

TOWN OF HAMBURG

PLANNING BOARD MINUTES

1-11-89

The Town of Hamburg Planning Board met in regular session on Wednesday, January 11, 1989 at 7:30 p.m. in the Hamburg Town Hall, (Planning Board room). Members attending included: Chairman Richard Crandall, David Phillips, Elgin Cary, Sandy Carnevale, Gerard Koenig, Steve Strnad. Others attending included Attorney Dan Gorman, Terry Dubey, Stenographer, & George McKnight Director.

EXCUSED: Dennis Gaughan

Minutes of the meeting of 12-14-88 were approved as amended by Mr. Koenig, seconded by Mr. Carnevale. Carried.

REORGANIZATIONAL MEETING

Results of the Reorganizational Meeting for 1989 as conducted by Councilman Mark D. Cavalcoli are as follows:

CHAIRMAN	RICHARD CRANDALL
VICE-CHAIRMAN	ELGIN CARY
SECRETARY	GERARD KOENING

MC KINLEY MALL LANDSCAPING PLAN

After a review of the Findings of Fact on the McKinley Mall project, it was noted that no specific plantings were identified. The intent was there. However, there was no final landscaping plan to review. Planning Board director is to submit a letter to the Zamias Corporation and a response time indicated.

SCRANTON PARK SUBDIVISION

Secretary Koenig read the following Legal Notice on Scranton Park Subdivision:

**LEGAL NOTICE**  
**TOWN OF HAMBURG**  
**PLANNING BOARD APPROVAL**  
**OF A SUB-DIVISION**  
**PLAT KNOWN AS SCRANTON**  
**PARK SUBDIVISION**  
Notice is hereby given that the Planning Board of the Town of Hamburg will hold a public hearing at the Hamburg Town Hall, S-6100 South Park Avenue on the 11th day of January 1989, at 8:00 p.m. in the Planning Board room for the purpose of approval of a Subdivision Plat for duplexes. This property is further described as follows:  
ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, State of New York, being Part of Lot 5, T-9, R-8 of the Holland Land Company's Survey and more particularly bounded and described as follows:  
BEGINNING at the intersection of

the northerly highway boundary of Scranton Road (50.0 feet wide) with the easterly line of lands conveyed under Liber 8600, Page 309; thence southwesterly along the northerly highway boundary of Scranton Road a distance of 594.02 feet, thence northwesterly at an interior angle of 88° 21'-44" a distance of 175.47 feet; thence northerly at an interior angle of 133° 38'-32" a distance of 1095.59 feet; thence easterly along the southerly line of Map Cover 2299 a distance of 524.80 feet; thence southerly along the easterly line of lands conveyed under Liber 8600 Page 309 a distance of 791.42 feet to the place or point of beginning.  
Containing 12.557± Acres.  
Full opportunity to be heard will be given to all citizens and all parties in interest.  
DATED: December 15, 1988  
RICHARD CRANDALL,  
CHAIRMAN  
TOWN OF HAMBURG  
PLANNING BOARD

1-11-89

SCRANTON PARK (CONTINUED)

Chairman Crandall declared the hearing open. Mr. Victor Liberatore and Mike Sendor of Nussbaumer & Clarke appeared before the Planning Board on behalf of the 31 lot subdivision to be located Scranton Road. A mixture of singles and doubles is planned for the development. (Zoned R-2)

The following communication was received from Jack Gilbert, Town Engineer: We have reviewed the subject sith with Highway Supt. Smith and agree the short cul-de-sacs and sharp centerline radius (75' vs. 150' code) will be a problem. The size and shape of the parcel limits the design layout. We suggest the entrance to the cul-de-sacs be widened as shown. The additional pavement area could be used for snow storage. The elimination of the reverse curves would also reduce plowing time.

Mr. Sendor stated that he has been in contact with the Engineering Dept. and can make the modifications as requested.

Mrs. M. Sebastiani, resident of Wood Avenue, stated her concerns on the project. Her inquiry was whether these duplex units would be individually owned or rented out. Response given was that they would be individually owned. A concern was raised as to the buffer, that the trees would remain in their natural state. Response given was that the lots are 125' deep and whatever trees are in place now would remain.

Mr. Clifford Ball stated that he has concerns as to how the duplex units would look. Mr. Liberatore stated that he will be building the duplexes similar to the one of Ben Nicosia's on Twilight lane. It is Mr. Liberatore's intent to put up four or five units depending on demand. The homes would be ranch style, or French Tudor's in the \$90,000 to \$100,000 range.

Chairman Crandall asked 3 times if anyone else wished to speak for or against the subdivision. Having no further discussion, the hearing was declared closed.

Motion was made by Mr. Koenig, seconded by Mr. Phillips to approve the preliminary subdivision of Scranton Park contingent upon modifications to be made on the cul-de-sac, that a deed restriction be placed on the removal of trees within the rear property line abutting Wood Avenue and Clarice Drive; that the corner lots have drive cuts on the interior roads; and that no open ditch be allowed on Scranton Road. Carried.

MISSION HILL - PROPOSED MOBILE HOME PARK - NORFOLK & WESTERN PROPERTY

Chairman Crandall stated that the developer of Mission Hill was not present for this evening's meeting as he does not have his plan formalized. However, representatives of Roundtree Village in opposition were permitted to make their presentation.

Mr. John Murray, 3566 Heatherwood, spoke in opposition to the mobile home park. Mr. Murray noted that the opposition is based on the premise that the zoning ordinance was put in place to protect property values of our homes. We realize that the land was zoned in 1976 for mobiles. However, after 13 years, circumstances have changed and the entire situation is different from years ago. In that time, over 500 homes have been built in the Roundtree Subdivision with assessed valuation of over 40 million dollars. We feel that the addition of this park would seriously impair the over-all value of the people

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MISSTON HILL MOBILE HOME PARK (CONTINUED)

in the area, who in most cases, spend over \$3,000 a year in taxes. For that additional consideration must be given to the approval of the park. There are mitigating circumstances that can change that zoning or be rejected on other issues, such as assessments in the town, long term taxation and revenue for the town itself, additional traffic, and environmental impacts. I do abut next to the woods. I have strong concerns over this. The objections to the proposal are shared by all the residents of Roundtree and we have gathered 651 signatures on a petition. We have sent a letter to the Director of Planning on January 3rd stating our concerns. The petition reads as follows:

We are opposed to the Mobile home park for the following reasons:

Anticipated loss of property values in the Roundtree Village Subdivision.

The Roundtree Village subdivision is highly assessed and generates significant revenues for the Town of Hamburg.

Minimal assessments for mobile home parks in respect to services provided and adjacent properties.

The area in question represents "green space" in an already densely populated area and is a wildlife refuge.

Further mobile home park development could discourage future investment within the Town of Hamburg that may limit additional tax revenues and other benefits.

Single access from the proposed 500 unit mobile home park onto Camp Road adjacent to the railroad underpass poses safety concerns, as well as added traffic volume on an already congested highway.

The impact upon overall fire protection within the existing fire district.

A devaluation in property values could reduce overall revenues for the Town.

Consistent opposition to additional mobile home park development at previous Town Board meetings.

The removal of the densely wooded area, a natural sound barrier from railway noise, is a noise pollution threat.

Based on this position, we are requesting that you as an elected or appointed official of the Town of Hamburg, act prudently and consider the overall impact of the proposed mobile home park, particularly relevant to reduced property values.

Mr. McKnight explained that the mobile home park requires an R-4 zoning. The preliminary development of Roundtree was going on in that period. When Roundtree started, it was well removed from the mobile home park area. Both sides of the argument must be looked at -- pros and the cons.

Michael Deni of 3572 Heatherwood spoke in opposition to the development. I am adjacent to the proposed park. I feel that Hamburg has a disproportionate number of mobile homes as compared to other suburban municipalities. For example, East Aurora has no mobile home parks. Amherst, with a population of 115,000 has no parks, Cheektowaga which has double the population 109,000 has 813 units. West Seneca, with a population equal to Hamburg has only 216 units. Orchard Park, with 28,000 people, has no mobile home parks. Lancaster with 30,000 people has 50 to 60 mobile home units. Hamburg, with

1-11-89MISSION HILL (CONTINUED)

53,292 people has 978 units. Eaglecrest is not yet completed, and Frank's. We feel that we have enough. We want people to build single family homes as they can generate more tax dollars than mobile home parks. We are currently assessed at the 40 million dollar range. Brook Gardens with 416 units is assessed at 7 million dollars. In Roundtree, we have 471 homes with an assessed valuation of 40 million. We feel the land should be left open for other use. Our Town will stagnate and not grow in proportion to the other suburbs and will not generate the tax revenue.

Mr. John Bauer of 3514 Heatherwood spoke in opposition to the park. We learned that 500 units are being planned. The lots are in excess of what is required for a mobile home park. However, with the access road on to Camp Road by the viaduct is a serious concern. This is a very busy roadway. We have not been able to get a signal from Camp to Howard. I had an accident there while trying to make a left hand turn. My neighbor also experienced the same problem. This mobile home park will have one point of access which will almost be on top of the viaduct. There is a very serious safety consideration during the winter months. There wouldn't be a light placed there due to the viaduct.

Mrs. Joan Kesner of 4536 Deerfield spoke in opposition to the application. Mrs. Kesner, in working with Senator Bill Stachowski, has been working with Nowak's proposal on a South Towns Connector. The proposal calls for the connector to be built along the railroad. The reason they want to put in the connector is due to the fact that the bridge is deteriorating. They believe it would open up the lakeshore area for future development. There are also certain parts of the Lakeshore that are eroding rapidly. They feel that they have to replace a corridor to downtown Buffalo from the South Towns. Money has been allocated for this project. Congressman Nowak has this as his #1 priority project. If this development is to be in place, the State could condemn that land and where will the people go. I feel that this is a factor that the Planning Board should consider. Also, we are working with the mobile home association. Recently, they have been working on some type of legislation as they do not have many rights. They are given a lease for one year and their rents are constantly increasing. They can be evicted at any time and without notice. Our office is working on legislation for mobile home owners. These people in Hamburg are against any further expansion of mobile home parks. They feel that too many people are crammed into the parks. They feel there should be some type of cap on these types of development. We have more than enough parks in Hamburg. There is a 3 year time table for the connector project.

Mr. McKnight informed the board that in terms of single family dwellings, this would still have the same affect and the traffic situation would still remain the same. I am concerned with the legalities as to how to handle the development. The land is privately owned and taxes are being paid on it. There is a possibility that the Town could buy it but whether they could use 50 acres of land is a question. There is a serious concern as to prohibiting development or trying to get some other type of development in. Any development will have a problem of ingress and egress. This is a poor piece of land for development. In terms of rezoning, this would be a matter that would end up in court.

MISSION HILL (CONTINUED)

At first we thought that the land would never be developed. Therefore, we left the zoning as it was. Approximately 91 acres of land is involved. At the present time, the Norfolk & Western still owns the land. Attorney Gorman explained that Mr. Keem may have a contract vendee with a purchase contract contingent upon approval of the land. If the prospective purchaser expends funds he may have damages and that the Town's denial is arbitrary and capricious.

Mr. Eric Porter of Chisholm Trail asked what could be done to stop the expansion of mobile home parks. Last year, Eaglecrest was proposed. It was pointed out that the Eagle Crest expansion was a rezoning and was denied.

It was again pointed out that this land has been rezoned for mobile homes since 1976. No further land is being considered for R-4 zoning for mobile home parks.

Chairman Crandall noted that the board recognizes the concern. However, in this instance, the town could be sued and the Town could lose. One of our concerns is the legal position of the Town if this proposal is rejected. If we reject the proposal we must realize the full implications to the Town and the taxpayers in general.

Mr. Snabor of 3613 Fox Run Drive stated that Brook Gardens has streets that are 20' in width. School buses have difficulty in getting thru these routes. There is no provision for a play area in the complex, no lights on the streets, no sidewalks. Mr. Crandall responded that these issues can be addressed only thru the site plan review process should the project proceed further.

Mr. Dennis Witt of Ironwood Drive noted that there is a traffic concern on Camp Road.

Another resident spoke of devaluation of their property. Mr. Strnad suggested that documentation of some type of proof is needed to prove that mobile home parks devalue surrounding properties.

Mr. Mike Minard of Woodhaven stated that he would not have purchased his property in Roundtree if he had known about the expanded mobile home parks.

A question was raised about the Dennies property on Camp and Howard and whether anything further has happened with that application. It was pointed out that Mr. Dennies was to bring in a corrected legal description, but has not done so as yet. The petition has not proceeded any further from last year.

Mrs. Denise Cirricione of Howard Rd. has resided across from Waterfalls for 14 years. She is still opposed to increasing the number of mobile home units in the town.

Mr. John Murray requested a copy of the S.E.Q.R. when one is filed.

Discussion was closed. No further decision was made.

1-11-89

MC KINLEY SQUARE - MC KINLEY NEXT TO ROSA'S

Mr. Bob Alonzo of Benderson Development appeared before the Planning Board with a revised site plan for their proposed retail building which is to be located next to Rosa's on McKinley Parkway. Changes were made as requested. However, the issue of the second drive cut is yet to be resolved by the Town Board. The following correspondence has been received and read into the record:

PLANNING

Benderson Development has proposed the "McKinley Square Plaza" on McKinley on the north side of Rosa's. They have also proposed an additional driveway on to McKinley from their Plaza. The Town Board in 1986 decided that there would be only one driveway access onto McKinley between Highland and Wegman's. The Planning Board cannot take final action on the McKinley Plaza site plan until the Town Board says yes or no to Benderson's proposed driveway. Representatives of Benderson met with the Town Board on 12-5-88 at a work session to discuss their development. Attached are previously submitted memos from my office and Traffic Safety relating to the proposed driveway. The memos are in conflict--but a decision needs to be made so the developer is not "left hanging".

(MEMO TO THE TOWN BOARD DATED 12-20-88)

The developer of the proposed McKinley Square is proposing a driveway access to this plaza. Representatives of Benderson met with the Town Board at the 12-5-88 work session to discuss this driveway. The Town Board asked for a recommendation from the Planning Board and the Traffic Safety Board. Unfortunately, they are in conflict.

The Planning Board feels the second driveway should be approved to:

1. Split up the traffic entering and leaving this area.
2. The driveway at "Rosa's" allows almost no stacking of cars.
3. The driveway into the McKinley Square Plaza is a better entrance because it is more centrally located along this strip of development and because it has been designed to allow better stacking of cars trying to enter onto McKinley. It would be very difficult to close the existing driveway at Rosa's.
4. If the only driveway allowed is the present one at Rosa's, left turns from McKinley Square Plaza seeking to exit onto McKinley Parkway will create a major traffic conflict with cars attempting to enter the shopping area. The memo from the Traffic Safety Board is attached. Currently, the Town Board, by resolution, is permitting only one driveway on to McKinley between Highland Parkway and Wegman's. The McKinley Square Plaza site plan shows a new additional driveway. The site plan is in limbo until the Town Board either reaffirms its restriction of a single driveway access or by resolution amends its previous decision and allows this proposed additional driveway.

TRAFFIC SAFETY (12-12-88)

After a review of the existing area of the proposed curb cut, as well as the submitted site plan, the Traffic Safety Board feels that the Town Board policy of limiting multiple curb cuts in the area is a sound one from a traffic safety standpoint. The Board is opposed to an additional curb cut, and feels that the existing driveway is adequate (based on the data submitted) for the proposed project. The projected rear exit (on Burke Parkway) should also help to mitigate any flow problems. The lack of

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MC KINLEY SQUARE (CONTINUED)

a center turn lane in the area is also a cause for concern, since activity will undoubtedly increase in the vicinity.

ENGINEERING - J. GILBERT

Our comments are on plans dated 11-22-88 and last revised 12-21-88. This plaza will not be signed until the driveway access to the plaza is approved by the Town Board or removed from the plan. Should the access be approved, the plan will not be signed until the Erie County Highway Department approval is given.

C-2 CATCHBASIN #3 AND MH #1 inverts must be lowered to provide 24" of cover (as measured at centerline of new pavement). Show an outlet ditch to the north for the storm water. Provide a detail of the ditch. The pavement profile at the south property line is not acceptable. Revise the profile to show a minimum 0.40% slope on the road and standard crown. There are several math errors on the storm and pavement calculations. The storm pipe on Town R.O.W. is to be C.C.M.P. Show curbing on both sides of the new pavement.

C-4 ROAD PROFILE - See Sheet 2 comments. Show road stationing. Add note as shown on the plans regarding following Town specifications. The curb detail shall be revised to show a 24" upright curb in place of the rolled curbing. The use of slag is not permitted on the site and all references to its use shall be omitted.

We feel a separate plan for the new pavement and storm along Burke Parkway might show the work more clearly.

Motion was made by Mr. Cary, seconded by Mr. Carnevale to approve the site plan as presented; contingent upon Town Board approval of the second driveway and that the drive be moved to the north of the property line, and Engineering comments. Carried.

The Planning Board unanimously recommends that the second driveway be provided so that it meshes with the other side.

BENDERSON DEVELOPMENT - TOWN HALL PLAZA ADDITIONS - SOUTH PARK AVENUE

Mr. Bob Alonzo, representing the Town Hall Plaza, appeared before the Planning Board on proposed additions for Town Hall plaza. They would like to utilize a part of the property for self-storage units, and an automotive center. This could include something like a Delta-Sonic. The parcel is zoned C-2. There will be a boomerang type building with landscaping and fencing to isolate the storage buildings. There is a total of 17,500 s.f. The automotive center might include something of a jiffy lube.

Comments were received as follows:

PLANNING

The area is zoned C-2 and the proposed uses are permitted. If Building "A" is for warehouse use, there is adequate parking. The front row of parking facing South Park will require a setback variance. The proposed second floor apartment

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TOWN HALL ADDITIONS (CONTINUED)

will require a variance from the Zoning Board of Appeals. I am concerned with the number of driveways that are occurring along South Park and would prefer a single driveway for this development. Any free standing lights and signs should be located. We need an environmental assessment for this project.

ENGINEERING

The following is a general summary of review comments on plans dated 12-88 and received on 1-4-89. All comments are to be addressed for approval. A revision date is to be added when plans are changed.

GENERAL - There is an existing 20' easement to the Water Authority along South Park that is to be shown on all sheets. We question the intended use of the vacant parcel and parking spaces east of the existing restaurant. The northerly entrance to the site is to be eliminated. The remaining entrance should be relocated to be opposite an entrance on the west of South Park. Ideally, one entrance should be used to serve the site and the parcel to the south. State approval is required for the curb cut. If there are sanitary or water services proposed to any of the buildings on the site, the lines are to be located on the plans.

DRAWING C-2 - The entire perimeter of the site is to be curbed. A four foot concrete sidewalk is to be installed across the frontage of the site. It will connect to the walk previously approved on the parcel to the south.

DRAWING C-3--The existing waterline and sanitary along South Park are shown incorrectly. Revise as necessary. We believe some utilities to the roller rink were installed across the parcel. They should be located. The storm outlet and detention pond, as designed, are an area of concern to this department. We will schedule a meeting with the architect to review the design and drainage computations. The present drainage plan is unacceptable.

DRAWING C-4 - The existing storm sewer along South Park is to be shown. The open swale along the restaurant is unacceptable. The elevations show a swale 1.5' above the existing parking lot. The open ditch along the roller rink is 4' deep and must be piped. Corrugated metal pipe is to be specified for installation of the roof drains. Slag may not be used on the site. All references to its use are to be omitted. Curb elevations are to be added to the plan.

Revised site plans are to be submitted for the January 25th meeting.

SAW MILL IN R-A ZONE

Attorney Gorman informed the board that a meeting was held in the Conference room on the saw mill operation of Chip Spittler in Lakeview. A saw mill is not included in the existing ordinance. Two ways were suggested, namely, the owner was to go to the Zoning Board or ask the Town Board for an amendment to the ordinance as a permitted use in the R-A zone. In the meantime, Mr. Spittler retained Ray Wylegala who went to the Zoning Board and asked for an advisory opinion from the Town Attorney and the Zoning Board whether or not the saw milling was included in forest farming. It is our opinion that this isn't forest farming. Mr. Spittler was advised by the Building Inspector to shut the operation down. The applicant has not been put in legal peril or legally damaged. However, that type of action is forthcoming. It is the sentiment of the group that met that some form of relief would be to propose an amendment to the Town Board to permit

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SAW MILLING (CONTINUED)

saw milling in the M-3 zone and the R-A zone, along with an application for a Special use permit. There could be restrictions set in place such as distances from lot lines to residential homes. A public hearing could then be held and general conditions could be established. The Planning Board was asked to prepare some language to relieve the problem.

Mr. McKnight stated that he will have to get in touch with Albany to review similar situations and get some guidelines as to how to proceed. Some restrictions that could be made is that all cutting is to be done in an enclosed building; that this endeavor should be so many feet from property lines and roads. A new building could be set on the property so many feet back. However, we do not want a Forbush lumber situation. The harvesting and timbering and processing of trees is one phase. Retail sales would have to be limited. Board feeling on the matter is that they are not in favor of pursuing this avenue of relief.

Motion to adjourn the meeting was made by Mr. Carnevale, seconded by Mr. Koenig. Carried. Meeting adjourned at 11:15 p.m.

RESPECTFULLY SUBMITTED,

*Gerard Koenig*  
GERARD KOENIG, SECRETARY  
PLANNING BOARD

NEXT MEETING DATE:

JANUARY 25, 1989

GENERAL LANDSCAPING REQUIREMENTS

**RECEIVED**  
SEP 05 1984

**TOWN OF HAMBURG  
PLANNING DEPT.**

1. SCOPE

Furnish all labor, materials, tools, equipment and transportation required to perform and complete the installation of planting and seeding including all planting, seeding, soil preparation, fertilization, weed control, mulch, maintenance, etc., necessary for its completion, all as shown on the Drawings and as specified herein.

2. GENERAL REQUIREMENTS:

- a) Identification: Plants shall be the variety and size shown on the plans.
- b) Quality and Size: All plants shall have a habit growth that is normal to the species, to be sound, healthy, vigorous and free from the insect pest plant diseases, sun scalds, fresh abrasions or other objectional disfigurements.
- c) Clean-Up: At the completion of each day's work and prior to the check inspection, the Contractor shall legally dispose of all trash, refuse, debris, containers, etc., off the premises. All scars, ruts, or mars in the area caused by his work shall be repaired at Contractor's expense.

3. MATERIALS:

- a) Topsoil: Topsoil shall be approved loam, free of debris and persistent weeds. Depth of topsoil will vary.
- b) Limestone: Limestone shall be raw ground agricultural limestone containing not less than 90% calcium carbonate and shall be ground to such a fineness that 50% will pass through a 20 mesh sieve.
- c) Soil Conditioner: Soil conditioner shall be Mushroom Manure.
- d) Mulch: Mulch shall be shredded pine bark mulch. Top dressing 2" thick in all planting areas.
- e) Gravel: 2B Gravel 2/4 Mil plastic beneath minimum 2" thick.
- f) Plant Materials: Plant materials shall consist of all trees, shrubs, and ground cover listed on the Drawings; all plants shall be true to name. All plants shall be healthy, vigorous, shapely, well-rooted, B&B, free from insect pests or plant diseases and properly "hardened off" before planting.
- g) Weed Control: Weed control shall be Treflan, granular, (Blanco Products Company).
- h) Wire for Tree Bracing and Guying: Shall be pliable #9 to #10 gauge galvanized soft steel wire.

- i) Cable Fittings: Cable shall be 3/16" in diameter 7 strand cadmium plated. Cable clamps and turnbuckles shall be of galvanized steel of size and gauge to provide tensile strength equal to that of the cable. Turnbuckles opening shall be a minimum of three (3) inches.
- j) Tree Ties: Cinch tie, or approved equal; hose if used shall be 2 ply, fiber bearing garden hose, not less than 1/2" inside diameter.
- k) Wrapping Materials: Wrapping materials shall be first quality waterproof crepe paper manufactured for this purpose.
  - 1) Wrapping of all trees shall be done immediately after they are planted. The trunks of the trees shall be wrapped spirally from bottom to top w/materials as specified and shall be adequately secured. The wrapping shall overlap and entirely cover the trunk from the ground to the height of the second branch and shall be neat and snug. Overlap shall be approximately 2".

#### 4. FINISH GRADING:

Contractor shall:

- a) Make entire area within contract lines smooth and even.
- b) Insure that finish grades shall be one (1) inch below surface of paved areas.
- c) Eliminate any existing erosion or construction scars.
- d) Shape slopes and swales with no abrupt change of gradient to assure a natural and pleasing appearance.
- e) Slope drainage patterns away from building.

#### 5. SOIL PREPARATION AND FERTILIZATION:

a) Soil preparation shall be as follows:

- 1) All areas to be planted or seeded shall be cleared, weeded, cultivated to a minimum of six (6) inches and shall be loose and friable. No rocks one (1) inch in diameter or larger shall be visible on the finished surface.
- 2) Apply soil conditioner at the rate of three (3) cubic yards per 1,000 sq. ft. and work into the top four (4) inches of the soil.
- 3) Lime: Based on a minimum of three (3) representative

soil samples from topsoil, apply to topsoil, after spreading sufficient limestone as determined by tests to yield pH 5.0 to 7.0.

b) Fertilizer shall be applied as follows:

- 1) Lawn: Fertilizer to be placed and raked evenly into the soil at the rate of 20 lbs. per 1,000 sq. ft.
- 2) Ground Cover: Fertilizer to be placed and raked evenly into the soil at the rate of 20 lbs. per 1,000 sq. ft.

6. SEEDING: (Lawn)

The grass seed shall be delivered on the site in certified sealed containers, labeled at the distributors, accompanied by the dealers' guaranteed statement of the composition of the mixture and the percentages of purity and germination of each variety. Grass seed mixture shall be as follows:

<u>NAME</u>	<u>PROPORTION BY WT.</u>	<u>PURITY</u>	<u>GERMINATION</u>
Penlawn Fescue	40%	98%	90%
Super Kentucky Blue	30%	90%	85%
Penfine Rye	30%	98%	90%

Seed shall be sown uniformly by the use of mechanical seeder (Billion or equal) at the rate of 4 lbs. per 1,000 sq. ft.

Mulch for seeded areas shall be wheat straw or oats straw. Straw shall be free from mature seed-bearing stalks or roots of prohibited or noxious weeds as defined in Pennsylvania Seed Act 1947.

7. CROWN VETCH

Materials to be used are as follows:

- a) Fertilizer: Shall be a complete fertilizer, at least 50% of the nitrogen which shall be derived from natural organic sources of ureaform. It shall be standard uniform pallet commercial fertilizer, which shall contain the following percentages by weight:

Nitrogen (N)	10%
Phosphorous (P)	20%
Potash (K)	20%

Apply at the rate of 800 lbs. per acre.

- b) Mulch: Mulch for seeded areas shall be wheat straw or oats straw. Straw shall be free from mature seed-bearing stalks or roots of prohibited or noxious weeds as defined in Pennsylvania Seed Act 1947.

- c) Seed Mixture: Seed may be mixed by an approved method on the site by the dealer. Seed mixtures shall be composed of the following varieties which shall be mixed in the proportions and shall test to minimum percentages of purity and germination specified.

<u>Botanical Name</u>	<u>Common Name</u>	<u>% By Weight</u>	<u>% By Purity</u>	<u>% By Germination</u>
Coronilla Varia Variety Penngift	Penngift Crown Vetch	25%	98%	70%
Fescue Elatior Variety Kentucky	Kentucky 31 Tall Fescue	75%	98%	85%

The above mixture shall be seeded at the rate of one and one-half (1 1/2) lbs. per 1,000 sq. ft.

8. PLANTING:

- a) Lawn: Seed areas shall be smooth and firm before seeding.
- b) Trees and Shrubs: Shrubs shall be planted in the center of the holes twice the size of the root balls. Trees shall be planted in holes having at least 18" on all sides of the root balls. Place the tree in hole "high." The crown of the tree trunk shall be slightly higher than the immediate soil level.

Backfill for shrubs shall be 5 shovels full of soil conditioner mixed into the native soil. Backfill for trees shall be 5 shovels full of soil conditioner per 1" of trunk diameter mixed into the native soil. Backfill around roots shall be firmed to prevent settling. Provide berm for each shrub.

9. MAINTENANCE (30 DAYS):

As a part of this Contract, the Contractor shall continuously maintain and protect all planting areas from the time they are installed during the progress of the work, the maintenance periods, and until the final acceptance of completed plantings. The thirty-day maintenance period shall not be included in the working days.

Maintenance shall include all watering, re-seeding, mowing and weeding necessary to keep the planted areas neat, edged and attractive throughout the maintenance period.

10. GUARANTEE:

- a) All plant materials shall be guaranteed for one (1) year after the completion of the maintenance period.

- c) Without cost to the Owner, replace all dead plants and browned lawn areas within this one (1) year period.
- b) The Contractor is not responsible for vandalism or other problems not under his control or apart from his responsibility.
- c) Guarantee after completion of maintenance periods and final acceptance will be contingent on Owner's proper continuation of maintenance program.
- d) The Contractor, in protecting his own interests, is obligated to periodically check work areas during his guarantee period to insure proper maintenance procedures are being implemented.
- e) In cases of negligent or improper maintenance, the Contractor shall state in writing to the Owner his observations and recommendations. Any claims not in writing will not be considered.

11. INSPECTIONS:

- a) Materials will not be delivered to the site until ordered in writing by the Landscape Designer, and when so ordered, notification will be made of a proposed delivery date of plant materials, fertilizers, seeds, etc., at least two (2) days prior to its arrival date. Each shipment will be accompanied by an invoice showing the number, size and name of each of the several items included. The entire plant will be properly protected from the sun and air damage from the time of digging until delivery on the site. Upon arrival, an immediate inspection will be made on the entire shipment for compliance to these specifications before plant materials are accepted for immediate planting or heeling in. Unless plants are placed in planting holes, they will be heeled in and inspected again prior to the planting.
- b) Progress Check: A progress check inspection shall be made after the completion of excavations for plants and trees prior to the planting operations. The Contractor shall notify the Landscape Designer two (2) days in advance of the date of the work which will be ready for inspection.
- c) Final Inspection: Shall be called at the end of all planting operations for the purpose of determining compliance with plan and specification intent, workmanship and clean-up. Contractor shall secure written