

Town of Hamburg  
Planning Board Minutes  
1-10-90

The Town of Hamburg Planning Board met in regular session on Wednesday, January 10th, 1990 at 7:30 p.m. in the Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman Elgin Cary, Secretary, Gerard Koenig, Sandy Carnevale, and David Phillips. Others attending included: Councilman Mark Cavalcoli, George McKnight, Sheryl Bower, Dan Gorman, Attorney, and Terry Dubey, Stenographer. Excused: S. Strnad, D. Gaughan.

Minutes of the meeting of 12-27-89 were approved as amended by Mr. Koenig, seconded by Mr. Cary. Carried.

**Re-Organizational Results:**

Chairman	Richard Crandall
Vice-Chairman	Elgin Cary
Secretary	Gerard Koenig

It should be noted that the Chairman of the Planning Board was appointed for a 7 year term as Chairman. Councilman Mark Cavalcoli stated that the Board made this appointment with great pleasure as Mr. Crandall is a very conscientious and dedicated government employee, and has been in public service for 17 years.

**Executive Session:**

Chairman Crandall accepted his appointment and the re-organizational meeting continued with above-mentioned appointments. He also stated that he is not sure that he will assume the Chairmanship role for 7 years as that is an extensive amount of time.

**Recreation Fees:**

It was noted that several people have been working on this subject: At the last meeting, Steve Strnad, Dennis Gaughan, and Mr. Guenther have been gathering information on fees, as well as Sheryl Bower, the Asst. Planner. The following information has been compiled:

Orchard Park--Charge \$275 recreation fee for dwelling units in the R-1 District. The fee goes down for higher density districts. No fees are charged for site plan or subdivision review.

Cheektowaga--No specific fees charged for site plan or subdivision review. A fee of \$100 (about to be raised to \$150) for environmental review. This does cover many of the aspects of site plan review. Fee for rezoning is \$200.

Clarence--Recreation is lieu fee of \$300 per lot (will be raised to \$400 this year) but only charged within subdivisions. Rezoning

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fee is \$200.

Aurora--No fee at this time.

Elma--Currently no fees but a fee schedule is being drawn up.

Concord--No fees at this time. Although Kissing Bridge was charged \$200 per lot for a new cluster development.

Evans--Currently, working on a policy for a tree preservation fee.

Lancaster--Many fees. The average fee per lot is about \$650. This includes: \$225 lot fee, \$120 tree fee per building, \$50 conservation fee and a refuge fee. In some cases, land will be accepted in lieu of fee.

Tonawanda--No fees.

Holland--No fees.

West Seneca--Charges the following fees: For recreation use:

A. Single family dwelling or building lot \$100

B. Two family dwelling \$125.00

C. Multiple family development \$150.00 per acre or portion thereof.

Village of Springville--No Fees

Village of East Aurora--Charges \$100 per subdivision lot prior to approval of final plat or land for recreation can be set aside.

Mr. Strnad sent in a report stating that his Committee will meet two more times.

**Land Use Plan**--Comments were made at the Future Advisory Board meetings that the Master Plan is fine, but that the Zoning Ordinance is not. Mr. McKnight disagreed. The text of the Master Plan is acceptable, but the land use plan, when prepared, was very restrictive for a variety of reasons. First, the mall was not in place. Secondly, we were in a deep depression in 1981 and 82 when prepared and adopted. Interest rates were high. There is another factor that I inherited historically when I came to the Town and that is the Land Use Plan and Zoning Ordinance were identical. Conceptually, this should not be but was how the town operated in the past. In working with the board, I did not want to encourage a lot of commercial areas along the major highways as I didn't want them in the Zoning Ordinance immediately. I felt that if we had a lot of commercial shown on Southwestern Blvd. on the Land Use Plan, that there would be pressure to zone it commercially. I felt it was important to recognize that Southwestern will not be a residential area, and not to have it commercial up front. This has caused a great deal of confusion. There are areas in the Town that are zoned residential, that will never be residential. There are areas that have sewers and the cost of the sewers must be paid for. A two acre lot with sewers is not realistic. I would like the Planning Board to take a look at the Land Use Map and see where there should be changes. Perhaps the Map should be amended as well as the text. If we are to amend the Zoning Ordinance, it should be reflective of the plan. A plan is usually a generation ahead. The Zoning Ordinance is only for five years into the future.

Mr. Crandall pointed out that a Special Meeting should be scheduled in Spring to tour the Town. Perhaps the Senior Citizen Van could be used as there are certain areas that should be looked at and discussed. The tour should run from 9:00 a.m. till noon with a meeting set for discussion. Some Saturday can be arranged closer to spring.

Mr. McKnight brought up the proposal of Patrick Eddy for a 5 lot subdivision on Elmhurst. Since it was not published in the Hamburg Sun, the matter will be held in abeyance for the January 24th meeting.

### Rezoning Petition of A. Manfreda - Hamptonbrook

Councilman Mark Cavalcoli informed the board that the residents of Hampton Brook Drive have asked to discuss the rezoning with the Town Board at a work session. Meeting is scheduled for 8:00 p.m., January 15th. Messrs. Koenig, Carnevale, and Phillips agreed to attend along with Chairman Crandall.

#### Other Executive Matters:

1. With the folder system, Chairman Crandall has asked that the Board members list be included. Also, George McKnight is to include a 12 month calendar listing all the meetings so that the schedule is known ahead of time.

2. Also, The board should consider reducing the number of contingent approvals on site plan reviews. Also, if information is not available, matters should be tabled. Project reapprovals should appear below the line.

### Draudt Subdivision Ext. #10 - Public Hearing

Secretary Koenig read the following Legal Notice:

#### TOWN OF HAMBURG LEGAL NOTICE DRAUDT SUBDIVISION #10

Notice is hereby given that the Planning Board will hold a Public Hearing on Wednesday, January 10th, 1990 at 8:00 p.m. in Hamburg Town Hall for the purposes of approving Draudt Subdivision Ext. #10.

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Hamburg, Erie County, New York, being part of Lot 45, Township 9, Range 7 of the Holland Land Company's survey and further described as follows:

Beginning at a point in the center of Bayview Road at its intersection with the southeast line of Duane Draudt, Kenneth Miller and Herbert Draudt L7521-P419, said point being 1678.5 feet southeasterly along the center of Bayview Road from the west line of Barbara Schafer L539-P224, thence southwesterly turning an interior angle of 85°-47'-45" along said southeast line of L7521-P419, 661.51 feet to the point being the northeast corner of Draudt Subdivision Extension

8 as filed in the County Clerk's office as Map Cover No. 2554, thence northwesterly turning an interior angle of 95°-33'-34" along the bounds of Draudt Subdivision Extension 8, 344.39 feet to a point of intersection with the east bounds of Herbert Draudt L6721-P476, thence continuing along the bounds of said subdivision 23.14 feet through the lands of Herbert Draudt to a point, thence northerly turning an interior angle of 143°-02'-57" 101.12 feet to a point being the northeast corner of Draudt Subdivision Extension 8, thence northerly turning an interior angle of 163°-15'-14" along the east bounds of proposed Draudt Subdivision Extension 9, 129.61 feet to a point being the southeast corner of an exception as shown on the proposed Draudt Subdivision Extension 9 also being the southeast corner of a 20 foot Drainage Easement to the Town of Hamburg and north east corner of Lot 354, thence westerly along the north bounds of Lot 354 and turning an interior angle of 271°-19'-23" along the south bounds of said exception, 139.5

feet to a point, thence southerly turning an interior angle of 276°-53'-12" 20.00 feet to a point, thence westerly turning an interior angle of 90°-40'-00" feet to a point of intersection with the easterly highway bounds of Oakridge

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Drive, as shown on proposed Draudt Subdivision Extension 9; thence northerly turning an interior angle of 90°-00'-00" along said east bounds of Oakridge Drive, 60.00 feet to a point being the southwest corner of Lot 355 and the northwest corner of said exception; thence easterly turning an interior angle of 90° along said south bounds of Lot 355, 186.69 feet across said 20 foot drainage easement to a point in the east bounds of said proposed Draudt Subdivision Extension 9; thence northerly turning an interior angle of 261°-47'-25" along said easterly bounds of Extension 9, 32.75 feet to a point of intersection with the west bounds of Duane Draudt, Kenneth Miller and Herbert Draudt L7521-P419; thence northerly turning an interior angle of 195°-49'-50" 57.00 feet to a point being now or formerly the northwest corner of Milton R. and Doris N. Hodgson L6215-P600; thence easterly turning an interior angle of 85°-11'-40" along the north bounds of

Hodgson 128.80 feet to a point; thence southeasterly along the northeast line of Duane Draudt, Kenneth Miller and Herbert Draudt as per sales contract dated 10/10/80 turning an interior angle of 131°-19' 354.74 feet to a point being the southwest corner of Jerry March L9439-P251; thence northeasterly turning an interior angle of 270°-00'-00" along the southeast bounds of Marsh, 305.0 feet to a point being the northeast corner of Marsh and the center of Bayview Road; thence southeasterly along said centerline 238.40 feet to the Point of Beginning, containing 6.266 acres more or less.

Dated Dec. 20, 1989

Richard Crandall, Chairman

Gerard Koenig, Secretary

Planning Board

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**Draudt Subdivision Hearing Continued:**

Chairman Crandall declared the hearing open. Mr. Duane Draudt appeared on behalf of his subdivision. Comments were received as follows:

**Engineering - 1.2** The subplot west of the parcel was subdivided and sold by the developers without Planning Board approval. The existing house should be shown on the plan. **2.2** We suggest the subdivision be named "Draudt Sub. Ext. 10". **3.2** The proposed site is in existing sewer and water districts. E.C.S.D. #3 must approve the sewer taps. **4.2** The builder should be aware that the map cover for Part 10 cannot be filed, nor building permits issued until all utilities to serve all the lots are installed. This could be a problem because Sublot #4 is served by Ext. 9 of the subdivision. **5.2** Access of Sublot #4, along the drainage channel, will require more detail to determine what special measures must be taken to install a driveway.

**Draudt #9.** On 9-13-89, the Planning Board approved the subject sketch contingent upon Engineering approval. One subplot line (the east side of S.L. 367, because it is a narrow parcel and has an unusual angle at Bayview Road, would be acceptable to this office if a variance for a radial lot line be authorized for the subplot.

**Planning--1.** After visiting the site, we wonder if the area proposed for the driveway off Oakridge Dr. will be wide enough to handle stream drainage and a driveway? **2.** There appears to be some discrepancy between the preliminary plat and the location plat as to the shape of the land extending from Lot 4 to Oakridge Drive.

This is a 4 lot subdivision and the sewer for the lots will be off Bayview Road. A final subdivision plan will not be signed until utilities are in. Also, is there adequate space for the stream plus a driveway for that lot to come out to the street. On the drainage map, the drive is on the up-slope area. The question is can that be accomplished. Mr. Draudt offered to meet with the developer at the site and have it staked. A question was raised as to whether the one parcel could be dedicated to the Town as a passive recreation area in light of the other problems related to it. The fees could then be adjusted with the building permit to compensate. Mr. Draudt responded that this could be a problem as the parcel is owned by 3 parties, and all the parties may not agree to that decision. Mr. Draudt then asked if approval could be given for the two and the third is to be left as acreage, and leave it as farm land. A question was raised as to whether this could be approved as a 3 lot subdivision? Attorney Gorman stated that this would be permissible.

Chairman Crandall asked 3 times if anyone wished to speak for or against the subdivision? Mr. Dana Jones asked as to the green

**Draudt Subdivision (continued)**

space. Mr. Draudt responded that there is a 300' buffer strip along the back of the development that will remain forever green.

Hearing no further comments, the hearing was declared closed.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to **Table** action for two weeks. Carried.

**Benderson Development - Pier I and Retail Building - McKinley Mall Outparcel**

Mr. Robert Alonzo appeared before the Planning Board with a revised site plan for Pier I and another retail building which is to be located on an out-parcel at McKinley Mall. Comments were received as follows:

McKinley Mall (Pier I and other occupant) The board requests the new occupants conform to signage requirements of N. Y. State as enumerated in the N. Y. State Traffic Control Devices. Stop signs may be helpful at proposed exits. Also, curbing should be installed between the new parking lots and existing ring road and existing parking lot at Silo, to prevent motorists from "cutting across" existing parking lots and ring road. It appears that one of the proposed exits would be in dangerous proximity to Driveway B. Please clarify.

**Engineering - 1.2** Use the revision block next to the title block.  
**2.2** Drawing C-3--The old profiles shoed the top of bank, at the main ditch being filled 10 to 20 feet and the side slopes being steepened. The outside slope along McKinley is also being filled. In our last review, it was noted the proposed changes to the ditch and/or the County right-of-way is unacceptable. The profiles were changed but the distances and elevations are not changed. Note on the plan and profile that the ditch slopes will not be filled or regraded. Show 8" cmp and not PVC for the roof drain outlets. **3.** Drawing C-4. The water meter pit location must be approved by the Erie County Water Authority in writing prior to plan approval. Additional fire protection measures as determined by the Newton Abbott Fire Co. must be added.

**Planning--**We would like to see the entrances/exits to the proposed buildings included on the site plan.

Mr. Alonzo noted that this is the second set of drawings which

**Pier I (continued) Planning Board Minutes Page 7**

has been submitted and the driveway has been moved to the center of the two buildings. We also changed the Pier I building by 90 degrees so that while the entrance will face to McKinley Mall entrance, the building has been turned around. We addressed the parking requirements to be 172 spaces. We have included a landscape plan and increased the trees. The entrance doors and handicap doors are within close proximity of each other.

Resolved, that upon the recommendation of the Planning Board to the Town Board, the site plan for Pier I and another retail building on an out-parcel of McKinley Mall can be approved contingent upon modifications as specified by the Engineering Dept. and Traffic Safety Board concerns relating to signage.

Motion was made by Mr. Phillips, seconded by Mr. Carnevale. Carried.

**Frank Parlato - Proposed 50 lot subdivision for Single Family and 2 Family - Southwestern Blvd. & Big Tree. Zoned R-3.**

Mr. Frank Parlato appeared before the Planning Board on a proposal for a 50 sub lot subdivision for singles and doubles which is located off Big Tree and Southwestern Blvd. The parcel is zoned R-3. A portion of the area will be dedicated for green space which is near the Rush Creek and present playground area. This portion would be left in its natural state, as there are softwoods as well as some very old oak trees on the premises. The proposed homes would be in the \$100 to \$150,000 range. Also, there is a historic barn which they plan to restore. Applicant was advised that an Environmental Assessment should be prepared and submitted. Based on the Master Plan, the area shows high density. No rezoning will be required. No action was taken. Drawing was taken in for review.

**Pine Grove Estates - Brierwood**

Messrs. Pat and Ed Burke appeared before the Planning Board on the Pine Grove Estates and Brierwood Townhouse development.

Comments were received as follows:

**Engineering--**It should be determined who is responsible for issuing a permit and supervising stripping and erosion control for the site. The Engineering Dept. has written specifications, a permit procedure, and the manpower necessary to monitor the site and should be used to insure no problems develop. Sanitary sewers must be approved by NYSDEC. Health Dept. must approve the water line installation. Eng. Report describes a 6" water main with a 3" meter. A 6" meter should be used. Agreement should be made on proposals submitted by J. Walsh. Letter dated 12-22-89.

Comments on Memo from J. Walsh

It should be noted that the provisions in the memo, or those agreed upon, apply only to the Pinegrove Townhouse units. We must update our codes and may decide something different in the future.

**Pinegrove Continued:**

Pinegrove should be specified in all provisions.

Item 2--Pinegrove Roads will be private. There are two issues: the layout and the actual pavement design. Mr. Walsh did not include the Town's role in determining if the developers specifications are proper as we do for all private site plans. The Lakeshore Fire Co. with all due respect, does not have the expertise to determine an adequately planned road layout as proposed. There are other considerations such as garbage trucks with recycling bins on the back and moving vans. The circle probably could be carefully negotiated but large vehicles would have to backup at the east end of the project because of the sharp curve in the connection to the Country Club Lane. Design specifications from the subdivision regulations should be specified for all layouts along with the usual input from Traffic Safety, Building Inspection, and Engineering to the Planning Board. Item #3--the water meter pit will not be conveyed to the Town. Item #4--the sanitary sewer code requires that all work connected with district sewers be performed under a permit from the Town of Hamburg. The permit cannot be waived. Inspection of private systems would normally be performed by the Building Dept. except where a PIP is required or requested. The state requires certification by licensed engineer. The developer must hire an engineer to certify the sewers because the Town Engineer will only certify installations performed under a P.I.P. In the future the Town Engineer will recommend that the plumbing code be revised so that all collector lines 8 inch in diameter or larger, regardless of ownership, be installed under a P.I.P. We have no problem giving the developer an option for Pinegrove but would like to see a P.I.P. requested.

Mr. Burke noted that he is not in agreement with a Public Improvement Permit as this is a private road. He is willing to hire a private engineer to make the inspections. The Building Dept. cannot make the inspections as they do not have a professional engineer. The present statute does not require a private developer or the Town Engineering Dept. to certify. The certification must come from a private, licensed engineer.

No memos were submitted by the Town Attorney's office. Attorney Gorman stated that there are many elements that go way beyond the Planning aspect. We asked for input and were advised that there would not be any from the Town Attorney's office. It is not within our purvue to rule on questions regarding water pits, the roadways, etc. If the Planning Board is uncomfortable without an opinion from the Town Attorney, the question should be raised again. From the standpoint of the Planning Board it satisfies our board. As to who will certify that the Engineering work is done properly, is still an issue to be resolved.

Motion was made by Mr. Koenig, seconded by Mr. Phillips to

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**Pinegrove Continued**

approve the site for Pinegrove, contingent upon Eng. Carried.

Mr. Burke stated that he has discussed the matter with the Engineering Dept. and feels he has corrected most of the problems. The D.E. C. and Tom Hershey at the County level is ready to approve. Board of Health approval has been given conditionally to the prospectus coming back from the Attorney General's office. Memos from Engineering were given to Mr. Burke.

**Princeton Square Subdivision**

Mr. Christopher Hull, of the Community Development Office appeared before the Planning Board on Princeton Square Subdivision sketch. It was explained that the sketch must be denied as the proposal does not have adequate frontage on 2 lots. This involves 4 lots on the east side of Bradford. Therefore, the corner lots should be full-sized. A 2' variance will be required for each lot.

Motion was made by Mr. Phillips, seconded by Mr. Cary to reject the subdivision sketch as presented and forward to the Zoning Board of Appeals with a positive recommendation as lots 2 and 3 are 2' short on frontage requirements at the setback line. Actual square footage far exceed the minimum requirements. Also they are interior lots and the basic house is projected to be 28' wide. There is more than adequate side yard requirements. Carried.

**John Bosse - Shoreham Drive and Lakecrest**

Attorney Dick Sullivan appeared before the Planning Board with Mr. Bosse to review the situation of the Shoreham Drive and Lake Crest Subdivision sketches. The original subdivision map was filed many years ago, as Pinehurst Subdivision, and essentially, this is a resubdivision. The subdivision was originally approved with 50' lots. We would like to continue the development of the subdivision along Shoreham Drive out to Route 5. Since we are asking to file the map for phase 2, phase I having been previously approved by the board in June 1989, this application pre-dates another change in the ordinance which increased the lot frontage to 90'. The other application is 80'. This is nothing more than an extension of a previously approved subdivision. The Legal Dept. has ruled that a new subdivision map must be filed and approved as this is a re-subdivision. We would like approval of a pre-existing subdivision to continue subdividing the area. Shoreham Drive was engineered to conform with the 80' requirement.

The subdivision plan that was drawn in June 1988 is a resubdivision map to comply with the new requirements. Mr. McKnight was asked to check to determine if the 1988 drawing was

Shoreham & Lakecrest Continued

ever received by the Planning Board in December 1988. This drawing was never presented to the Board. It was presented to the Town Clerk and then to the Building Dept. Mr. McKnight reiterated that a filing was done in the Clerk's office for a rezoning of the west side of Shoreham Drive to R-2. That was denied by the Town Board. Mr. Crandall stated that the Planning Board never directed Mr. Bosse to have Engineering drawings made up. A recommendation was made by the Planning Board to the Town Board on the rezoning. But there was nothing else approved as the rezoning had to be in place before the subdivision review could commence. The Board will not approve with 80' lots. If the application was made before the change, the board would have approved. However, that was not the case. The rezoning went before the Town Board and was changed. The change was denied on the west side.

Mr. Phillips stated that he has checked all his records. This plan never was before the Planning Board for subdivision approval until this month. If the drawing was not submitted before the change, than it will have to be re-drawn to 90' lots. At the last meeting, Mr. Bosse was directed to resubmit a new re-subdivision plan based on the new code. Attorney Sullivan noted that they will have to trace the history on Shoreham.

On another issue, we have Lakecrest Drive. A number of lots were sold, and they were filed at 70' on the map that was approved. When they were sold, they were upgraded to comply with the existing ordinance of 80' and sold in a fashion that combined 2 sublots. That was done 6 times. Title was passed, the banks issued mortgages, maps were examined, therefore it was a legal transfer with no request to subdivide. It went to bigger lots. The Town Building Dept. issued building permits to build homes. We now are in the following situation. The 90' requirement now applies. The Planning Board Attorney has told us that in order to continue the process of selling off the lots, you must resubdivide and file a new subdivision map. However, in this area, and due to the facts that lots have been sold, it is impossible to make 90' lots out of the remaining lots. Also, one of the lots in the bend belongs to the Diocese of Buffalo. It was never transferred. One lot is 122', therefore, you cannot make 2, 90' lots out of it. That lot has already been built on. There are 4 lots remaining, we propose to re-subdivide the lots with 80' frontages. The rest of the area can be drawn at 90'. Mr. McKnight asked how the Planning Board can approve a subdivision when it does not meet the zoning ordinance. Even if a building permit was issued for a lot, this does not mean that Planning Board approval was given.

The remedy for the lots on Lakecrest is to go to the Zoning Board and ask for relief on each lot from the lot requirement. If he filed Shoreham before the code changed, the Planning Board would

Shoreham & Lakecrest Continued

consider 80' lots. If not, they must conform to 90' lots. On Lakecrest, will it be necessary to refile for a subdivision and what size lots is the question.

Mr. Robert Frazer of 5944 Lake Crest Drive stated that he had the unfortunate experience of building in that area. When we originally saw the plans, our lot was represented as being 102' wide. When we went to get the final approval, we were told that this had been changed to 80' and the house would not fit. The final agreement was reached and the lot is now 93'. My concern is that my house had the foundation before a building permit was ever issued. My concern is the lot in between. Everyone knew that this lot would not be in conformance. This has been planned. I don't feel the lot should be approved with a variance, as the lot is too small. The lot is pie-shaped and the house next door is too close. It is 83'. We were told that all the lots would be 90'. Now, this is being changed and I don't feel this is right. It took us 7 weeks to get the title and we have 3 different surveys. We had a total of 5 surveys as the dimensions kept changing. I have a problem with any type of house going there. My builder is Tri-View, and the principals are Pelicano and Marzec. My mortgage commitment would have expired and that is how we got our building permit. I have a lot invested in my home and I don't want a 28' house next to me. The bank was the one who realized what a mess this was.

Mary Ellen Burke of Lakecrest Drive noted that she would like to see the code requirements enforced as she is tired of following Mr. Bosse around all the time to watch what he is doing. He tries to slip things thru. We don't want Mr. Bosse to get these variances.

Mr. Howe asked about the time period allowed for a subdivision? Mr. Bosse's plan should have expired by this time. Mr. Rugnetta also stated that more people should be notified for a variance.

Mr. Burke of Lakecrest Drive appeared in opposition to the fact that more building will take place around the fairway. I like the character of the neighborhood the way it is. There has been a lot of discussion about green space. If 100 more units are to be put in, that's our green space. I feel the area is overbuilt and I am opposed to it.

Motion was made by Mr. Phillips, seconded by Mr. Koenig that Shoreham Drive in Pinehurst should be **Tabled** in order for Mr. Bosse to locate the filed preliminary plat which he claims he filed before the code changed to 90' lots in June 1988. Carried.

Motion was made by Mr. Phillips to reject the preliminary

**Shoreham & Lakecrest Continued**

plot plan for Lakecrest because the lot sizes are not in conformance with the zoning ordinance, seconded by Mr. Koenig. Carried.

**Mr. Brox - Rushcreek Subdivision - McKinley Parkway**

Mr. Richard Brox appeared before the Planning Board on a change that was made on his preliminary sketch plan for Rushcreek subdivision. There is change in the street layout and the Planning Board must determine whether it is significant enough to hold another Public Hearing. It was determined that the easement for NYSEG fell on our property. We had to redesign and provide for the easement. That necessitated a slight design change whereby Rushcreek Drive now comes around and extends into the other connection of Rushcreek South. Larkspur was moved. The lots went from 120' to 113'. The park area remains the same. The change has been in the east end of the parcel. The new plan has 106 lots and the old plan had 109 lots. Density is now lower because of the easement. The change reflects simplification of the street structure and a refinement of the original layout.

Motion was made by Mr. Koenig, seconded by Mr. Cary to reaffirm approval of the Rushcreek Subdivision and to continue with the construction drawings. Carried.

**Brompton Heights -**

Mrs. Joan Foster and Bob Ganey appeared before the Planning Board on the Brompton Heights Subdivision for 9 sublots which was originally owned by Terry Leavitt. The zoning is R-2 and would be for ~~two~~ family dwelling units. A public hearing was held once on this property. It has never been filed as the utilities were not extended. The lots are large enough to meet R-2 requirements.

Motion was made by Mr. Koenig, seconded by Mr. Phillips to schedule a public hearing for Brompton Heights for the next meeting providing the fee and Legal Description are filed on time. Carried.

Motion to adjourn the meeting was made by Mr. Koenig, seconded by Mr. Cary. Carried. Meeting adjourned at 11:00 p.m.

Respectfully submitted,

  
Gerard Koenig, Secretary  
Planning Board

Meeting: Jan. 24, 1990, 7:30 p.m.