

February 27, 2006

The regular monthly meeting of the PLANNING BOARD of the TOWN of CAMBRIA was called to order at 6:30 P.M. by William Amacher, Chairman, followed by the Pledge to the Flag. He welcomed everyone to the meeting.

Members present: William Amacher, Chairman  
Jeffrey Hurtgam, John Phillips, Thomas Willett  
Gerald Machajewski, alternate  
Member absent: Norman Human  
Also present: Clifford Burch, Building Inspector  
Donald Lane, Ass't. Bldg. Inspector  
George Bush, Councilman and Town Board liaison  
Joseph Ohol, Chairman of Zoning Board  
Gary Billingsley, Attorney  
Robert Klavoon, Wendel-Duch. Eng.

A motion was made by Mr. Willett and seconded by Mr. Machajewski to approve minutes of meeting of January 16, 2006 as written. Unanimously approved, motion carried.

**2006-01 J. GARY DiLAURA**, 7605 W. Rivershore Drive, Niagara Falls, N.Y. 14304  
Subject property - 3056 Saunders Settlement Road, Sanborn, N.Y. 14302

Mr. DiLaura was present at this meeting and has submitted the following: Application for Site Plan Approval, Short Environmental Assessment Form and Agricultural Data Statement.

Mr. DiLaura wishes to incorporate lot #4 into his landscaping, nursery and indoor storage business with same conditions that apply to lots #1, 2 and 3.

Mr. DiLaura said he had Planning Board approval of the Site Plan for lot #4 in July 2005 and the Planning Board recommended that the Town Board give final approval to him to include lot #4 in his existing business with conditions. On September 8, 2005 the application and Planning Board recommendation were presented to the Town Board for consideration. At that time Mr. DiLaura withdrew the application and the Town Board resolved to disapprove that application based upon the request of the owner. Now a new application for use of those premises has been received. The Town Board reviewed the new application, #2006-01, for Site Plan approval for lot #4 and then referred it to the Town Planning Board for its consideration to be included with lots #1, 2, and 3 under PD.

Applicant said he appeared at the Town Board meeting and had lot #4 reinstated and a resolution was passed at the February 9<sup>th</sup> Town Board meeting to approve lot #4 and incorporate it into the existing landscaping business subject to Planning Board approval of any construction on those premises.

Mr. DiLaura proceeded to explain the steps along the way from July 1995 when he bought the property from Wendt's Farm Estate at 3056 Saunders Settlement Road, which at that time was zoned Agriculture Residential. He had to go before the Zoning Board for a Use Variance to use said property for a landscaping, nursery and indoor storage business. Over the years he has been to the Planning Board, Zoning Board and Town Board for various issues and had a Use Variance to operate his business on lots #1, 2, 3.

A Site Plan, #2006-01, was reviewed by the Town Board on February 9<sup>th</sup> for expansion to incorporate lot #4 into existing business with same conditions that apply to lots #1, 2 and 3.

He did not get a building permit and said he had changed his mind and decided to construct additional buildings on lots #1, 2 and 3 to operate a storage business.

No action taken on Site Plan, #2006-01.

Mr. DiLaura would have to come before the Planning Board for Site Plan approval on lot #4 for indoor storage prior to use.

**2006-02**      **J. GARY DiLAURA** was present at this meeting and has submitted the following:  
Application for Site Plan Approval, Short Environmental Assessment Form, Agricultural Data Statement, copy of survey map, sketch plan and revised sketch plan.

Mr. DiLaura said lot #4 is not involved in this Site Plan. He said he would like to construct five (5) buildings on lots #1, 2 and 3 and not going to do anything on lot #4 at this time.

Because property is in PD, applicant must go before Town Board and Planning Board.

The proposed buildings will be of steel construction 8'4" in width, will not be able to see buildings above stockade fence, a low profile building. They will have red doors with gray or white trim. There will be green space in front of the buildings. The stockade fence in front of the property will be removed and placed across the side and back of the property.

Mr. DiLaura said Gary Townsend, a neighbor, has no problem with putting the fence on the line between the two properties but Mr. DiLaura said he will place the fence about a foot in on his side. Area around buildings will be blacktopped. There will be two (2) gates to enter into Mr. DiLaura's property which will be electronically operated. Customers will have a code for access to the property and only permitted in between the hours of 7:00 A.M. to 9:00 P.M. The office will be open Monday through Saturday 8:00 A.M. to 4:00 P.M. There will be indirect security lighting. Buildings will not be climate controlled. The existing barn, 36' by 100', will be climate controlled. Also, will be converting barn to control the humidity.

Property will be graded toward Route 31 and pitch from the back of the property to the road.

Mr. DiLaura said he would like a lighted commercial sign 32 square feet to be located where existing sign is. Also said he will plant trees along chain link fence along Route 31 and will landscape corner and also in the center. May perhaps put up a pole with American flag and shrubbery. Chain link fence will be see through made of black vinyl.

Applicant will be the operator of this business and will be doing the building along with factory people.

Mr. Machajewski asked if the water runoff from the blacktop on the south side would go on to neighbors' property?

Mr. DiLaura said Todd and Glenn Wendt's properties are higher and water would go through Mr. DiLaura's property.

Mr. Machajewski asked if grass could be raised and the pitch go toward the east away from the buildings?

Mr. DiLaura said center of the swail is on the property line. Could make pitch go more toward the east. He said all of that area is hard fill with millings in, two thirds of the property slopes toward Route 31. He said he will try to maintain the pitch.

Mr. Phillips asked Mr. DiLaura if he had discussed this problem with his neighbors?

Mr. DiLaura said he has talked with his neighbors about his proposal. This will be a quiet business and the average tenant visits the storage facility about once a month, a low profile business. The lights will be under the eaves, about 7'6" high and the lighting is not real bright. There will be no lights in the new buildings.

Mr. Machajewski asked applicant if there would be restrictions on what can be stored in the buildings?

Mr. DiLaura said there will be no hazardous chemicals, no solvents, and not over 100 gallons of gas or diesel fuel. He said he will have photographs of all of the tenants which will be placed on the tenants' cards.

Applicant was asked if he will have to tear down any buildings. Answer was "no".

There will be sufficient room for fire apparatus to get on to the property.

Mr. DiLaura said he will be in compliance with the State code. Also said he is filing a new deed incorporating all of his property on to one deed.

He said the interior petitions in the new buildings can be moved. Will see what the demand is for size. There will be no working on items in the buildings. He plans to have 66 units, some of which will be 5' by 5' for college people's needs.

Mr. Lane asked how will the fire department get into the facility if there is a need to?

Mr. DiLaura said he will provide the fire company with a code.

Mr. Phillips asked about setbacks in PD and answer was that issue appears to be okay.

Mr. Machajewski asked about storm drainage in the front?

Mr. Klavoon asked what would be the total area blacktopped including the proposed five (5) buildings?

Applicant said buildings will be about 22,000 square feet and the blacktop area about 50,000 square feet, under three (3) acres (140,000 square feet).

Mr. Klavoon said Mr. DiLaura may need to file for a Spedes Permit.

Counsel advised Planning Board could make a recommendation to the Town Board to approve Site Plan to Mr. DiLaura as submitted with conditions and then the Town Board could grant final Site Plan approval of the plan as submitted with the full understanding of the conditions recommended.

A motion was made by Mr. Willett and seconded by Mr. Phillips to recommend to the Town Board approval of revised Site Plan as submitted by Mr. J. Gary DiLaura with provisions as recommended by the Planning Board:

1. Applicant be permitted to install a 32 square foot lighted sign.
2. Property to be suitably blacktopped around the buildings.
3. Property to be suitably landscaped including black vinyl chain link fence on the Route 31 side.
4. Applicant to comply with all New York State laws regarding storage.
5. Applicant to comply with requirements pertaining to New York State Spedes Permit.
6. Property to be drained from site to Route 31 and no drainage to go on to neighbors' properties.
7. Lighting on buildings below the eaves, about 7-1/2 feet from the ground.
8. Driveway to be blacktopped to the road.
9. Two gates in front of the property.

Unanimously approved, motion carried.

**06-02 JON BRUCE** – proposed subdivision on the east side of Cambria Road between Upper Mountain Road and Lower Mountain Road is on hold indefinitely.

**06-03 GREEN ACRES SUBDIVISION** (estate of Mary Burcyk), Green Road – revised Site Plan

Mr. Clarence Burkwit, Civil Engineer, on behalf of Burkwit Engineering;  
Mr. Allen Miskell, Attorney, and Barbara Valenti, Executrix were present at this meeting on behalf of Green Acres Subdivision.

Mr. Burkwit said the main issue now is the drainage on this property. He said there is an 18 inch culvert under Green Road that conveys water from east side of the road to the west side of the road and currently there is siltation in the existing culvert that restricts the flow of water, per letter dated February 3<sup>rd</sup> to Mr. MacSwan, Highway Superintendent. He said if this culvert is cleaned out, should alleviate or perhaps eliminate the flooding that has occurred in the past. This culvert is on lot #3 as shown on the sketch map. He said there is about 1% grade. The pipe is okay, just clean out the silt. Mr. Burkwit said he met with Mr. MacSwan on this issue.

Mr. Miskell and Mrs. Valenti are concerned about the location and number of proposed roads on this property. Mrs. Valenti questioned the road proposed to continue on from Van Dusen Road. She feels two (2) roads would be sufficient. Discussion followed on this issue.

It was explained that the town requires a proposed road every 1200 feet to 1500 feet for future roadways in a new subdivision.

Mr. Miskell said he could not find any record of a legal easement on file on this property for the electric that goes to Cambria Fire Co. on Route 425.

The exact location of the roads was not decided as of this meeting. The drainage issue must be taken care of prior to the roads.

Mr. Klavoon asked if the Niagara County Health Department had been contacted regarding proposed septic systems on this property? Sand filter systems probably will be required. Nothing done on this issue as of this meeting.

#### **NEW BUSINESS:**

Counsel informed the board that a public hearing is scheduled for tonight by the Zoning Board for Terry and Carol Vosburgh on Lower Mountain Road north side between Baer Road and Route 429 for an Area Variance to permit a parcel 442.5 feet be allowed to be divided into three (3) lots containing 147.5 feet of frontage on each lot. Ordinance requires 150' frontage per lot. This will also need subdivision approval and a variance is needed before subdivision approval from the Planning Board. The Planning Board might request a sketch plan. Planning Board should make a recommendation on the application, 147.5 feet for each lot on the front and the lots will be 200' deep. Zoning Board will do the SEQR

A motion was made by Mr. Phillips and seconded by Mr. Willett that this board (Planning Board) has no objection to the three lots being 147.5 feet each on the frontage. Unanimously approved, motion carried.

Mr. Burch reported that someone is interested in raising German Shepherd puppies and an application has been submitted. The puppies are sold and the new owners sometimes may wish to leave the puppies with the seller for a short period of time after purchasing. Would this be a private kennel or a public kennel? In a private kennel the dogs on the premises are their own. Not known if there is a charge for extra time kept on the premises. This might not fall under a Special Permit. The owner has a ten (10) acre lot.

#### **REPORTS:**

##### **Building Inspector:**

Auction held on Lyn-Dale property. Mr. D'Angelo purchased eight (8) lots. Not all of the lots have Health Department approval.

##### **Chairman:**

Proposed development, Castleton Develop. Corp., Wendt property on south side of Route 31 across from the N.C.C.College for 65 patio homes ranging from 1300 square feet to 1800 square feet, approximate cost \$175,000.00. Property is in PD zone.

End of reports.

Richard Hahn was present at this meeting concerning a berm on his property on Lower Mountain Road. He said the two parcels are owned by his mother, Joan Hahn.

There is and has been a problem with noise control from Mr. Hahn's business, sandblasting, per a couple of neighbors.

Chairman asked Mr. Hahn why the berm was placed where it is?

Mr. Hahn said he plans to put foliage and evergreen trees on the berm in the Spring.

Mr. Hahn was asked if he has a design?

He said the berm was recommended by D.E.C. and other agencies. Foliage absorbs some of the noise.

Chairman would like to see information on this berm. It should not be that close to the road.

Mr. Hahn said the berm was part of his permit.

Mr. Burch said the berm needs to be part of his Site Plan. Cannot store excavated material within 500 feet of the road per Zoning Ordinance. It is excavated material.

Mr. Hahn said he has hired a contractor to get rid of the used concrete. Also said there are no regulations in the ordinance on height and width of a berm.

It was again stated that the berm needs to be part of Site Plan for his business under the Special Permit. There is nothing in writing in town records about the berm.

Mr. Hahn said there is nothing in the Zoning Ordinance on this issue.

The board feels if there was foliage planted on the berm, it might help to control dust and noise.

Mr. Willett said Mr. Hahn is not in compliance with the Zoning Ordinance. The berm is too close to the roads. The board needs to see a plan and how it will be finished and incorporated into the business. The existing Site Plan does not show the berm.

Mr. Burch again said Mr. Hahn is storing material too close to the roads. Suggested to leave as berm and submit a Site Plan with details of the berm.

The Planning Board needs to know what Mr. Hahn's plans are for this berm.

Counsel recommended Mr. Hahn contact D.E.C. and any other agencies that might be concerned and get recommendation in writing for height, width, vegetation and any other pertinent information for the board's review.

The next regular Planning Board meeting will be Monday, March 20<sup>th</sup> at 8: P.M.

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to adjourn at 8:10 P.M.  
Unanimously approved, motion carried.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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