

April 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, followed by the Pledge to the Flag. He welcomed everyone to the meeting.

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

A motion was made by Mr. Phillips and seconded by Mr. Willett to approve minutes of meeting of March 20, 2006 as written. Unanimously approved, motion carried.

Secretary read Notice of Public Hearing as it appeared in the Lockport Union Sun and Journal to consider minor subdivision approval for the following applicants at the following property locations:

06-05 DALE T. FORREY – west side of Baer Road between Ridge Road and Lower Mountain Road.

06-06 MARTIN L. KROENING and SHIRLEY A. KROENING – west side of Cambria Road between Upper Mountain Road and Saunders Settlement Road.

PUBLIC HEARINGS:

06-05 Scott Stopa represented Mr. **Forrey** this evening.

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.

The subject property is located north of 4560 Baer Road, dimensions 150 feet by 1330 feet approximately 4.5 acres.

Public Hearing open: there were no concerns from members of the public.
Public Hearing closed.

Concerns of board members:

The lot shall contain at least 150 feet of frontage.

Building Inspector said there appears to be no problem on this parcel with drainage. Further back there might be a concern.

Per Mr. Stopa, the property has not been perk tested as of this meeting. A septic system will be installed.

A motion was made by Mr. Human and seconded by Mr. Hurtgam to declare **negative declaration under SEQR** on application of Dale Forrey for a one-lot minor subdivision. Unanimously approved, motion carried.

A motion was made by Mr. Phillips and seconded by Mr. Willett to **approve** application of Dale T. Forrey for a one-lot minor subdivision on the west side of Baer Road, north of 4560 Baer Road with lot containing at least 150 feet in frontage. Unanimously approved, motion carried.

06-06 Martin Kroening was present at this meeting and has submitted the following: Application for Subdivision Review, Request for Minor Subdivision Approval, Short Environmental Assessment Form, Agricultural Data Statement and copy of portion of town map showing the proposed lot.

The dimensions of this lot are 250 feet in width by 225 feet in depth.

Public Hearing open: there were no comments on this proposal from the public.
Public Hearing closed.

Per building inspector, there appears to be no drainage problems on this subject lot.

A two-family home is to be erected on this lot per applicant.

A motion was made by Mr. Willett and seconded by Mr. Phillips to declare **negative declaration under SEQR** on application of Martin and Shirley Kroening for a one-lot minor subdivision. Unanimously approved, motion carried.

A motion was made by Mr. Phillips and seconded by Mr. Willett to **approve** application of Martin and Shirley Kroening for a one-lot minor subdivision located on the west side of Cambria Road between Upper Mountain Road and Saunders Settlement Road. Unanimously approved, motion carried.

SITE PLANS:

2006-04 (03-30-06A) JASON WYATT, 923 Remington Drive, North Tonawanda, N.Y. 14120, was present at this meeting and has submitted the following: Application for Special Permit for a pond, Short Environmental Assessment Form, Agricultural Data Statement and copy of portion of town map showing property location, namely, 5288 Shawnee Road.

A copy of letter dated April 11, 2006 from Niagara County Soil and Water Conservation District and three maps were presented to the board this evening by Mr. Wyatt.

Mr. Wyatt said he is proposing to purchase property, 19.7 acres on Shawnee Road and has not closed on the purchase of the property as of this date.

He said he would like to have horses and maybe some cattle on this property.

Chairman asked applicant what type of buildings does he propose to erect?

Mr. Wyatt said he would like to build a home and a barn on this property. The barn would be for the ten (10) horses he owns.

The proposed pond would be located approximately 700 feet from the road, dimensions approximately 100 feet by 100 feet. The barn, dimensions 30' by 40', would be located behind the house with corrals. The house, dimensions, 40' by 50', will be approximately 250' to 300' from the road right-of-way, away from the creek and flood plain area. Mr. Wyatt said he would fence the entire parcel.

Applicant said he resides in North Tonawanda and horses are at another location. He said he is a veterinarian and his business is located on Fitch Road in Ransomville.

He said he plans to use the dirt from the pond area for fill around his future home.

Building Inspector said the south side of this property is low.

Counsel asked Mr. Wyatt what he plans to use the pond for?

Mr. Wyatt said he will place a paddock around pond area and place his brood mares in there. He said he will not be training horses. He breeds and raises horses. He said he also needs a variance for setback for the home.

The question arose, will this be a farm or a stable?

Mr. Wyatt said the pond will be constructed first.

Chairman advised applicant that he will be required to fence the pond area until the future home is occupied.

Concerns of board members:

Mr. Human asked if this is the Pollow property? Answer was "yes".

A motion was made by Mr. Hurtgam and seconded by Mr. Phillips to recommend denial of the application of Jason Wyatt for a Special Permit for the construction of a pond unless Zoning Board finds proposed use of pond relates to a farm operation. It appears the dirt from the pond will be used for fill around applicant's future home. Unanimous approval of the recommendation, motion carried.

Chairman suggested to applicant to furnish more detailed information to the Zoning Board for review.

2006-05 (04—6-06) PETER WAGNER, 4265 North Ridge Road, Lockport, N.Y. 14094, was present at this meeting and has submitted the following: Application for Special Permit for a farm pond Short Environmental Assessment Form, Agricultural Data Statement, copy of survey map and copy of letter from Niagara County Soil and Water Conservation District.

Mr. Wagner said he owns approximately seventeen (17) acres and would like to construct a farm pond for irrigation purposes. The hydrant is on the other side of the road. He raises nursery stock, shrubs and shade trees. Per application, pond would be approximately 500' from road right-of-way and per Soil and Water letter, would be about 650' north of North Ridge Road.

Mr. Hurtgam asked Mr. Wagner what kind of volume per day would he be using in the heat of the Summer? Have you checked into service from the hydrant on the other side of the road?

Mr. Wagner said he had looked into that issue and it is very expensive.

Chairman asked applicant what he plans to do with the dirt from the pond area?

Mr. Wagner said he would use that dirt for fill in low area behind his house. He said he plans to make the nursery area a little larger. At present has about 1-1/2 acres of nursery stock behind his home. He said he sells the stock to David Erway, Jr., a wholesaler, who uses it in his landscaping business.

Mr. Hurtgam asked what type of irrigation system would he be using?

Applicant said he would be using uprights set in the garden spaced so many feet apart.

Chairman asked what type of pumps would he be using?

Mr. Wagner said he will use electric or gas pump, will reduce down to about one (1) inch which will be sufficient.

Mr. Hurtgam asked the reason for 1-1/2 acre pond?

Mr. Wagner said that is what he wants.

Counsel asked applicant what he does with the rest of the farm?

Applicant said the rest of the land is not in use at the present time and keeps it brush hogged to keep the weeds from growing. He said he might try to rent it out this year to someone to grow crops on. The proposed pond area is a low area.

Chairman asked what would he do with overflow from the pond?

Mr. Wagner said it would go to drainage ditch on the west side of his property. Ditch runs north through Erway property to Twelve Mile Creek.

Mr. Burch said this is a wet and swampy area now and should not generate any more mosquitoes than are already there.

A motion was made by Mr. Phillips and seconded by Mr. Willett to refer application of Peter Wagner to the Zoning Board for their review and to grant Special Permit provided Zoning Board finds proposed use of pond relates to a farm operation. Recommendation unanimously approved, motion carried.

End of Site Plans

06-03 Green Acres Subdivision (Burecyk) Green Road

No one present at this meeting or further information received as of this date.

A motion was made by Mr. Phillips and seconded by Mr. Hurtgam to table any further action this evening. Unanimously approved, motion carried.

06-04 Willow Creek Patio Home subdivision, south side of Saunders Settlement Road

The following were present on behalf of the proposed subdivision:

Thomas J. Plotar, P.E. Greenman-Pederson, Inc.

Kenneth C. Zollitsch, Planning Associate at Greenman Pederson, Inc.

Mr. Plotar said they had met with representatives from Cambria and Sanborn Fire Companies and addressed their concerns as follows:

1. Dual lanes created for access from Shenk Road to proposed development, one lane in and one lane out with a grass strip in between.
2. Radius for trucks increased at Shenk Road, enlarged when entering development for the safety of getting equipment in.
3. Add two (2) more hydrants, distance will be approximately 400 feet.
4. Water line – dual lines and tie in at Shenk Road twice. Concern for pressure drop. There will be two sources to use at the roads, Saunders Settlement and Shenk Road.

These issues have not been discussed with Cambria Water department as of this meeting.

5. Sanitary sewer will come out to Route 31. Will require a sanitary sewer easement to tap into sewer line.
6. Storm water will go along railroad property and property to the west up to the corner. A ditch goes through this area and water comes out at a slower rate.

Chairman said the entire board and building inspector went to “Hidden Lake” and looked at that patio subdivision. They talked to a couple who live there and they like it very much. Lot sizes are adequate with 55’ minimum frontage, buildings are 40’ in width. There are three different styles of these patio homes.

The board would like to see a minimum of 65 feet in width at the front building line.

Mr. Plotar said utilities will be placed underground within the right-of-way.

He said they will have to work something out with CSX Railroad as far as cleaning out the ditch along south property line. They will try to keep some of the existing trees.

Mr. Klavoon said there has been a change from pressure to gravity sewer.

Will have to take care of easements with neighboring land owners but nothing has been done as of this meeting.

Flood plain – none in that area. Land where homes are to be built is quite a bit higher and has different contours.

Counsel asked about setback for the future homes and was informed that they will be approximately 25' from the road right-of-way. There will be three different styles of homes with two-car garages in the front. They will also have cellars and most will have air conditioning.

For next month's meeting the board would like to see the change in the lot size, location of utilities and flow test on hydrants.

Chairman will talk to Mr. Jowdy on design on the water lines and looping. Fire companies want dual water lines.

Mr. Plotar asked about flexibility on lot size and board said not much flexibility.

Counsel said this board will make recommendation on proposal to the Town Board.

Joseph Kausner, builder, present at this meeting, said he is purchasing 3.41 acres on the south side of Shenk Road, located in P.D. Zone. He would like to split parcel into three (3) lots, each 105' wide by 200' in depth for three (3) homes. He said utilities are there. Each home will have a full basement and a garage. There are no drainage problems on this property.

A motion was made by Mr. Willett and seconded by Mr. Phillips to **approve** plan as presented. Unanimously approved, motion carried.

There is a parcel in the back remaining.

NEW BUSINESS:

May 11, 2006 Workshop – Flood Plain – National Flood Insurance Program

May 9, “ “An Economic Summit for Success” at Niagara Falls High School, highlighting “.
Recent successes and future opportunities for our area”

May 11, 12, 2006 “Summit 2006: Creating the Cross Border Capital One Region. Two Niagaras,
Our Shared Future”

REPORTS:

Building Inspector – monthly report given out

Flood Plain training

Attorney – contacted Richard Hahn’s attorney regarding berm on Hahn property on Lower Mountain Road.

Mr. Hahn was present at this meeting regarding the berm issue. He said he has someone working on it now. He said he plans to plant evergreens on top and foliage on the sides. He said there is nothing in the Zoning Ordinance regulating berms. It does mention buffers in the ordinance. He further said the berm is not part of his business, namely, sandblasting.

Mr. Hahn said it should be completed by the end of this month.

Chairman asked Mr. Hahn how close is the berm to the road?

Mr. Hahn said the berm will be off of the road right-of-way, is having the dirt pushed back somewhat.

Counsel recommended construction of the berm be approved by this board (Planning Board) and also recommended that the board members look at the berm.

Mr. Hahn said D.E.C. recommended putting permanent sides on the building which he said he plans to do.

Building Inspector suggested spreading the dirt out and leveling off at the height for a lot.

Thomas Rutkowski, 4895 Shawnee Road, Sanborn 14132, a neighbor, said the berm does not help with the noise. Also said, he has a water problem.

Mr. Hahn mentioned there is a berm across the road from his place and nothing has been done about that.

Building Inspector said they are working on that issue and notified that person of the violation.

Mr. Willett feels Mr. Hahn should submit a Site Plan for his property and incorporate the berm into it.

Next regular meeting will be May 15, 2006 at 8:00 P.M.

A motion was made by Mr. Willett to adjourn at 9:36 P.M.

Respectfully submitted,.

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____