

**TOWN OF CAMBRIA TOWN BOARD**

**SEPTEMBER 14, 2006**

The regular meeting of the Town of Cambria Town Board was held at 8:00 PM on the 14<sup>th</sup> day of September 2006 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York

**BOARD MEMBERS PRESENT:**

Wright H. Ellis, Supervisor  
Robert E. Blackman, Councilman  
George J. Bush, Councilman  
Matthew P. Foe, Councilman  
Debra L. Kroening, Councilwoman

**ALSO PRESENT:**

Jon T. MacSwan, Highway Superintendent  
Lou Ann Murawski, Town Clerk  
Edwin J. Shoemaker, Attorney  
Approximately 15 interested individuals

Following salute to the flag, the meeting was called to order by Supervisor Ellis. Board members took action upon the following matters:

**PUBLIC HEARING – REZONING JUNCTION ROAD**

The Clerk read the following public hearing notice:

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria will meet on Thursday September 14, 2006 at 8:00 P.m. at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132, to hear and consider a re-zoning application by Donald J. Pyskaty to re-zone a parcel from an "Agricultural Residential District" to an "Industrial District" and located on Junction Road, Town of Cambria, Niagara County, New York, Tax Map Number 121.00-2-26, and more particularly described as follows:

Beginning at a point on the west boundary of Lockport Junction Road, being the east line of Lot No. 18 in the Town of Cambria, Niagara County, New York, at its intersection with lands owned by Niagara Mohawk Power Corp. as described in a deed recorded in the Niagara County Clerk's Office in Liber 310 at page 86; thence westerly along said lands approximately 2000 feet to a point on the present lands zoned Industrial in said Town; thence northeasterly along said existing zoning boundary to the west bounds of Lockport Junction Road (Lot 18), thence southerly along the said highway to the point of beginning, containing 28.2 acres, more or less.

All parties in interest and citizens will be heard at the public hearing to be held as aforesaid.

**BY ORDER OF THE TOWN BOARD TOWN OF CAMBRIA**

Supervisor Ellis indicated that the Planning Board, at their July 17<sup>th</sup> meeting, unanimously recommended approval of rezoning 28.2 acres on Junction Road from Agricultural-Residential to Industrial.

Mr. Pyskaty was present and indicated that nearly half of the parcel is already zoned industrial; he is requesting that the rest of the 14 acres be included in the industrial zoning.

An Upper Mountain Road resident questioned what the intent was for utilization of the property. It was indicated a small trucking company is being considered.

Having heard all those desiring to be heard, the public hearing was closed.

**PUBLIC HEARING – RESTORE NEW YORK PROGRAM**

The Clerk read the following public hearing notice:

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria will meet on Thursday, September 14, 2006 at 8:00 pm at the Town Hall, 4160 Upper Mountain Road, Sanborn, NY 14132, to hear and consider comments on the Property Assessment List attached hereto and required for inclusion in the application to the Empire State Development Corporation for funding under Restore New York Program. Said funding to be made available to demolish certain buildings, perform asbestos abatement and refurbish other abandoned buildings owned by the Cambria Housing Authority located on the former military base property in the Unicorn Drive and Eagle Drive area. The list of properties proposed for inclusion is as follows and is available for inspection at the offices of the Town Assessor located at the Town of Cambria Town Hall.

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The list of properties proposed for inclusion is as follows and is available for inspection at the offices of the Town Assessor located at the Town of Cambria Town Hall.

Building ID	Assessed Value	Tax Map
Bowling Alley/Gym Barrack Building (Rehabilitate Building)	\$27,200	120.17-2-1.5
Barrack Building (Demolish)		120.17-2-1.5
Bomb Shelter/Generator House (Rehabilitate Building)	\$28,900	120.17-2-1.3
Water Tank (Demolish)	N/A	N/A
Small out building (Demolish)	N/A	N/A
Guest House (currently demolished)	N/A	120.17-2-1.3
Garage (Demolish)	N/A	N/A

All parties in interest and citizens will be heard at the public hearing to be held as aforesaid.

WRIGHT H. ELLIS, TOWN SUPERVISOR

Supervisor Ellis opened the public hearing, indicating that the Governor recently announced the availability of the Restore New York grant, which is a 90% funded grant. He followed up on the matter by instructing the grant writers to look into funding, considering the abandoned buildings and debris removal on parcels owned by the Cambria Housing Authority. The proposal was presented and referred to the Town's Attorney, who also serves as the Attorney for the Cambria Housing Authority. He further explained that the grant application is required to be in Albany by tomorrow, and it was necessary to call a public hearing to consider applying for the grant.

The application is for available funding to demolish certain buildings, perform asbestos abatement and refurbish other abandoned buildings owned by the Cambria Housing Authority for a total of \$1.3 million; the Town would be responsible for approximately \$132,000. He explained the Town would have to coordinate the project with the Cambria Housing Authority.

There was no one present desiring to be heard on the matter. The public hearing was closed.

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved that the Town Board Minutes of meetings held on August 10, 2006 and September 6, 2006 be approved as presented.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening                    -Motion Carried-**

**APPROVAL OF VOUCHERS**

Having been reviewed by the Town Board, the following claims were presented for payment:

CDBG Trust	Claims 1 – 2	\$308,610.04
Cemetery Fund	Claims 14 – 15	\$ 152.96
Drainage Fund	Claims 36	\$ 359.10
General Fund	Claims 401 – 443	\$ 42,218.21
Highway Fund	Claims 161 – 186	\$ 21,097.33
Recreation Fund	Claims 44 – 53	\$ 8,631.58
Refuse Fund	Claims 16 – 17	\$ 27,879.03
Sewer Construction	Claim 3	\$ 4,955.67
Sewer Operating	Claims 64 – 69	\$ 311.82
Water Construction	Claims 14 – 15	\$ 20,499.17
Water Operating	Claims 151 – 175	\$ 44,338.01

**Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved that the abstract of audited vouchers be approved for payment as presented.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening                    -Motion Carried-**

**REZONING – JUNCTION ROAD FROM AGRICULTURAL-RESIDENTIAL TO INDUSTRIAL**

**DETERMINATION OF NON-SIGNIFICANCE**

Supervisor Ellis indicated that a short Environmental Assessment Form has been completed and based upon that information, it has been determined that the rezoning will not result in any significant adverse environmental impacts.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved that the proposed rezoning will not result in any significant adverse environmental impacts and that a determination of Non-Significance under SEQRA be declared.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening                      -Motion Carried-**

Supervisor Ellis indicated we have not yet received the recommendation from the Niagara County Planning Board. Attorney Shoemaker recommended the Board take action on the proposed rezoning.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to approve the application of Donald J. Pyskaty to rezone 28.2 acres on Junction Road from Residential-Agricultural to Industrial.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening                      -Motion Carried-**

**RESTORE NEW YORK GRANT APPLICATION**

Attorney Shoemaker recommended the Board move ahead with the grant application.

Supervisor Ellis indicated that the Cambria Housing Authority has signed the necessary documents required to make application for the grant.

Councilman Foe confirmed with Attorney Shoemaker that the Town of Cambria has the sole authority over the grant and how it is utilized. Attorney Shoemaker explained that the Housing Authority could have veto power if they do not approve certain portions of the project. In their letter they state they will cooperate with the Town during the project.

**Upon a motion duly made by Councilman Blackman and seconded by Councilman Bush, it was resolved to authorize the Town Supervisor to make application to the Empire State Development Corporation for a grant application under the Restore New York program in the amount of \$1,363,620.55 for the demolition and/or asbestos abatement/rehabilitation of buildings owned by the Cambria Housing Authority as indicated in public hearing notice.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening                      -Motion Carried-**

Rae Amacher, Cambria Housing Authority Chairperson, expressed her appreciation to the Board for their support.

**SMALL CITIES GRANT – CAMBRIA FAIR VILLAGE**

Robert Klavoon, Wendel Duchscherer, indicated the project is 90% complete. Pay applications 1 and 2 are being submitted this evening. He indicated that, after conferring with the Highway Superintendent and former Water/Sewer Superintendent, Change Order No. 3 has been prepared. The contractor dug their bore pits on either side of Old Shawnee Road and encountered rock that would have required 4.0 feet of additional rock excavation. The contractor requested installation of the waterline by open cut.

**Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to authorize approval of Change Order No. 3 resulting in a net increase of \$9,300.00.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening                      -Motion Carried-**

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**WENDEL DUCHSCHERER – REQUEST FOR ADDITIONAL AUTHORIZATION –  
ENGINEERING DURING CONSTRUCTION AND RESIDENT OBSERVATION SERVICES**

Board members were presented with a proposal from Wendel Duchscherer dated September 13, 2006 for construction administration and construction observation services for the Cambria Fair Village Waterline Improvement Project with the following proposed fees:

Engineering During Construction	\$1,500 lump sum
Resident Observation Services	\$4,500 time and material basis

**Upon a motion duly made by Councilman Bush and seconded by Councilman Foe, it was resolved to approve the proposal from Wendel Duchscherer dated September 13, 2006 for construction administration and observation services involved with the Cambria Fair Village Waterline Improvement project.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening                      -Motion Carried-**

**NATURE TRAIL GRANT**

Supervisor Ellis indicated the Engineer expects to have the application completed by the 29<sup>th</sup> and it will be sent to Albany.

**DILLER ROAD SEWER EXTENSION**

Supervisor Ellis indicated the final notice of intent was accepted by Ag/Mkts on September 7<sup>th</sup>; there is a 45-day period before work can commence on the project,

**ROUTE 31 SEWER EXTENSION**

Supervisor Ellis indicated the Town is in receipt of the approval of the plans from the Niagara County Health Department. A proposal for material to complete the job has been received from Lock City supply in the amount of \$838.70.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to accept the proposal from Lock City Supply in the amount of \$838.70 for materials to complete the Route 31 sewer extension.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening                      -Motion Carried-**

**WILLOW CREEK PATIO HOMES – SHENK ROAD**

Supervisor Ellis indicated the Board is in receipt of a letter from the Planning Board dated September 1, 2006 as follows:

Re: Planned Development District – Application of Castleton Development, LLC for Willow Creek Patio Homes for Approval of 58 Patio Homes in Vicinity of Shenk Road in the Town of Cambria

As per the Town of Cambria Town Board's recent request, please be advised that the Town of Cambria Planning Board makes the following recommendation to the Town Board for approval of the above application pursuant to Article X, Section 1004 of the Zoning Ordinance, with the following conditions:

1. Town Board to establish a fee per lot to be used for recreation purposes, recommended \$750.00 per lot to be paid prior to filing of Final plat;
2. Public easements for maintenance of drainage in pond, rear yard and perimeter areas to be granted to Town of Cambria as recommended by Town Engineer, with individual property owners to be responsible for regular maintenance of drainage and pond areas;
3. Require five (5) street lights in this subdivision, namely, Shenk Road intersection, between lots No. 26 and 27, 35 and 36, 43 and 44 and another around the circle;
4. Subject to Town Board review under SEQR;
5. Side yard setbacks to be 10' from property line; front yard setbacks to be between 25' and 30' as per plans'
6. Applicant to confirm that future homes will be single family, single story, with full value assessments of 100%;
7. No accessory buildings should be permitted in this subdivision;
8. In-ground swimming pools only to be permitted;
9. Subject to Niagara County Health Department approval and Niagara County Sewer District approval;

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10. Infrastructure to be completed before any dwelling units are constructed, other than construction of a model home, if approved by the Town Board;
11. Applicant to pay reasonable fees for engineer's cost of reviewing documents, etc;
12. Subject to acquisition of sewer easement/or purchase of the parcel that will permit applicant access to sewer trunk line;
13. Town Board to consider any further revisions to the August 21, 2006 Site Plan as recommended by the Town Engineer.

If there are any questions, or if you require anything further, do not hesitate to contact me.

Very truly yours,

William Amacher, Chairman of Town of Cambria Planning Board

**DESIGNATION OF TOWN BOARD AS LEAD AGENT**

**Upon a motion duly made by Councilman Blackman and seconded by Councilman Bush, it was resolved that the Town Board be designated as Lead Agent under SEQRA and the Town Engineer be directed to undertake a coordinated review of the proposed plan.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-**

**CONCERNS OF CITIZENS**

Marylou Miskey and Samuel Caruso, 4813 Baer Road, were present to reiterate their complaints as outlined in their August 28<sup>th</sup> letter to the Town Board concerning ongoing problems with the property behind their home being turned into a personal racetrack. The situation has not only created a nuisance from the dust, dirt and noise, but has become dangerous, as well. It was indicated that the track is approximately 30 feet from their property line and the propane tank is in direct line with one of turns of the track.

Attorney Shoemaker indicated our local law regulates off-road vehicles and does not apply to registered and insured vehicles.

Supervisor Ellis indicated the Attorney will review the regulations to see what can be done about the situation.

**TOWN CLERK REPORTS**

The Town Clerk reported as follows:

- Receipt of letter from NYS Department of Transportation indicating their establishment of a 45 mph speed limit on Church Road between Route 93 and Route 104. All signs necessary to post the speed zone shall be erected by Niagara County,
- Receipt of request from Cambria Fire Company and Pekin Fire Company for donation towards their annual Halloween parties.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Foe, it was resolved to authorize a donation of \$400.00 to each fire company towards the expenses of their annual Halloween parties.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-**

- Letter submitted by Amel S. Jowdy dated and received August 28, 2006 indicating that he is retiring from the positions of Water Superintendent, Sewer Superintendent and Building and Grounds effective August 31, 2006.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to accept the letter of resignation with regret.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-**

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**HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent reported as follows:

- Andrews Road Ditch Project – the work is 75% completed
- Route 104 Bridge Work – the State is expected to complete the final inspection tomorrow morning
- Stormwater Management Meeting – a training meeting for stormwater management will be offered for the various municipalities.
- Ditch petitions – no more ditch petitions will be accepted for the remainder of 2006
- Route 31 – between Shawnee Road and Route 429 will be closed for a week while work is completed on the railroad tracks

Councilman Bush commented that he was very impressed with the recent safety inspection and the performance of our employees.

**APPOINTMENTS:**

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to approve the following appointments:**

- **William Knapp, Assessment Review Board member for a five year term to expire 9/30/2011**
- **Sally Marotta-Reed, Chairperson of Christmas Tree Lighting Festivities**
- **Jon MacSwan and Lynn Schlemmer – Bicentennial Committee**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening                      -Motion Carried-**

**BUDGET MEETINGS**

Supervisor Ellis indicated budget meetings would be held as follows:

- September 21, 2006 at 7:00 PM – Meeting with Fire Companies
- October 5, 2006 at 12 Noon – Presentation of Tentative Budget

**Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved that the public hearing on the 2007 Preliminary Budget/Special Districts/Assessment roll be held on November 9, 2006 at 8:00 PM.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening                      -Motion Carried-**

**REQUESTS TO ATTEND SEMINARS**

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to authorize the following employees to attend seminars/workshops as follows:**

- **Barbara Oaks – Seminar on Assessment Administration to be held in Lake Placid from September 17<sup>th</sup> –20<sup>th</sup>**
- **Janelle Kroening – Introduction to Real Estate Appraisal to be held in Cheektowaga, NY from September 20 – 28**
- **Donald Lane – Accessibility Update Workshop at Niagara University on October 10<sup>th</sup>**
- **Donald Lane, Terri Kroening, Joseph Ohol and William Amacher – Economic Development Seminar to be held in Albion, NY on September 20, 2006**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening                      -Motion Carried-**

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Blackman and seconded by Councilman Bush.

Respectfully submitted,

Lou Ann Murawski  
Town Clerk

