progress? For example, if something should happen and the project only gets partially completed.

It was said the road will go in first and then the utilities, which will be underground, prior to any building construction.

Linda M. Delong, 3128 Saunders Settlement Road, Sanborn, said they own ten (10) acres east of proposed Willow Creek project. She said in a prior proposal on this property, there were two roads proposed going in and out of Wendt property, and if anything was developed, they would not be blocked off..

Chairman asked Mrs. Delong if they would be interested in leaving a 66' right-of-way in the back of their property for a future road? Her land is in R-1 and not P.D.D.

Mrs. Delong said she has approximately 314' of frontage on Saunders Settlement Road.

Mr. Willett asked how deep is her property and she said 1200' (10.4 acres).

Mr. Delong said he is not in favor of leaving a proposed road to the back of their land.

Counsel said Mr. and Mrs. and Mrs. Delong might have to combine with a neighbor for a proposed road.

Chairman said she is asking for another access and this proposed Willow Creek subdivision has been designed for just 58 home owners in this project.

Counsel said the Planning Board has to make a recommendation on this application of Willow Creek to the Town Board who will make final decision. Planned Development District (P.D.D.) is different than other districts on size of lots.

The properties of Mrs. Voelker and Mr. and Mrs. Delong could be discussed at a future time.

Chairman suggested the aforementioned property owners could discuss any concerns with the Town Supervisor, Mr. Ellis.

Public Hearing closed.

Water line, per letter dated July 11th from Wendel, why two interconnections on Shenk Road?

Mr. Plotar said that was a "request of the Town of Cambria Fire Co." The design "engineer must provide a written explanation the impact of the second interconnection will have on the system". He must provide water modeling data that second interconnection will improve pressure and fireflow demand within the subdivision.

It was said the Water Superintendent, Mr. Jowdy, feels the second interconnection is not needed and of no benefit.

Mr. Lane said it was the Sanborn Fire Co. that requested the two interconnections and not Cambria Fire Co. If there were one or two fires at one time, the fire company felt it might help to have the two interconnections.

Mr. Phillips said let Sanborn Fire Co. prove they need the second interconnection.

Mr. Klavoon asked applicant if N.O.I. form had been filed yet and Mr. Plotar responded, “no” it has not been filed as of this meeting.

It was said it would create more traffic if another road was put into the subdivision.

Chairman said the Water and Highway Superintendents are satisfied with the plans as presented.

Discussion on per lot fee for recreation. Chairman said the Town Board sets the fees.

Next meeting August 21st at 8:00 P.M.

REPORTS:

Chairman asked about dirt pile on Barone property on corner of Shawnee and Lower Mountain Roads. Building Inspector said he wrote a letter to Mr. Barone and has received no response as of today.

Counsel will do a follow-up letter on the Barone issue.

Building Inspector – ditch cleaned out on Lockport-Townline Road near new winery. Dirt was moved south up the escarpment and closer to property line than permitted. Mr. Burch feels it is closer than 500 feet from property line.

Attorney – dirt cleaned off on property on north side of Lower Mountain Road, Haseley property. Building Inspector said a new house is being built on that property.

Mr. Bitterman was present at this meeting just to observe.

Board members – nothing this evening to report

A motion was made by Mr. Willett to adjourn at 9:25 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____

