

**Town of Hamburg
Planning Board Minutes
1-24-90**

The Town of Hamburg Planning Board met in regular session on Wednesday, January 24th, 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, Steve Strnad, Dennis Gaughan. Others attending included: George McKnight, Sheryl Bower, and Terry Dubey, Stenographer.

Excused: Dan Gorman, Dave Phillips

Minutes of the meeting of 1-10-90 were approved as amended by Mr. Carnevale, seconded by Mr. Cary. Carried.

Executive Session:

Report from Mr. Koenig, and Mr. Carnevale on Hampton Brook - East Eden Rd. at Town Board work session. Meeting was held with residents and Conservation Board regarding the nature of the property in that area. Letter from Ray Vaughan, dated 1-14-90, is as follows:

Based on two personal inspections of the site and on my review of the "Environmental Impact Study" done by David M. Bigelow, I conclude that the proposed subdivision is likely to have a significant effect on the environment. Among the main points that support this conclusion are:

1. The variety and maturity of the forest that now occupies much of the site, particularly the western portion (approximately the western two-thirds of the area). Note the detailed descriptions and comparative evaluations in Bigelow's study, including the types of wildlife that use the forest as habitat and the comparisons of portions of the forest to stands of red oaks at Letchworth State Park, hemlocks at Deer Lick Sanctuary, and beeches at Reinstein Nature Preserve.

2. The presence of a wet area in the forest, in the northwest portion of the site, which according to one of the residents of North Hampton Brook Drive was identified as a wetland by a representative of the N.Y.S. Department of Environmental Conservation. Although its size (said to be about 4 acres) is less than the 12.4 acre threshold for state-regulated wetlands, it is a valuable addition to the ecosystem that now occupies the site.

3. The fact that the western portion of the site is bordered on two sides by, and perhaps includes some of, the open space or green space areas designated in the Town's 2010 Master Plan. These green space areas, which are associated with the flood plains of 18-Mile Creek and its tributaries, include some of the best scenery in the town.

Northampton Brook Continued:

4. The existing use of the site as a hiking and skiing area, as indicated for example by ski trails and footprints observed in the snow.

The proposed development of the site as a residential subdivision would be classified as an Unlisted Action under SEQR. In terms of the SEQR regulations, my conclusion that the proposed development is likely to have a significant effect on the environment is based primarily on 617.11(a)(2) in conjunction with 617.11(c)(1); on 617.11(a)(5); on 617.11(a)(8); on 617.11(C)(4); and on 617.11(a)(4).

Thus, neither the proposed rezoning nor the proposed development should be approved by the Town of Hamburg without either: Requiring an Environmental Impact Statement in accordance with 617.8 to determine whether the proposed development will have an impact on the environment and (if so) whether alternatives exist that might mitigate those impacts; or

Issuing a Conditioned Negative Declaration or CND in accordance with 617.6(h) to allow development on the eastern portion (approximately the eastern one-third of the area) of the site while prohibiting development on the western portion (approximately the western two thirds of the area) of the site, thereby mitigating the likely impacts indicated above. In view of the likelihood of a significant effect on the environment, and in view of the unique character of forest on the western portion of this site, the Conservation Advisory Board believes the use of this site for a residential subdivision is not in the best interest of the Town of Hamburg. The use of this site as part of a larger nature preserve has been suggested. Such a use would fit very well into the open space plan for that general area) as shown in the 2010 Master Plan and would preserve a valuable and scenic area of forest and flood plain for the enjoyment of present and future residents of the Town. If an agreement with the developer can be reached, the Conservation Advisory Board would recommend that the town acquire the site for this purpose.

Raymond Vaughan

Mr. Koenig further reported that a cluster arrangement was suggested, or that the Town purchase the land for a sanctuary. The question was raised as to how much has been set aside in the account for open space. A figure of \$143,000 was quoted. However, there is a regulation whereby these funds can only be used in the area where they have been collected. There has not been that much development on East Eden Road, and there are not sufficient funds to purchase.

A report on the fee schedule was submitted by the Committee consisting of Steve Strnad, P. Guenther, J. Loring.

Preface: An ad hoc committee to investigate developers' fee

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schedules was formed by Planning Board Chairman Richard Crandall at its regular meeting of 12-27-89. The feeling of the Board was that while real estate prices have been escalating in Hamburg, our fee-in-lieu-of land has remained the same at \$100/lot. This committee was commissioned to determine the fee schedules of neighboring towns and make recommendations for change.

Summary: Two alternative types of fee were discussed, variable and fixed. The towns of Amherst and Lancaster were used as models of the latter. The purpose of the fee being primarily for recreational purposes under Subdivision I, Section 277 of the Town law of the State of New York, it was felt that a function of this Committee should be to provide some guidance in assisting the Planning Board in its recommendation to the Town Board on how these moneys be spent.

The Town of Amherst Local Law #1 of 1989 "Relating to the Acquisition of Land and Equipment for Open space and Recreation Purposes and the Imposition of fees in Connection Therein" went into effect on 1-1-90. The fee consists of two elements, one relating to recreation and the other to open space acquisition. It is graduated up to \$230 per element, or \$460 for both, depending on the zoning classification. It also includes a fee on industrial and commercial classifications--unlike other town's fees. The Committee favors this approach because it is felt that it gives planners more latitude in accumulating open space on a town-wide basis.

The Town of Lancaster is presently raising its fees even more substantially. Its future recreation fee for playgrounds and equipment will be \$250, its conservation fee for land acquisition will be \$250, and its tree-planting fee will be \$120 for a total of 620 per lot. This will take effect in two weeks.

Other towns contacted included Eden, Orchard Park, West Seneca, Aurora, Elma and Cheektowaga. For various reasons, these were inappropriate because they were outdated, too low, or not germane to Hamburg's problems.

Much of the Committee's attention focused on how to appropriate the money acquired from the fees. As of this writing, there is \$143,000 to be allocated from development fees and approximately \$900 in the Hamburg Open Space Preservation Program of the Conservation Advisory Board. Amherst, for example, has already acquired 700 acres through its open space program and is working on 500 more.

The following are the Committee's recommendations:

1. That either of two types of fees be adopted--variable or fixed. The variable would be one tenth (1/10) of the value of the land as determined by an appraisal at the commencement of the development. The fixed would be a straight fee as in Amherst or Lancaster and our suggestion would be in the range of \$500-700. Either of these fees would consist of the two or three elements for

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proper allocation to recreation, greenspace, and landscaping.

(2) The Conservation Advisory Board and the Recreation Dept. have designated areas for acquisition or preservation and recreation. We suggest these be reviewed by the Planning Board for recommendation to the Town Board.

3. Coordinate joint meeting with representatives of Conservation Advisory Board, Recreation, Finance, Legal, Engineering and Planning. Determine who will make acquisition recommendations to the Town Board, and oversee the program. We need an inventory and status report on all our present open space/recreation land.

4. Be assisted by the Erie County Dept. of Environment and Planning. Ex: Tom Deering or Dale Morris could make presentation of plans for green space preservation.

5. When firm plans are in place as to how development fee money will be utilized, we will have a stronger case to justify raising the fee schedule.

Test cases in the State (The Planning Board in the 1990's--New York Statutes and Case Law published by New York Land Institute, Inc. Fall 1989 submitted by B. Shilling) suggest that Town Boards have considerable latitude in the use of recreation fees. Example: "Moneys from trust funds...may be used to finance a study to determine the park and recreational needs of a Town..."

Conclusion: Hamburg has collected a significant amount of fee-in-lieu-of-land money but has not recently acquired any recreational land with it, nor does it have any immediate accepted plans for doing so. With development pressure increasing for a constantly diminishing amount of preservable land, along with the perception that fees should be raised, it is felt imperative that action be taken in this area as soon as possible. Close coordination between affected departments is necessary to accomplish this.

Prompt release of the Future Development Advisory Board's Report and its review by the Planning Board. Recommendation of its acceptance and adoption by the Town Board will make clear the priority that Town residents place on open space preservation and acquisition, and support of the 2010 Master Plan.

Submitted by S. Strnad, J. Loring, P. Guenther

Windshire Estates Rezoning

Mr. McKnight informed the board that the rezoning for Windshire Estates off Abel Road has still not been decided by the Town Board. It was noted that comments on the traffic entrances must still be made by the Traffic Safety Board. They are meeting

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next Thursday evening. Mr. Ellis stated that he can have the comments ready by the following day. The concern is still access at the intersection.

Chairman Crandall reported that there will be a meeting of the NFTA on Wednesday, February 6th at 3:00 p.m. Members representing the Planning Board will be Steve Strnad, G. Koenig, and S. Carnevale.

Meeting was also held on the Horizons Commission. There will be more in the future and input from Hamburg is most important.

Heritage Square Subdivision

Secretary G. Koenig read the following legal notice on Heritage Square:

TOWN OF HAMBURG
LEGAL NOTICE
HERITAGE SQUARE
SUBDIVISION

Notice is hereby given that the Planning Board will hold a Public Hearing on Wednesday, January 24th at 8:00 p.m. in Hamburg Town Hall for the purpose of approving Heritage Square Subdivision.

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. 54 Township 9 Range 7 of the Holland Land Company's Survey, described as follows:

Commencing at a point in the westerly line of McKinley Parkway

one thousand ninety three (1093) feet north of its intersection with the center line of Sowles Road, running thence northerly six hundred eighty eight and seventy two thousandths (688.072) feet more or less along the westerly line of McKinley Parkway to its intersection with the southeasterly line of premises devised to John Wulf and Fred Wulf, as Trustees for Jacob P. Wulf in a will recorded in the Erie County Surrogate's Office in liber 71 of Wills at page 382 on May 2, 1906, thence southwesterly along the said southeast line of premises so devised to Wulf six hundred fourteen and sixty three hundredths (614.63) feet more or less to the easterly line of the lands of the Buffalo & Southwestern Railroad Company, (now Erie Railroad lands) thence southerly along said easterly right of way line four hundred sixty four and eighty three hundredths (464.83) feet to the northeast corner of premises conveyed by Alessandro Di Domenico by deed recorded in the Erie County Clerk's Office in liber 8640 of Deeds at page 377 on May 4, 1978, thence southeasterly along the northerly line of premises so conveyed and the northerly line of premises conveyed to James L. Haley and Dianna L. Haley, his wife by deed recorded in said Clerk's in liber 7547 of Deeds at page 459 on January 3, 1969, three hundred thirteen (313) feet, thence northeasterly along a part of the northwesterly line of a triangular parcel conveyed to Roderick A. Bernick by deed recorded in said Clerk's Office in liber 7177 of Deeds at page 271 on November 16, 1965, one hundred sixty two and ninety five hundredths (162.95) feet, thence north parallel to McKinley Parkway on hundred thirty five (135) feet, thence easterly at right angles twenty (20) feet, thence northerly parallel to McKinley Parkway one hundred (100) feet, thence easterly two hundred thirty (230) feet to the point of beginning.

Dated Jan. 2, 1990

Chairman Richard Crandall
Secretary Gerard Koenig

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Chairman Crandall declared the hearing open. Ms. Lynda Mason appeared on behalf of her subdivision: Comments were received from the following departments:

Traffic Safety Board

Although there was some confusion on the size of the subdivision, in the Traffic Safety Advisory Board's original deliberations, the Board is still concerned about the proximity of this proposed subdivision to the intersection of Bayview, Sowles, and McKinley, which is scheduled for a traffic study by the County and possible redesign. We feel at this time that additional traffic that will have to turn around at this intersection to travel north will inhibit efficient and safe traffic flow.

Building Inspection: Subdivision will have too many driveways to McKinley Parkway. In Phase 2, s.l. 9, 13, and 17 are too shallow to construct a dwelling on.

Planning: We would still like to see a topographic map.

Mr. McKnight stated that on the traffic issue, there isn't much that can be done. If traffic comes out of the subdivision, they would have to come to a 3 way intersection, and go around to head north. However, there won't be a cross cut into the median at that point. The only access from this parcel is to McKinley. I see raising it as a question, but there isn't any alternate way to handle the traffic. This is a County road and a traffic signal may be well into the future. A caveat should be placed on the approval that there should be some coordination of the driveways relative to the Parlato Subdivision.

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

Motion was made by Mr. Gaughan to approve the first phase of Heritage Square, consisting of 5 sub lots on McKinley; that lots 2 and 3 have a common driveway as set forth on the plot map. Also, that as part of the approval, this subdivision should be coordinated with the Parlato Subdivision across the street, and that the entrance road may be moved between interior sub lots so they cross-over on the median. On Phase 2, the lot lines and lot sizes are not in conformance at this time. Therefore, Ms. Mason must come back before the Planning Board before Phase 2 is started, seconded by G. Koenig. Carried.

Brompton Heights Subdivision

Secretary G. Koenig read the following Legal Notice:

**LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD**

Notice is hereby given that the Planning Board for the Town of Hamburg will hold a Public Hearing at Town Hall, S-6100 S. Park Avenue on the 24th of January at 8:15 p.m. for the purpose of approving a subdivision known as Brompton Heights:

All that tract or parcel of land situated in the Town of Hamburg, County of Erie and State of N.Y. being part of Lot 48, T-9, R-7 of the Holland Land Company's Survey and being part of a certain subdivision filed under Cover Map 925 in the Erie County Clerk's office bounded and described as follows:

Beginning on the east line of Brompton Parkway at the south line of Skrip subdivision as filed under Cover Map 2303, said south line of Cover Map 2303 also being the north line of Sub Lot 165 as filed under Cover Map 925.

Thence east on the south line of Cover Map 2303 a distance of 400.0' to a point. Thence southeast at an interior angle of 117 degrees, 05' 36" a distance of 443.81' to a point. Thence south at an interior angle of 152 degrees 45' 27" a distance of 170.0' to a point. Thence west at a right angle a distance of 68.75' to a point, thence on a curve to the left, R-270.0' a distance of 86.63' to the east line of Brompton Parkway.

Thence curving to the northwest on the east line of Brompton Parkway having a radius of 1,482.68' a distance of 739.16' to the place of beginning containing 3.5420 acres of land.

Also, that tract or parcel of land bounded and described as follows:

Beginning on the east line of Brompton Parkway a distance of 70.22' southerly as measured on the east line of Brompton Parkway from the southwest corner of the above prescribed parcel.

Thence east on a curve to the right, R-200.0' a distance of 59.43' to a point, thence parallel to south line of above described parcel a distance of 168.21' to a point. Thence south at an interior angle of 89 degrees, 29' 19" a distance of 200.0' to the south line of Sub Lot 168 as filed under Cover Map 925. Thence west at an interior angle of 89 degrees 29' 19" and on the south line of Sub Lot 168 a distance of 170.0' to the east line of Brompton Parkway. Thence curving to the northwest on the east line of Brompton Parkway (having a radius of 1,482.68'), a distance of 200.4' to the place of beginning containing 0.9067 acres of land.

Hearing will be held at Hamburg Town Hall Planning Board room. All interested parties are invited to attend.

1-15-90

Richard Crandall, Chairman

1-18 Gerard Koenig, Secretary

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Secretary Koenig read the aforementioned Legal Notice. Chairman Crandall declared the hearing open. Mrs. Joan Foster and Bob Ganey appeared before the Planning Board with respect to this 9 sub lot subdivision known as Brompton. Mrs. Foster would like to build duplexes which will be side by side.

Planning - It would appear that Lot #8 at the building line is a few feet short of the 85' width necessary for 2 dwelling units if you move the set back a few feet east of its current position, an 85' width can be obtained.

Mrs. Foster noted that she does not have any interest in the back portion.

Chairman Crandall asked 3 times if anyone wished to speak for or against the proposal. Hearing no further comments, hearing was declared closed.

Motion was made by Mr. Gaughan, seconded by Mr. Strnad to accept the preliminary of the 9 sub lot subdivision. Carried.

Town Hall Retail Center--Benderson Development - South Park Ave.

Mr. Bob Alonzo appeared before the Planning Board with a new submittal of a retail center to be located at the Town Hall Plaza. The original concept of the auto mall has been abolished and replaced with a new building with 18,000 s.f. This will be a single story masonry building in keeping with the general motif of the present plaza. Comments are as follows:

Traffic Safety - In reviewing this proposal, the Traffic Safety Board is opposed to another driveway cut on South Park Avenue in such close proximity to other close existing driveways. Is there a way to route the traffic thru existing driveways? It is also too close to the Town Hall driveway currently in existence.

Engineering - 1. A sidewalk along South Park was shown on the previous plans submitted for the site. Add it to these plans. The outlet pipe in the detention pond needs to be re-evaluated by the Engineer. The proposed 6" PVC Roof drain on the south side of the building should be 8" CMP. Curbing or precast bumper blocks are to be shown around the perimeter of the site. The board is reminded to have Scranton Fire Company evaluate the site for fire fighting purposes. The plan should not be approved without first obtaining a driveway cut permit from the State.

Building Inspection--A proposed driveway cut should coincide with the location where the Dept. of Transportation has already issued a permit for the last remaining road cut in the plaza. The owner of this property should not landlock other adjacent properties so they can be built upon. What is the concrete pad at the front of the building to be used for? Five handicapped spaces are required.

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The sixth space in the northwest corner is illegal, and should be eliminated. Curbs should be in place around the building. Curbing is required around the entrance way, front and south side. Landscaping should be provided on the south side, as well as on the east side. Shrubs and grass will also be required. Lighting should be designated. Test borings should also be considered. A suggestion was made to provide a deceleration lane. Mr. Alonzo responded that if he can get this with his working permit, he would try.

Motion was made by Mr. Gaughan to approve the retail center contingent upon Building Inspection, Engineering, a deceleration lane provided permission is given by the State D.O.T., that landscaping be provided on the south side of the building with a row of trees, the addition of one more handicapped parking space, and that future access to the parcel not developed, be provided along with Scranton fire Dept. approval, seconded by Mr. Carnevale. Carried.

Woods at Versailles - Former Mrs. Pumphrey property - Versailles Rd.

Messrs. Cliff Krumm, M. Braun, D. Warman, Mike Battaglia appeared before the Planning Board on a proposed subdivision to be located on Versailles Rd. This is the former Anna Pumphrey property. Comments are as follows:

Planning - 1. Because the dedicated green space is only about 8% and many homes will be built quite far from the proposed tot lot, perhaps the board would like to ask the developers to dedicate another acre to bring the total up to 10%, in the north east area of the plat as a second tot lot.

2. On a sketch plan, we would also like to see:
.drainage and utility easements, wooded area, approximate number of acres devoted to each use, total acreage, existing zoning, all existing and proposed utilities, isolated trees with a diameter of 8" or more at a height of 3' above the ground.

Engineering - 2.2 Versailles Plank is a county road and should be labeled as such. Written permission from the Erie County Highway Dept. is required for road access prior to preliminary plat approval. **3.2** The area will be in the Wanakah Water Dist. **4.2** An extension of the Erie Cty. Sewer Dist. #2 will be required for sewer service. **5.2** All lot lines on a curve are to be radial. Label the lines as radial on the plan. **6.2** The minimum centerline radius on curves is 150'. Show the radii on the plan. **7.2** The name of the owner is to be shown. **8.2** The names of all owners adjacent to the parcel are to be added. Show the street and sublots in the Pine Lakes Subdivision. **9.2** A street connecting to the Pine Lakes Subdivision in accordance with Section 31-17-E should be considered. **10.2** Clarification of ownership and maintenance responsibility of the pond must be determined. It has

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It has not been determined if storm water detention is required. 11.2 Sublots are to be numbered in consecutive order. 12.2 The proposed road at sublots 35 and 112 must be revised to intersect more at right angles.

Planning Board members noted that Versailles Plank Road is a very old and narrow road. They would like to see the elimination of driveways coming out to that road for safety concern reasons. The proposed dwellings would be 1700 to 2500 s.f., and priced in the \$124,000 to \$150,000 range.

Mr. Guenther noted that at the last meeting a request was made to see a cluster design. The applicant responded that for marketability purposes, he does not want to do a cluster. The request for a cluster concept was again made.

Mr. Cary stated that if the developer does not wish to do a cluster layout, how can the Planning Board insist upon it. Chairman Crandall responded that the Planning Board can mandate it.

Motion was made by Mr. Carnevale to **TABLE** this project pending a solution to the drive cuts on Versailles and to come in with a cluster drawing for the Planning Board members to look at, seconded by Mr. Koenig. Carried.

Pat Nash - Small Engine Repair - South Park Avenue

Mr. Pat Nash appeared before the Planning Board for a proposed small engine repair shop to be located at 4231 South Park Avenue. The parcel is zoned N-C and the use is non-conforming and requires a C-2 designation. Because of this, the Planning Board should reject and refer to the Zoning Board of Appeals. The surrounding neighborhood already is commercial.

Motion was made by Mr. Cary, seconded by Mr. Carnevale to reject the site plan as presented and forward it to the Zoning Board of Appeals with a favorable recommendation. Carried.

Elmhurst Road Subdivision - Patrick Eddy

Mr. McKnight informed the board that this is a 5 sub lot subdivision which now requires resubdivision. A public hearing must be set up.

Motion was made by Mr. Koenig, seconded by Mr. Gaughan to set the Public Hearing for this proposal for February 14th at 8:00 p.m. Carried.

Camp Road Collision - E. Howorka, Camp Road

Mr E. Howorka, owner of Camp Road Collision, appeared before the Planning Board on a proposed change in his property on Camp Road. He has purchased the adjacent parcel, in which he resides,

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Comments from various departments have been received as follows:

Building Inspection: Property is zoned C-2. The northern part of the property has an existing used car lot on it. I am happy to see that the existing drive to the north is to be removed as well as the driveway to the existing house. The new proposed 30' drive will require a permit from the New York State Dept. of Transportation. A detail of curbs should be designated on the plan. All curbs should be poured in place. All straight curbs should be pre-cast. There can be no parking within the first 35'. The location of paved area must be designated on the plans. Six parking spaces are required. The new frame addition is 32' x 23', 736 s.f. and requires 4 parking spaces. This structure is to be used for an office. One handicap spot must be designated. We would like to see a landscaping plan. A swale should be designated on the north and south property line to drain run off to the west. If there is to be any signage, it should be so designated on the plan as well as any lighting. Elevations should be reflected on the plan to ensure proper drainage.

Engineering - 1. The entire frontage of the site is to be piped. A permit is required from the State. **2.** The inverts on the proposed receivers are level. Show the length of pipe and pipe slope. Revise grades as necessary. The existing swale drains the fields to the east. Re-evaluate the size of pipe. A minimum of 12" cmp is to be used. Draw the pipe on the plan. Add a receiver at Camp Road where the two systems meet. **3.** Show the building roof drain connected into the storm system. Bumper blocks are to be shown for all parking spaces.

Planning - Because the parking space requirement for repair garages is based on how many service bays are located at the business, this information should be included.

A question was raised as to the legal aspect of the house. At the present time, the drawing shows 2 units on separate lots. Both lots should be combined into one.

Motion was made by Mr. Strnad, seconded by Mr. Carnevale to **Table** this proposal until Feb. 14th so that the separate lots can be deeded in common. Carried.

Oxford Heights - Proposed Townhomes - Next to Beth-El Estates - Southwestern Blvd., Zoned R-3.

Messrs. Cliff Krumm, Mike Braun, R. Barillo and Judy Schmidt appeared before the Planning Board on a proposed 140 unit townhome complex to be located on Southwestern Blvd., east of Beth El. The Zoning is R-3 for multi family and the parcel abuts the Thruway. The project entails 4 unit town homes 1200 s.f., 2 story, 1-1/2 baths, 2 bedroom units. The exterior will be brick and frame in a neutral color arrangement. The price range will be \$95,000.

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Comments from Departments were received as follows:

Planning - 1. If the townhouses are for sale separately, a subdivision plan must be done showing the individual lots. 2. A concept plan should show: lot arrangements, drainage and utility easements, wooded areas, approximate number of acres devoted to each use. Total acreage. Average lot size, number of lots, existing zoning, all existing and proposed utilities, isolated trees with a diameter of 8 inches or more at a height of 3 feet above the ground. A topographic map should accompany the concept plan. An Environmental Assessment is also required.

Engineering - 1. The site is within existing sewer and water districts. 2. If the project proceeds the developer is to submit a plan for preliminary plat approval. The design standards and approval procedures, as outlined in the subdivision regulations are to be followed. The additional special preliminary plat requirements from the zoning code are also to be shown on the plat plan. 3. The Engineering Dept. will not review construction plans for utilities until preliminary plat approval is obtained.

Planning Board members noted that pre-conceptual approval can be given only as to concept and design. Motion was made by Mr. Koenig, seconded by Mr. Cary to give pre-conceptual approval to the proposal. Carried.

J. Cellura - Woodledge Development - P.U.D.

Mr. Joseph Cellura appeared before the Planning Board with a conceptual design of Woodledge development to be located at North Creek Rd. and Southwestern Blvd. The Cliffside Inn will be torn down and only a portion of the greenhouse area will remain and will be newly constructed. The complex is to consist of an 8 room country inn, tree top spa, condominiums, retail shops, with walking trails along the gorge area. They will be sold in the vicinity of \$125,000 to \$150,000. The units will be built by Nichter Construction. There will be 4 phases to the development & he would like to start building in May or June. Comments were received as follows:

Engineering - 1. The type of units proposed in the legend should be indicated on the plan. 2. All streets are to be laid out in accordance with the design criteria from the subdivision regulations and the zoning code. It is our opinion that the subdivision regulations and zoning code have not been read.

Planning - Because so many of the required elements necessary to review a sketch plan are missing from the plan, no review has been done.

Motion was made by Mr. Gaughan, seconded by Mr. Strnad to grant pre-conceptual approval only. Carried.

Brompton Heights II, now changed to Highland Heights - T. Leavitt

Mr. Terry Leavitt appeared before the Planning Board on Brompton Heights II, which has now been changed to Highland Heights off Brompton. Comments were received as follows:

Planning - 1. Because another subdivision has been approved as Brompton Heights, we request this Brompton Heights change its name. 2. The names of all proposed subdivisions immediately adjacent to the platted subdivision be shown. 3. We need an Environmental Assessment Form. 4. We request that the "For approval Jan. 15, 1990, be left of the plat.

Engineering - 1.2 Use the revision block on the plan. 2.2 Change radius at east end to the code--minimum of 150 feet. Show radii on all curves. 3.2 All lot lines are to be radial. Label the Radial on the plan. 4.2 An agreement must be made to abandon the paper street in Map Cover 925 between the town and the developer. 5.2 Show property owners to east and south. 6.2 Street name will be East Highland Parkway. 7.2 This is a Part not Phase. 8.2 The property is in the Northeast Sewer District. 9.2 Property is not in a water district. The owner must petition to extend the existing district. 10.2 The 40 foot wide strip in the northwest corner is to be deeded to the town for access to the parkland. It should be so noted on the plans. 11.2 Will the project name need to be revised because of two owners? 12.2 The Engineering Dept. will not review utility plans until preliminary plat approval is given.

Mr. Dick Paluch of East Highland informed the board that there is a problem with the existing road as it dead ends. More homes in that area will add to the problem. Board members noted that the Town Board should be alerted as to the condition of the road in question.

Motion was made by Mr. Koenig, seconded by Mr. Gaughan to **Table**. Carried.

Other Matters:

1. Resolution is to be passed on Draudt Subdivision #9 on the radial lot line pursuant to Sub-lot 367.

Motion was made by Mr. Koenig, seconded by Mr. Carnevale to waive the radial lot line requirement on S. L. 367 in Draudt Subdivision #9. Carried.

On Draudt Subdivision #10, the matter was tabled from the last meeting in order for Mr. Draudt to speak with the other principal on the dedication of land. Mr. Draudt informed Mr. McKnight that the other principal, Mr. Miller, is not in favor of dedicating any more land. Therefore Sub-lots 3 and 4 will be combined into one.

Draudt Subdivision Continued

Motion was made by Mr. Carnevale, seconded by Mr. Koenig to approve the preliminary with the aforementioned change and proceed to final. Carried.

Correspondence:

Letter received from Mr. Frazier with a complaint against John Bosse and procedures used in Pinehurst Subdivision.

Letter received from Town Attorney's Office relative to same matter.

Discussion on Shoreham and Lakecrest -

A meeting was held with the Town Engineer, Town Attorney and George McKnight relative to this situation. Correspondence was gone over with letters received from the Engineering Dept. Mr. McKnight stated that he had written a letter on resubdivision dated Oct. 20, 1988. Mr. Bosse came to the Planning Board with a drawing dated after that notification. Based on Town Attorney's interpretation, Mr. Bosse should conform to the new requirement of 90' lots. An individual variance on each sub lot should be acquired thru the Zoning Board for Lakecrest.

(Letter from John Michalek as follows:)

This is to confirm our conference of January 23rd concerning the above captioned matter. Based on the information provided to this office, specifically the copy of the letter from the Town of Hamburg Planning Dept. to Mr. Bosse, dated October 20, 1988, Mr. Bosse was on notice and was bound by the conditions and limitations for a re-subdivision set out therein.

Notwithstanding, the issuance of a single copy of a subdivision plan to the Engineering Dept. thereafter is not in compliance with proper procedure for the Town of Hamburg and in that context is not proper notice to the Town and/or the proper body i.e. Planning Board and therefore is not binding on the Town.

Therefore, in light of the above, it would appear to the Town Attorney's office that Mr. Bosse is bound by the standards of the Town Planning Board as of June 1989, i.e. 90' frontage. It would appear Mr. Bosse's only avenue within the Town for review and/or reconsideration is with the Zoning Board of Appeals. If you have any further questions or wish to discuss the matter further, please do not hesitate to contact me. Thank you. John Michalek.

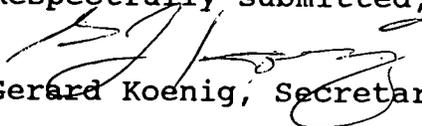
1. Pinegrove Subdivision - letter from Jack Gilbert with respect to this subdivision. The approval is for one year. If construction has not been completed and accepted within one year

the plans will be subject to review and possible revision.

2. Elgin Cary stated that a policy should be set up on the open space concept of the town.

Motion was made by Mr. Cary, seconded by Mr. Carnevale to adjourn the meeting. Meeting adjourned at 12:30 a.m.

Respectfully submitted,


Gerard Koenig, Secretary

Next Meeting Date:

2-14-90, 7:30 p.m.