

October 15, 2007

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 October meeting followed by the Pledge to the Flag.

Members present: William Amacher, Chairman
Norman Human, Jeffrey Hurtgam, John Phillips, Thomas Willett
Also present: Douglas Mawhiney, alternate
Clifford Burch, Building Inspector
Donald Lane, Deputy Building Inspector
Gary Billingsley, Attorney

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to approve minutes of meeting of September 17, 2007 as presented. Unanimously approved, motion carried.

Secretary read Notice of Public Hearing as it appeared in the Lockport Union Sun and Journal to consider preliminary plot approval of the application of **(07-15) MARVIN SCHULTZ**, 4031 Daniels Road, Ransomville, N.Y. 14131, for a subdivision for one lot for premises located on the east side of Daniels Road between North Ridge Road and the south line of the Town of Wilson. The lot is an irregular shaped lot containing approximately 20' in width and 700' in depth.

The following have been submitted: Application for Subdivision Review, Request for Minor Subdivision Approval, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey Map.

Public Hearing open:

Marvin Schultz, owner of property, and Mr. and Mrs. Randy Skellen, 4037 Daniels Road, Ransomville 14131, purchasers of subject property, were all present at this meeting.

Mr. and Mrs. Skellen are purchasing approximately 20 feet frontage on Daniels Road by approximately 700' in depth, which is L-shaped. Mr. Skellen said they will include this 20' on to their present deed and all of their property will be on one deed.

There were no comments from members of the public.

Public Hearing closed.

Mr. Skellen said they plan to add on to their existing home and enlarge their property.

Mr. Burch said new parcel, 20' by 700', must be added on to Mr. and Mrs. Skellen's existing deed and will be just one deed. The existing barn is okay as long as it is not being used for housing of livestock.

Board members:

Mr. Phillips said recently some frontage was conveyed to Andrew Schultz, son of applicant, and with 20' taken off of farm frontage sold to Mr. and Mrs. Skellen, there will be approximately 200' of frontage left on Mr. Schultz's farm.

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

A motion was made by Mr. Human and seconded by Mr. Phillips to **approve** application of Marvin Schultz, 4031 Daniels Road, Ransomville 14131, for preliminary plot approval for one lot for premises located on the east side of Daniels Road between North Ridge Road and south line of the Town of Wilson. The subject lot is an irregular shaped lot, containing approximately 20' in width by 700' in depth. There is one condition, namely, the addition of 20' by 700', new parcel, is to be combined with existing parcel making all property owned by Mr. and Mrs. Skellen on one deed. Unanimously approved, motion carried.

TABLED SUBDIVISION from August and September 2007

(07-13) Mrs. Carolyn Cover, Trustee for heirs of Walter Freiert

Mrs. Cover, Walter Freiert and John Freiert, sons of deceased Walter Freiert and Gerald Miller were present at this meeting.

Public Hearing was held in August 2007 for a four (4) lot minor subdivision for premises located on the north side of Lower Mountain Road. At that meeting John Freiert said he and his two brothers, Dennis and Richard, would like the board to table action on the subdivision for one month so they could try to purchase the farm. He said they have met with lawyers on the issue. In September John Freiert requested another 30-day extension as, he said, lawyers in Florida, were drawing up a proposal to purchase the farm.

Walter Freiert explained how they wish to divide the farm into five parcels, three residential building lots, one parcel would contain existing home, barn and other buildings and the fifth would be the remaining acreage of the farm (approximately 138 acres).

Mrs. Cover had sent a letter dated September 18th to Mr. Amacher which stated in part that:

1. "She had not received any proposals for the sale of the property in question.
2. Attorney for Dennis Freiert and attorney for Mrs. Cover were to meet and negotiate a deal and that has not taken place.
3. As sole Trustee, feels it is her duty to do what's best for the 16-18 heirs, and she feels rezoning will attract more buyers.
4. Would like to expedite the subdivision procedure."

Board members:

Mr. Human asked how much fill will be required to get the three lots up to road level? Lots of fill is needed.

Building Inspector said if a future home is set back, could file a grading plan.

Mr. Phillips said site distance would be a factor because of the closeness to the intersection. It was said the County would have the discretion on the road.

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to declare **negative declaration under SEQR** on application of Carolyn Cover, Trustee for Heirs of Walter Freiert. Unanimously approved, motion carried.

Mr. Hurtgam expressed concern on site distance and grading for driveways.

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to **approve** application of Carolyn Cover, Trustee for Heirs of Walter Freiert, for a four (4) lot minor subdivision for premises located on the north side of Lower Mountain Road between Green Road and Cambria-Wilson Townline Road. The lots have dimensions of between 170 feet and 240 feet in width and contain at least 400 feet in depth. Unanimously approved, motion carried.

2007-13 (10-10-07) DAVID and LAURA HOREY, 2962 Saunders Settlement Road, Sanborn, N.Y. 14132, Site Plan for Tanning Place, name “Sun Beach Tanning” at the aforementioned address.

Laura Horey has submitted the following: Application for Site Plan Approval, Short Environmental Assessment Form, Agricultural Data Statement and sketch of where proposed business will be located.

Mrs. Horey was present at this meeting and said there will be one (1) entrance, six (6) tanning beds and one (1) stand up facility. She said she will be open Monday through Friday 9:00 A.M. to 11:00 P.M. and Saturday 9:00 A.M. to 9:00 P.M., two (2) employees, and will add another restroom. Applicant said she would like to open for business as soon as she gets the approval. She has the tanning beds, bought them from someone who went out of business. She will need to have separate electric for this business. She would like a sign on the existing pole and a sign on the building. She is not sure at this time what size the signs will be.

Counsel asked applicant if signs would be lit during business hours and other hours as well?

Applicant said she would like the signs lit at night also. There will be a separate sign for the tanning business, purchased the signs from someone who closed their business.

Mrs. Horey was asked if the owner of the building is aware of this proposal? She replied the person is aware of the business and it is okay with him.

Mrs. Horey said she thinks the sign will be the same as the one for “Curves”.

She was requested to come to the Planning Board meeting next month with the exact measurements of the signs. She said there will also be retail sales of creams and lotions.

A motion was made by Mr. Willett and seconded by Mr. Hurtgam to declare **negative declaration under SEQR** on request of Mrs. Horey for a tanning business at 2962 Saunders Settlement Road. Unanimously approved, motion carried.

A motion was made by Mr. Willett and seconded by Mr. Human to **approve** Site Plan as presented, to David and Laura Horey for a tanning business at 2962 Saunders Settlement Road, Sanborn 14132, excluding any signs which applicant will address at the November meeting. Unanimously approved, motion carried.

REPORTS:

Chairman – Letter received dated October 5, 2007 from Cornell University Coop. Ext. – Niagara County, Paul Lehman Re: Planning a Future for Farms

Schooling:

Memo from Niagara County Center for Economic Development dated October 5, 2007 Re: N.Y.S. Dept. of State Training at N.C.C.C.

Tuesday, Nov. 27, 2007

5:00 P.M. – 7:00 P.M. “Zoning Board of Appeals Overview”

7:15 P.M. – 8:45 P.M. “Sign Control”

Tonight is Norman Human’s last night on the Planning Board. He has served for many years and Mr. Amacher thanked him for all of his help over the years.

Building Inspector -

1. Mr. Burch said he went to site of Student Housing Village Corp., Saunders Settlement Road and they are starting to pour the concrete and before the end of this week, will pour the foundation for the building. Pouring concrete for the signs today. The town will go to property line with sewer and water lines, then, the college will take over the sewer and water lines.

2. Ulrich Landscaping and Nursery on Lockport Road is out of business. Had an auction. Reported Francis Barone has bought the property.

Deputy Building Inspector – nothing to report this evening.

Attorney – nothing to report this evening.

Board members –

Mr. Phillips inquired on the status of the Luff greenhouses on North Ridge Road?

It was reported the property has been sold to someone from Maryland.

Some of the plastic has been cleaned up and some blowing around surrounding neighbors’ property.

Mr. Lane said they have called the purchaser but get no answer.

Mr. Phillips said there appears to be about 600 feet of frontage.

Chairman – Wind power – discussed at September meeting. A letter was sent to the Town Supervisor requesting the Town Board to consider a Local Law regulating windmills.

Chairman again thanked Norman Human for his years of service and wished him an enjoyable retirement.

Meeting adjourned at 8:50 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____