

Town of Hamburg Planning Board
Meeting 1-21-98
Actions Taken

Jones 2 lot subdivision Lakeview Road	Preliminary Approved
Stevan 4 lot subdivision Lakeview Road	Preliminary approved
Woodlawn Credit Union Subdivision - Bayview Rd.	Subdivision approved; Site plan approved
✓ Sprint Spectrum Cellular Tower 2644 Pleasant Avenue	Approved with conditions
Monte Riefler Locomotive Engine Bldg. Camp Rd.	Approved.
Ed Burke OLV Senior Citizen Apt. Complex	SEIS requested.
J. Bushart Swiss Chalet	Approved
Richwood Acres Donato Builders	Tabled
Rolling Ridge Extension Mike Metzger & K. Curry Patrick Development	Extension granted

**Town of Hamburg Planning Board
Meeting - January 21, 1998**

The Town of Hamburg Planning Board met in regular session in the Public Meeting Room of Hamburg Town Hall on Wednesday, January 21st, 1998 at 7:30 p.m. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Dick Pohlman, Paul Eustace, Don Fitzpatrick, Sue Ganey. Others attending included: Don McKenna, Attorney, Drew Reilly, Rick Lardo, Rich Whipple, and Terry Dubey, Stenographer.

Public Hearing for Jones 2 Lot Subdivision - Lakeview Road

Secretary Koenig read the Legal Notice from the December 17th meeting. (Applicant was not present at the original hearing).

LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
2 LOT SUBDIVISION FOR
STEVAN JONES
JONES SUBDIVISION
LAKEVIEW ROAD
Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 2 lot Subdivision known as Jones Subdivision on Lakeview Road on December 17, 1997 at 7:30 p.m. in Room 7 of Hamburg Town Hall.
ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg, County of Erie and State of New York, being part of Lot Numbers 26, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the north line of Lot Number 26 at the northeast corner of lands conveyed by George M. Reimer and Rose Reimer, his wife, to Albert Neuman, said point being 1153.02 feet westerly from the northwest corner of Lot Number 26; THENCE southerly along the east line of lands conveyed to Albert Neuman, a distance of 1240.64 feet to a point in the northerly bounds of Lakeview Road, having a width of 80.0 feet; THENCE north easterly along the northerly bounds of Lakeview Road at an interior angle of 60°-07'-31", a distance of 240.03 feet to a point of curve in said northerly bounds; THENCE continuing north easterly along the northerly bounds of Lakeview Road on a curve to the right having a radius of 1950.00 feet, an arc

distance of 380.77 feet to a point in the east line of lands conveyed to Cora B. Caudwell by deed recorded in the Erie County Clerk's Office in Liber 2234 of Deeds at page 440; THENCE northerly along said east line of Caudwell, a distance of 983.85 feet to a point in the north line of Lot Number 26 at a distance of 2465.00 feet west of the north east of Lot Number 26; THENCE west along the north line of Lot Number 26, a distance of 535.32 feet to the place or point of beginning, containing 13.85 acres of land, more or less.
RICHARD CRANDALL, Chairman
GERARD KOENIG, Secretary
Planning Board
Dated: 11-20-97

Chairman Crandall declared the hearing open. Mr. Jones was present for his 2 lot subdivision and agreed with the Engineering request to provide "T" turn-around driveways. Chairman Crandall asked 3 times if anyone wished to be heard for or against the subdivision. Hearing no comments, the hearing was declared closed.

Engineering Comments: 1. The site is not located in a sanitary sewer district and public sewer service is not available to the proposed lots. 2. Water service is available along Lakeview Rd. 3. "T" turn-around driveways should be required. 4. We recommend that the map cover requirement be waived.

Motion was made by Mr. Phillips, seconded by Mr. Fitzpatrick to approve the 2 lot subdivision for the Jones Subdivision; issue a Negative Declaration on the project; that the applicant provide T-turn-around driveways, and waive the filing of a map cover. Carried.

Stevan 4 lot subdivision - Lakeview Road

Secretary Koenig read the following Legal Notice of Public Hearing:

LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a 4 lot subdivision known as the Stevan Subdivision on Lakeview Road on January 21st, 1998 at 7:35 p.m. in Room 7 of Hamburg Town Hall.

All that Tract or Parcel of Land, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 26, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center

of Old Lake View Road at a distance of 527.24 feet west of its intersection with the east line of Lot 26 as measured along said center line; thence westerly along said center line of Old Lake View Road 474.69 feet to its intersection with the east line of lands conveyed to John Danhauser by deed recorded in Liber 286 of Deeds at page 499; thence north at an interior angle of 83° 51' 25" a distance of 1106.07 feet to a point, said point being the northeast corner of said John Danhauser and being in the south line of land conveyed to Nicholas Smith by deed recorded in Liber 171 of Deeds at page 46; thence easterly at an interior angle of 87° 16' 25" and along Smith's

south line 315.48 feet; thence southerly at an interior angle of 89° 10' 20" a distance of 264 feet; thence easterly at an interior angle of 268° 23' 40" a distance of 148.5 feet to the northwest corner of lands conveyed to Harmon Gressman by deed recorded in Liber 193 of Deeds at page 184; thence southerly at an interior angle of 89° 43' 25" along Harmon Gressman's westerly line by deed aforesaid 826.53 feet in the center line of Old Lake View Road at the point of beginning.

EXCEPTING therefrom lands con-

veyed to the County of Erie by Action, County of Erie against Jessie D. Ebert et al, being known as lands taken for New Lake View Road Parcel 25, and lands conveyed to the County of Erie by deed recorded in Liber 6514 of Deeds at page 479, on January 12, 1960.

Dated: 1-8-98

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

1-15

Chairman Crandall declared the hearing open: Mr. Jones was present on behalf of his 4 lot subdivision on Lakeview Road. A variance of .07 acres was granted for the lot size at the Zoning Board meeting of 1-6-98. Comments from Engineering are as follows:

1. The site is not located in a sanitary sewer district and public sewer service is not available to the proposed lots.
2. Water service is available along Lakeview Rd.
3. Lot 3 does not comply.
4. "T" turn-around driveways should be required for the lots fronting along Lakeview Rd.
5. We recommend that the map cover requirement be waived.

Chairman Crandall asked 3 times if anyone wished to be heard for or against the subdivision. Hearing no comments, the hearing was declared closed.

Motion was made by Ms. Ganey, seconded by Mr. Pohlman to issue a Negative Declaration; approve the preliminary for the 4 lot subdivision, provide "T" turn-around driveways for lots facing Lakeview Road; and waive the filing of a map cover. Carried.

Woodlawn Credit Union Subdivision - Bayview Road

Secretary Koenig read the following Legal Notice of Public Hearing on the subdivision for the Woodlawn Credit Union:

LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing for the Woodlawn Credit Union Subdivision to be located on Bayview Rd. & Route 5 on January 21st, 1998 at 7:40 p.m. in Room 7 of Hamburg Town Hall.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot No. 16, Township 9, Range 8 of the Holland Land Company's Survey, described as follows:

Beginning at the intersection of the southeasterly right-of-way bounds of

New York State Route 5 and the north-easterly bounds of Bayview Road, being 66-foot wide; thence northeasterly along the said southeasterly bounds of right-of-way bounds of New York State Route 5 for a distance of 436.00 feet; thence southeasterly at an interior angle of 89°50'34" for a distance of 513.00 feet; thence southwesterly at an interior angle of 100°36'30" for a distance of 340.00 feet to the aforementioned northeasterly right-of-way bounds of Bayview Road; thence northwesterly along the north-easterly right-of-way bounds of Bayview Road at an interior angle of 89°25'49" for a distance of 32.48 feet; thence continuing northwesterly along the northeast-

erly right-of-way bounds of Bayview Road at an interior angle of 182°58'14" for a distance of 440.52 feet; thence continuing northwesterly along the north-easterly right-of-way bounds of Bayview Road at an interior angle of 165°27'52" for a distance of 113.24 feet to the point of beginning, containing 4.988 acres more or less.

Dated: 1-8-98

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

1-15

Woodlawn Credit Union Subdivision (Cont.)

Chairman Crandall declared the hearing open: Mr. Mike Longo appeared on behalf of the subdivision of a 4.9 acre parcel of land to be reviewed independently from the Lake Erie Industrial Park. Comments from **Engineering** are as follows:

- (1) The subdivision should not be approved prior to an accepted Final Generic Environmental Impact Statement (FGEIS) for the overall parcel. Our office has reviewed the draft FGEIS and submitted comments in a separate memorandum to the Planning Board on 1/12/98.
- (2) When the future driveway is installed, the easterly drive to Bayview Road should be required to be eliminated. Note this on the plan.
- (3) Sheet C-1 states that a NYSDOT permit is required for Bayview Road (should be for Route 5). Revise as necessary.
- (4) SHEET C-2 - SITE UTILITIES
 - Add rip-rap stone at the inlet on Bayview Road.
 - Provide drainage calculations for the highway pipe along Bayview Road.
 - The proposed 300 feet drainage swale is to be extended to the northeast property line and continued out to Route 5.
 - Provide a minimum two (2) feet of cover above all storm sewer pipes.
- (5) SHEET C-4 - CLEARING AND EROSION CONTROL
 - Provide a stabilized construction entrance detail.
 - Show the proposed cut-off swale (as shown in Drainage Plan) and include erosion control measures for the swale.
- (6) The landscape plan is to be approved by the Planning Department.

Board members reviewed the drawing that was presented. Mr. Lardo pointed out that they would like to see one of the connections eliminated as we still do not know what is going to happen on Bayview Road. Mr. Reilly stated that there will be a meeting on this topic on Friday with representatives from the State and County on the traffic issue.

Mr. Reilly explained that input is being sought from the Traffic Safety Board on the over-all development of the area. The Conservation Board has submitted a report that there are no environmental problems. The DOT has plans on revamping the traffic circle. A long term solution for Bayview and Route 5 is to be discussed also. There are to be no curb cuts on to Route 5. The two curb cuts are fine for now, with a two way out and one in. The future one is argumentative if a major road goes in.

Chairman Crandall noted that site plan approval is not required for this evening. Mr. Reilly responded that the applicant is looking for subdivision approval as well as site plan approval. The applicant is also looking for direction.

Mr. Reilly pointed out that before subdivision or site plan approval is given, a determination is required on SEQOR. The Planning Board at the work session asked if there was any way that we could do this separately while work is being completed on the EIS. The Planning Board has the option of approving the subdivision.

Chairman Crandall stated that he has concerns that the proper procedures are to be followed. As the impact statement was reviewed, the first phase of development had no mitigation items. The SEQOR process should be completed within the next month. If everyone is comfortable on the traffic issue, the FEIS can then be accepted and a findings statement prepared by the IDA.

At the present time, the Planning Board can do an individual SEQOR review. It can be accepted as a Part III of the EAF. The project has been reviewed for four months. The original EIS projected traffic of 50 trips per hour. On this particular project, for the office and drive in bank, the applicant has projected 80 trips in the morning and 79 in the evening, which is below the threshold requirements and no traffic improvements are required for Phase I.

Mr. Longo explained that the office building will be a steel frame with red brick veneer on all 4 sides.

Chairman Crandall asked 3 times if anyone wished to be heard for or against this application. Hearing no comments, the hearing was declared closed.

The following resolutions were presented:

Woodlawn Credit Union Resolution

(Resolution on SEQR)

Motion was made by Mr. Koenig, seconded by Mr. Eustace that based on the Town of Hamburg Planning Board's review of the full Environmental Assessment Form (and other information relating to this project), and the site plans submitted for the proposed Credit Union on Bayview Rd.; and

Knowing that this project is functionally independent from the Lake Erie Industrial Park, does not commit the Town to future actions; that a Final Environmental Impact Statement is being completed for the entire park;

That the Planning Board chooses to segment this portion as it will not have a significant impact on the environment, and hereby declares that a Negative Declaration can be issued.

(Subdivision Approval)

Motion was made by Mr. Phillips, seconded by Ms. Ganey to approve the subdivision subject to the conditions as outlined in the Town's Engineering letter of 1-20-98, items:

(2) When the future driveway is installed, the easterly drive to Bayview Road should be required to be eliminated. Note this on the plan.

(3) Sheet C-1 states that a NYSDOT permit is required for Bayview Road (should be for Route 5). Revise as necessary.

(4) Sheet C-2 - Site Utilities
-Add rip-rap stone at the inlet on Bayview Road.
-Provide drainage calculations for the highway pipe along Bayview Road.
-The proposed 300 feet drainage swale is to be extended to the northeast property line and continued out to Route 5.
-Provide a minimum two (2) feet of cover above all storm sewer pipes.

(5) Sheet C-4 - Clearing and Erosion Control
-Provide a stabilized construction entrance detail.
-Show the proposed cut-off swale (as shown in Drainage Plan) and include erosion control measures for the swale.

(6) The landscaping plan is to be approved by the Planning Dept.

Item 1 is to be excluded. Carried.

(Site Plan Approval)

Motion was made by Mr. Phillips, seconded by Mr. Koenig to approve the site plan based on a revised drawing dated 1-16-98, subject to all Engineering conditions as outlined in the memo dated 1-20-98, Items 2-6, excluding Item 1. Carried.

The project complies with the regulations of the LWRP, and is consistent with the policies of such. (See attached memo from the Engineering Dept.)

TOWN OF HAMBURG

100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111 • FAX (716) 649-4087

Supervisor
PATRICK H. HOAK

Councilmen
D. MARK CAVALCOLI
KATHLEEN COURTNEY HOCHUL
JOAN A. KESNER
THOMAS J. QUATROCHE, JR.



Town Attorney
VINCENT J. SORRENTINO

Town Clerk
GEORGE DANYLUK

Supt. Of Highways
JAMES F. CONNOLLY

Receiver of Taxes
ROBERT A. MARS

January 20, 1998

Michael A. Longo, RA
McConeghy-Longo Architects, LLP
82 Pearl Street
Buffalo, New York 14202

RE: WOODLAWN AUTO WORKERS FEDERAL CREDIT UNION
Bayview Road at NYS Route 5

Dear Mr. Longo:

The Town of Hamburg Shoreline Revitalization Committee serves as the advisory body for the Town's Local Waterfront Revitalization Program (LWRP). The above-referenced project which your firm is designing is located within the established boundaries designating the LWRP coastal area of the Town of Hamburg.

Following our review of the documents that you have submitted, the Shoreline Committee has determined that the proposed project complies with the LWRP, and is consistent with the policies of such.

If there should be any questions or further information needs regarding this matter, please contact either the Town Engineer or myself.

Very truly yours,

Norman F. Masse, Chairman
Hamburg Shoreline Revitalization Committee

NFM:jnl
cc: Councilman Quatroche
Gerard Kapsiak, Town Engineer
Richard Crandall, Planning Board
Andrew Reilly, Planning Dept.
Michael Bartlett, Hamburg IDA

Sprint Spectrum Cellular Tower -

Attorney Maureen Elwell, representing Sprint Spectrum on this application appeared before the Planning Board . It is my understanding that we are here for site plan approval of a cellular tower located at 2644 Pleasant Avenue. As you know, we have been before you twice, previous to this we explained how the system works and why we chose this site. If you want us to explain it again we can, or we can dispense with that information and proceed with the site plan review. This is for a Special Tower Permit.

Mr. Crandall explained that the **Engineering** comments are to be addressed on the warning light.

Mr. Drew Reilly refreshed the board's memory process-wise. The Board has reviewed this item for several months. We went thru the requirement that this was a Type I action under SEQR and the proposed location. The Planning Board was declared as Lead Agency. We waived the time requirements to receive comments. We Neg Dec'd. the project and sent it to the Zoning Board of Appeals for a height variance. They received the height variance from the ZBA and are now back to the Planning Board under the guidelines of the law for a Tower Special Permit and a site plan approval of their application. An important component of this under the Tower Special Permit, you have pointed out to them that this is a lower preference location for a Tower. The law requires them to search out other more preferable locations. The Town identified a potential better location and are presently in negotiation on a potential lease with the Town. The Town has taken some action with the Town Board in getting rights for that property to be leased and a tower to be put up at that location. Under our law and Federal law, we are obligated to continue our review process of this application as a search for other sites. It is my understanding that the Town has an agreement with Sprint that they will pursue their best interests in obtaining permission for the other site by April 1st of this year.

Attorney Elwell noted that our approval has been conditioned upon the fact that the alternate site, the "Tree Farm" site, if all approvals including FAA are not granted by April 1st, this site would kick in. If you approve the tree farm site before April 1st, we will not pursue this site, but rather the Town site. I wanted to qualify that statement.

Chairman Crandall responded that the necessary paper work for the application has been submitted to the State Assembly for the alienation. He asked as to the status of the lease.

Maureen Elwell responded that at the January 12th meeting, the board approved the concept of the lease pending Mr. Boehm's approval. I sent a letter to him requesting when this could be

completed and I still have not heard back from him. We cannot proceed. Sprint will not allow us to proceed with the tree farm application without a lease. Mr. Reilly asked if the applicant will have a problem with the FAA?

Mr. David Olek, noted that the tree farm site does have to be taller than this site. The anticipated hgt. site is 230'. The Hogan site has a height of 195'. We are hanging here without a lease. We have an internal policy with Sprint that they are not going to spend money until we have control of the property and the survey. We cannot pay a survey crew on the tree farm site until we get a signed lease. On Hogan's lease, we had a signed agreement before we came here. The thing that triggers this is the legal agreement. Unless we have that, there is no basis for spending the money. A 2 "C" survey is required and is a higher grade survey because of the airport's need to know whether this site is acceptable. It requires a special survey crew. We can't spend money until we have the lease. We have made that clear with several officials of the Town as well as a meeting with the Supervisor. We still don't have a signed lease or any comments back. Mr. Crandall responded that he will look into the matter. We have done all that we represented to do up to this point. We agreed to finding the location and getting everything in writing. We are not behind but are waiting for the other side. On the FAA approval we contact ASAC, and they run the same software program that the FAA runs but they do it faster. They send us a letter with their opinion that the FAA will or will not approve the site. We then have to do an extended study to the FAA which may take 3 months to do. If ASAC tells us it is okay, we assume it will be okay and we file the paper work with the FAA until they render a decision. Sometimes we call them and ask them to work faster. It takes 3 months for an extended study. ASAC can give us an opinion within a week. If ASAC comes back and says that they can't approve the site, then we can't go any further. We can't go to ASAC until we have done a survey. We cannot do a survey until we have the lease.

Mr. Reilly asked how many co-locaters could be accommodated, or if Sprint reserves space on the tower. We have heard from other competitors that they cannot get on the tower. Mr. Rollek responded that they do option agreements. If a co-locater wishes to co-locate, they pay a fee of \$500 per year. That is how space gets reserved by competitors buying options on the tower. It is not a binding option and any space on the tower is available. The antenna load is Sprint's and there is no intent for Sprint to add additional antennas. They are not saving load space for the future. There is a co-location policy with the applications.

Mr. Rollek noted that the intent of signing the lease was that if things looked good with the State Legislature, we could come in next month and make application for the tree farm site. We were going to do that in parallel with the State. Then we could pick up a building permit the next day. The following resolution was passed:

1-21-98, Page 9

Resolution for Sprint Tower - 2644 Pleasant Avenue

Based on the Town of Hamburg Planning Board's review of the application submitted on behalf of Sprint Spectrum for a proposed cellular communications Tower at 2644 Pleasant Avenue, Hamburg New York, and

Whereas, the Planning Board has issued a Negative Declaration in conformance with the State Environmental Quality Review Act, and

Whereas, the Zoning Board of Appeals has granted a height variance of 20';

Whereas, the applicant is continuing to pursue a more preferable location as prescribed in the Town's Tower Law;

Now Therefore Be It Resolved, that the Planning Board hereby approves the Tower Special Permit for this application with the following conditions:

1. That the formal site plan approval shall not be issued until the alternate site ("Tree Farm") is determined to be not feasible, and the determination shall take place no later than April 1, 1998 and should be made by the applicant and the Town Board.

2. That the applicant continue its diligent efforts in pursuing the alternate location (including the submission of site plans and FAA approvals).

3. That the Tower be constructed to handle at least 2 additional digital or normal cellular carriers for other companies.

4. A/C warning light to be installed on top of the tower.

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

Monte Riefler Locomotive Engine Building - Camp Road

It was noted that a more acceptable plan has been presented to the Planning Board for Monte Riefler's locomotive engine building located on Camp Road. **Engineering** has noted that the plan dated 12-17-97 is acceptable to this office.

Motion was made by Ms. Ganey, seconded by Mr. Koenig to approve the site plan for the locomotive engine building. Applicant is to bring in 5 additional copies for signing.

Ed Burke - OLV Senior Citizen Apartment Housing - Brierwood

Mr. Drew Reilly informed the board that Mr. Burke is present on a concept plan for a senior citizen housing application. We have discussed how we would approve this project, is it a zoning change, how would we process this. Originally, there was an EIS on the project and the question remains is this still valid or will some sort of supplemental be required. We have had particular questions from the public. Mr. McKenna, myself, and Mr. Crandall met and reviewed the procedure for this board. Don did some research on the matter. Basically, a PUD is done on a "floating zone." Someone approaches the Town to rezone a piece of property and the Town Board considers a PUD based upon a plan that is submitted. That plan represents the zoning of the property. In the case of this piece of property, the issue is different.

On this piece of property the history is different. When the PUD's were created all 3 golf course properties were zoned as PUD. This included Brierwood, South Shore and Wanakah. That was their decision.

After that application was made to develop Brierwood and the Planning Board performed all the functions of requiring an EIS. The approval of this application is on the Planning Board. This matter did not have to be referred to the Town Board. Now, what things do you need to consider? When you have a concept plan, the first issue is SEQR. You make a SEQR determination. With this, since there was an EIS, is the information that is in the generic impact statement sufficient and meets the parameters of the impact statement. If it does not, you have to ask for a supplemental impact statement. Then you continue with site plan approval. This is not a rezoning but an application for site plan. One of the things you are considering is the issue of change of use. There are some drawings that show it as a commercial office park. There are some drawings showing commercial/multi-family housing. The issue is that the Planning Board has to make a determination and when you looked at it originally you talked about character of the community. Does this change the original SEQR. There have been questions raised about traffic and drainage. The action required is on the SEQR--or do you want a supplemental EIS?

You have seen numerous correspondence as well as

correspondence from the New York State Dept. of Transportation that they disagree and have asked for a TIS on this project. In 1993 and 1994, we have letters & traffic counts relating to Old Tyme Village. Update letters note that this was going to be an office park. If they put the numbers in for a senior apartment complex or a regular apartment complex the traffic generated by the apartment complex is less than what would have been generated by the office complex. We have a lot of correspondence on this matter. I have tried to read as much as possible.

Chairman Crandall stated that he received his package and has been on jury duty and has not had an opportunity to read all of the materials. I am particularly concerned as to the relationship of the updates. I don't know if the material submitted satisfies the traffic issue. I don't know if the data submitted is sufficient or whether additional studies are necessary. The only letter that we have is that the State is requesting a TIS. Does the Town feel that we have sufficient information?

Mr. Reilly responded that he will have to get input from the Traffic Safety Board. Old Tyme Village did have some problems. There is some confusion on this project. The one letter comparing what was generated by the office park versus the apartments, the apartments would generate less traffic than the office park as proposed by the calculations. If this is a regular apartment complex, what would the traffic numbers be? We will be looking for some input from Traffic Safety and from the State. We are giving the applicant an opportunity to talk to the DOT, as they are the higher governmental authority in this case. The DOT was involved in the original impact statement and should have a say in this. If I get a letter from them saying that everything is fine, Traffic Safety is satisfied. There are some internal traffic difficulties, but I am talking about the big picture.

Mr. Crandall noted that based on what we have, the Old Tyme Village project has not moved forward and we are not sure that this is still a viable project. The State DOT requested a turning lane. We will now have to address the traffic impact as it relates to the apartment complex. The approvals for Old Tyme Village has since expired. The project appears to be in limbo.

Mr. Burke responded that he does not plan to ignore that fact. There have been several phone conversations back and forth and he noted that he is willing to meet with the State. Mr. Burke also noted that he could like the comments from the Town on the traffic issue. Mr. Burke explained further that the golf course property was sold in 1995 to Arnold Palmer with easement rights. The options on Old Tyme Village have expired and the project is in limbo. Mr. Burke stated that he has hired Engineers to do the studies. If you disagree, I would like to know specifically what you disagree with. I can then ask the Engineers to identify if there is a disagreement. I would like specific comments.

Chairman Crandall noted that the issue is whether or not the improvements required by the State will be required by the Town. We cannot attempt to over-rule the State. The DOT is the controlling agency. We will also need responses from the Traffic Safety Board.

Mr. Burke responded that he is willing to sit down with the State DOT but that he wants specifics from the Town. I need the comments so that I can go back to my engineers and tell them that the Town disagrees.

Chairman Crandall noted that a SEIS should be required. The issues to be discussed are drainage, character of the community, there are questions on impact of values of homes, as well as change of use, and impact on the neighborhood in the development.

Mr. Koenig noted that this project was advertised as an upscale community and he feels this is a big change in the character of the neighborhood. This is a new type of use in the PUD.

Mr. Pohlman stated that he would like to know the criteria of the things that we are supposed to look at in making our determination. If this is a new type of use in the PUD, is this new use acceptable in the eyes of this board. The advertising of Brierwood and the promotional data shows it to be a country club high level, luxury golf course community, and with the past history, everything substantiates that. The question is whether this changes that?

Mr. Pohlman noted that this development was to contain single family homes, apartments, townhouses. What is the justifications of making that change as a new approach out of the PUD as being laid out.

Mr. Burke interjected that this is the same type of project that was conceptually approved in the previous application. Mr. Crandall responded that this project is quite different because it is multiple buildings as opposed to a single facility. It was independent assisted living. The traffic would be different. There was a combination of assisted living, areas of less assistance living and some were regular apartments.

Mr. Burke responded that it is the same concept that was there. We have human beings coming in. The only difference is that this is a moderate income level. We are able to achieve this only because of the financing. There is no subsidized dollars to support these people. The rent is guaranteed only because of unique financing. It is a common thing going on every day. It is something that we are trying to do for the seniors. Senior Citizens look forward to this. There is no subsidy at all.

Chairman Crandall responded that it may not be a subsidy.

However, there is an income limit qualifying and with that, it is some type of subsidy. There is no way they can have a limit on income unless there is something to accommodate the difference in the cost to run that facility as opposed to the income that will be generated with a lower income.

Mr. Rocco Termini stated that because of use it is a tax exempt bond financing.

Mr. Pat Burke stated that Brierwood originally was to be 12 separate developments. The majority of them are multi-family. This board has already approved high density 60' lots which are smaller and contiguous to estate type lots. We have zero lot duplexes. There are a series of different communities that have all been constructed of high quality. Pinegrove Park is a development that sold from \$105,000 to \$145,000 a unit. Immediately adjacent to that is a single family subdivision that sold from \$175,000 to \$375,000. Thank God that Pinegrove was constructed first because we would have the same argument if we were trying to get Pinegrove Park approved adjacent to the Brierwood Estate homeowners who invested a lot of money. There is no difference with this community. We have created multi-family on a high end basis. We are creating another unique colonial type village that will be constructed of high quality with landscaping, street lighting and consistent with the theme of Brierwood. The signage will be identical to the monuments which you see throughout every community in Brierwood. The grass will be cut with the same lawn mowers and the people will have different income levels, but so will others that will live in the quarry area. The quality of this development is not a consideration of the occupant. It's a consideration of how the buildings are constructed and the way they are maintained. We are here to say that OLV Hospital has made a pledge to be involved in this project; to maintain it in perpetuity. There have been reserve funds set up and a construction budget that will handle a development that we will be proud of when it is done and will be consistent in quality with everything else at Brierwood. There is nothing wrong with it. It will be done in the same manner as the rest of the projects in Brierwood. It will be done, designed and maintained in the same manner that we have done for the past 40 years.

Mr. Pohlman asked how this proposal fits in with the general layout as people thought it to be. Is this consistent with what you are bringing in now?

Mr. Burke responded that this is a 10 acre parcel and it is a change from office to senior residential housing.

Chairman Crandall stated that he agrees that you raise valid points. However, I do not want it construed that my concern is the salary of the individual. What I am looking at is the type of facility and whether you call it subsidized or tax exempt, it is

not in keeping with what is there based upon what originally was advertised as to the character of the facility. That is what we are struggling with. I have not made up my mind on this. I have no sympathy with the residents who are critical of the types of individuals who will be in there. However, I think as a Planning Board we have an obligation that when we approve something, that we keep faith with the people who move into those developments that they receive the type of facility that they thought they were buying into. We have an obligation to protect the poor as well as the wealthy. I am looking at each as an individual and that project for the overall Brierwood development as a development and what this change will have on what was originally anticipated by people who purchased in there, whether it be single family or duplexes, or apartments. From what I have seen and the data that I have reviewed, it appears that it has been presented as a luxury country club golf club type facility and I question whether this type of change is in keeping with the original intent.

Mr. Phillips noted that apartment houses generate traffic night and day. I had to move into one for awhile. One of the things that bothered me was the traffic, day and night and at all hours. What these people bought and was sold to them was that an office complex would empty out by 5:00 p.m. There is a big change here that needs to be addressed. Age has nothing to do with it.

Mr. Koenig stated that while we normally listen to the residents when a project comes in, more thought should be put into a PUD. When you look at a mix there is a percentage of each item in that mix. You are changing that mix.

Mr. Bill Collins of Pleasant Avenue noted that in their experience of managing 1100 units, traffic is not a concern as most seniors don't have cars. They would not generate that much traffic. Transportation is also provided by the Town.

Rita Roner, a senior citizen, stated that she once owned a beautiful home. However, her social security does not stretch that far. Seniors are clean people. They are very nice. I need a place to live. A number of us have raised families. With seniors, there is no noise, we are very quiet and we pay our bills. I implore you to consider this type of development. My children are helping to support me. I would like a nice place to live.

Mr. Tom Periczak resident of Brierwood--is not so much concerned with the income level, but rather the change of use. Whether they are seniors or not this is not an issue.

Mr. Vogel presented a petition from the residents. Mr. Burke was trying to have a meeting with the various associations. We have 21 signatures representing Pinegrove Park. One of the concerns that we have is regarding aesthetics. I don't believe that these units would blend in.

Mr. Patrick Burke noted that if this project does not go forward they can put in a drug rehabilitation center. In Saddlebrook there are 7 acres of land and 45 units. On 9-10 acres, 160 units are proposed.

Chris Roche - I implore the board to have an SEIS. There are so many different things that we were sold. We were told that with the office park it would be from 9-5, no lights after 5:00 p.m. It still is advertised for executive offices. This is a country club community. This is what we were sold on. I am insulted as this is not a senior issue. This is our home. I pay a lot of money in taxes. We cannot get our taxes lowered. Traffic is a big issue as it will be coming thru our development. This is not a senior issue. There is also the problem of making a left on to Southwestern Blvd.

Kim Giardono spoke in opposition to the project as all the people were led to believe that this was a country club community. We have many deed restrictions as to how much brick can be put on the dwelling unit, Apartments will have a negative impact on the community.

Doreen Labin noted that she sells real estate in the area. I realize that we do need housing for senior citizens but not in Brierwood. This was sold as a country club community. I feel the project is needed but somewhere else.

Mr. Vogel of the Pinegrove Park Association noted that there will be an impact on traffic in the area. Also, there are no sidewalks in Pinegrove Park.

Mr. Cranson Simott noted that they were sold on an owner occupied luxury community living. This was never marketed by the Burke's. Mr. Burke responded that Emerald Green Apartments was always advertised as an apartment complex. Mr. Simott stated that there is also no guarantee that this will remain senior housing. It could be anything.

Mr. Ed Czajka of Pinegrove noted the problems of drainage that should be addressed.

Chairman Crandall noted that a supplemental must address the traffic and traffic safety, character of the neighborhood as it relates to this change, drainage, loss of green space, economic impact are other concerns. As to character of the neighborhood, there should be some type of agreement with the residential homeowner's groups as this is a major issue. We should know the results of their meetings and any other information that is pertinent.

Mrs. Marie Clark noted that her aunt is 76 years of age, lives in Pinegrove Park, and is not happy with the changes that have

occurred and does not wish to live there anymore.

Mrs. Rose Gaughan noted that the residents of Brierwood have made suggestions but the developer was not agreeable to cooperate.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to require an SEIS on the apartment complex at Brierwood for the senior housing project. This will require a scoping session, of which the DOT is to be included. Carried.

Mr. Burke asked that the issues be identified. He is also to get a packet of information ready for Traffic Safety and Engineering.

J. Bushart - Swiss Chalet Revision

Mr. James Bushart appeared before the Planning Board on a proposed change in the schematic for the Swiss Chalet Restaurant. They were given contingent approval on the relocation of the building. Chairman Crandall noted that he has concerns as to how the detention basin will look as it relates to the Southwestern Overlay.

Engineering Comments are as follows:

- (1) The site plan for the Swiss Chalet restaurant which was contingently approved by the Planning Board on 6/4/97 has to date not yet been submitted in acceptable format for approval by this office.
- (2) Revisions have been made to the layout of the Swiss Chalet building, parking configuration, and traffic patterns from the site plan that the Planning Board approved on 6/4/97.
- (3) We have no review comments on the concept plan for Proposed Restaurant No. 2.

Motion was made by Ms. Ganey, seconded by Mr. Fitzpatrick to approve the revision for the Swiss Chalet Restaurant site plan contingent upon addressing all Engineering concerns as outlined in the memo of 1-20-98, that a Negative Declaration be issued; that there be a reduction in the size of the retention basin by using an oversized pipe, and that the landscaping be approved by the Planning Dept.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to approve the concept plan for Phase 2 and 3, of which there will be an unknown future building of 4600 s.f. (designated as a restaurant) and that the developer submit drawings showing phasing lines to the satisfaction of the Planning Dept. Carried.

Richwood Acres (Donato Builders) Fairgrounds and Quinby

Mr. William Tynn of Pratt and Huth appeared before the Planning Board with a revised layout for Richwood Acres to be located on Fairgrounds and Quinby. We have received the Engineering comments and have generated another plan. The biggest change is on the proposed road which no longer goes out to McKinley. We have repositioned the detention basin and we have moved the basin out and have shortened the street by the cul-de-sac. There was also a comment that the length of the cul-de-sac was too long. More details have been put on the plan and a reduction in the right-of-way to 49'. We have implemented all of these changes. One thing we are showing is on the west side of Fairgrounds is a natural basin and we would like to maintain that and not change the character of the area. The earlier plan shows a road that we have taken out and left it as open space. That allowed us to put in a loop which previously was a straight shot.

Chairman Crandall noted that the drawing should be sent to the Recreation Dept. as there was some concern about a tot lot. We are also concerned about the detention basin.

Mr. Reilly asked if there was a commitment from the developer and a contribution for the light? Mr. Tynn responded that he has not seen the traffic study. It was his understanding that the original report indicated that if we were granted access to McKinley, there would be no need for signalization. Mr. Reilly stated that the traffic study said that no matter what they did, the light is warranted now, with or without the subdivision, the light was warranted now. The county does not want to see that a light is warranted. If the County agrees to a traffic light, the developer would only pay a small portion of the light. What we would like to see is that the County and the Fairgrounds pay for the light as the County Fair generates a great deal of activity.

Mr. Tynn responded that if the traffic study says that a signal is warranted without any contribution from this parcel at all, I would have a hard time understanding why it would be fair to make this developer pay to install a signal knowing that the burden of the cost of the signal would be on the taxpayers. He is paying the same share as everyone else without having a second cost already.

Chairman Crandall noted that the Town is not paying for the signal as this is a County road and the County pays for its own signal. The applicant should approach the County and try to work it out with them. This board however, will have some concerns on it. This may be the County's jurisdiction. However, the road is in the Town of Hamburg. Regardless of what the County says, the Town is going to have something to say.

Richwood Acres (Cont.)

Therefore, Mr. Tynn continued, it is up to the County to allow or disallow a signal then we should take this up with the County. Mr. Crandall noted that it may not be the Town's responsibility but one of these is a town road.

On the issue of the water, the same agreement will apply as the previous application. Mr. Lardo of Engineering stated that the developer is contributing quite a bit towards the water system.

Mr. Jay Pohlman, representing the residents, stated that when we appeared at the work session, we were shown two concept plans. We have not seen the plan that was presented tonight. When we had the last traffic study, their final recommendation was that a signal was warranted at the intersection of McKinley and Quinby Drive. Fairgrounds road is a sub-standard road. Traffic is a problem. We have worked on concerns of drainage, buffering, etc. We are willing to sit down with the developer to review these matters and exchange input.

The first item to resolve is to talk with the County about the signal. That should be the starting point.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to table. Carried.

Mr. Tynn asked for conceptual approve on the first Phase of lots 1-10

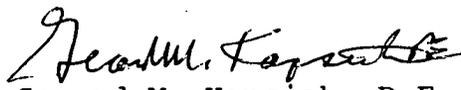
Motion was made by Mr. Phillips, seconded by Mr. Koenig to grant concept approval for lots 1-10 on the southeast corner. Carried.

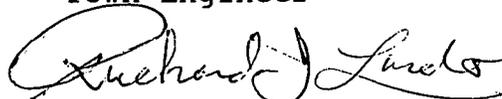
See attached comments from **Engineering**.

- (1) The southeast area of the site at the corner of Quinby Drive and McKinley Parkway was previously approved by the Planning Board on 5/15/96. The lot layout has been substantially revised from that which had been approved. Sublot Nos. 1 to 10 should be labeled as having access only to the proposed interior road. The proposed right-of-way width and cul-de-sac radius should also be shown on the plan.
- (2) The radius of road centerlines is to be dimensioned.
- (3) The radius of the proposed cul-de-sacs are to be shown on the plan.
- (4) Storm water detention facilities will be required for the site, as well as appropriate arrangements for maintenance of the facilities. The two lakes shown on the plan are not acceptable to this office.

- (7) The previously submitted traffic study performed by EMS Consulting for this project was never accepted. Erie County-Highways has previously stated their opposition to any median opening on McKinley Parkway as shown in Sketch No. 1. In addition, the Town Traffic Safety Board is not in favor of any road connection into McKinley Pkwy. Based on this, it is suggested that the proposed road connection to McKinley Pkwy. be eliminated, in favor of the developer's Plan No. 2 to end the road in a cul-de-sac. While this would necessitate the construction of a second Fairgrounds Road connection to the easterly portion of the subdivision for access purposes, it would also create additional building lots for the developer.
- (8) If the suggestion presented in Item (7) above is implemented, it would result in all subdivision access being by way of Fairgrounds Road. This would direct most of the subdivision traffic desiring to use McKinley Pkwy. to the intersection of McKinley Pkwy. and Quinby Drive, which would provide additional justification for the installation of a traffic signal at this location, at least partially at the expense of the developer.
- (9) The existing right-of-way width of Quinby Drive is 49.5 feet (not 60 feet as shown).

All comments must be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.
Town Engineer


Richard J. Lardo
Principal Engineer

Rolling Ridge Extension

Messrs. Mike Metzger and Kevin Curry of Patrick Development appeared before the Planning Board for an extension of the proposed Rolling Ridge subdivision. There have been no changes in the layout.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to grant an extension on the Rolling Ridge Subdivision. Carried.

Motion was made by Mr. Phillips, seconded by Ms. Ganey to approve the minutes of the meeting of 12-17-97. Carried.

Motion was made by Mr. Eustace, seconded by Mr. Pohlman to adjourn the meeting. Carried. Meeting adjourned at 12:15 a.m.

Respectfully submitted,

Gerard Koenig, Secretary
Planning Board

Next Meeting: Feb. 4, 1998