

T. C.

Town of Hamburg Planning Board
Meeting - February 19, 1997
Actions Taken

Queen's Lane Subdivision
Queen's Lane 8 s.l.
for Townhouse development

Tabled

Sheldon Rd. Subdivision
8 lots - Sheldon and Allendale

Tabled

Heritage Square Subdivision
Part II
McKinley Parkway

Public hearing 3-19-97

Pace Landscaping
S3812 Burke Pkwy.

Approved

Hamburg Dodge Dealership
Camp Rd.

Approved with conditions

Creekview Subdivision
Camp and Howard
Single family dwellings

Public Hearing 3-19-97

VTG Mini-Storage
Southwestern Blvd.

Approved with conditions

Becker Subdivision
Schoellkopf & Eckhardt Rds.

To Proceed to preliminary

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Chairman Crandall declared the hearing open:

Mr. Patrick Burke appeared on behalf of the Queen's Lane Subdivision which consists of an 8 lot subdivision for zero lot line townhouse development. A wetlands report was also submitted. The exception, which is an existing lot, is outside the subdivision and will be sold to the adjacent property owner. Chairman Crandall noted that the drawing should reflect this designation. A question was also raised about the back portion of the parcel which cannot be landlocked. This too is to be addressed.

Attorney Don McKenna stated that he tried to track the existing legal description with the map cover. However, it appears that it does not match. As a result, the property described is incorrect and will have to be re-advertised.

Chairman Crandall asked 3 times if anyone wished to be heard for or against the subdivision. Hearing no comments, the hearing was declared closed. Applicant is to submit a new search and survey so that Mr. McKenna can prepare a proper legal description.

Comments from **Engineering**: 1. We could not find any record of an offer of dedication to the Town for this section of Sickmon Avenue. Therefore, it is our opinion that Town abandonment of Sickmon Avenue is not required, and that the property owner currently owns the land up to the centerline of Sickmon Avenue. 2. It appears that the developer proposed to construct zero lot line, two-family townhouses. The associated zoning requirements should be shown on the plan. 3. The site is located within an existing sanitary sewer district. A mainline extension will be required to service the site. 4. Water Service is available along Queen's Lane. 5. Show the Federal Jurisdictional Wetland areas which are located within the site. 6. The owners of the adjacent properties should be shown on the plan.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to table until March 19th. Carried.

Sheldon Road Subdivision - Sheldon Rd. near Allendale Pkwy.

Secretary Gerard Koenig read the following Legal Notice of Public Hearing:

LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
SHELDON ROAD SUBDIVISION
FEBRUARY 19, 1997
Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on an 8 lot subdivision known as Sheldon Rd. Subdivision near Sheldon and Allendale Pkwy. on Wednesday, February 19th at 7:35 p.m. in Room 7 of Hamburg Town Hall.
THOSE TRACTS OR PARCELS OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Farm Lot 56, Township 9, Range 7 of the Holland Land Company's Survey and according to a map of Highland Acres

Clerk of the County of Erie under Cover No. 925 are known and distinguished as Subdivision Lots Numbers seventy-five (75), seventy-six (76), seventy-seven (77), one hundred twenty-eight (128) and one hundred twenty-nine (129).
Subject to easements and rights of way owned by the County of Erie and excepting that part of the above described premises

conveyed to or dedicated by the County of Erie for highway and drainage purposes as appears by the records of the Clerk of the County of Erie.
This conveyance is made and accepted pursuant to the terms of a resolution of the Board of Supervisors of the County of Erie, being Item 25 of the Minutes of the Proceedings of said Board for August 2, 1955.
Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board
1-23-97

Sheldon Rd. (Continued)

Mr. S. Hollins appeared on behalf of the 8 lot subdivision which is proposed on Sheldon near Allendale Pkwy. Revised drawings were submitted with the presentation. Mr. Hollins commented that they will be applying to the sewer district for proper permits. It was noted that no site location map has been provided. Revision blocks should also be used in preparing the drawings. Attorney McKenna stated that no reference has been made to any map cover and should be so designated. The location of the existing aligned street also should be noted. Mr. Lardo noted that perhaps the applicant should seek abandonment status first.

Engineering Comments: 1. The property line between s.l. 7 and 8 should be parallel with Pembroke Parkway (as relocated), and perpendicular to Sheldon Rd. 2. Pembroke Parkway is a paper street. The street as shown, is relocated from the original map cover. This relocation and the abandonment of the original right-of-way requires the approval of the Town Board. S.L. 6 is not in compliance with State law regarding the abandonment of right-of-way. It will be necessary for the developer to contact the adjacent property owner and negotiate an acceptable agreement of the new property line. This agreement and the approval of the Town Board will be required for final approval of the project. 3. Existing water service is available along Sheldon Road. 4. The site is within the Erie County Sewer District No. 3 (ECSD#3). A mainline extension will be required to service the site. The district should be contacted to determine if there is sufficient available capacity to service the site. 5. The preliminary plat plan requirements included under Section 31-15 of the Town Subdivision Regulations have not been complied with. The plan drawing should be revised to incorporate all requirements.

Attorney McKenna noted that the same problem exists as the previous application whereby there is not sufficient information to make a determination. The Traffic Safety Board also needs a better site location designation. Applicant was advised to seek the abandonment procedure first.

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

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

Heritage Square Subdivision - Part II

Attorney William Murray and Glenn Oberacher appeared before the Planning Board on a proposed cluster subdivision to be located on McKinley Parkway. They appeared at the Zoning Board Meeting of February 4th for a code interpretation for their project. The

results of the Executive Session are as follows: In Executive Session, Chairman Blaauboer noted that I have been on some Town Committees and when we get into a discussion on cluster and how to make it viable for developers to develop the land, this has been a stumbling block. The intent is not to increase density but to save green space and development costs. This plan is just what the doctor ordered. The issue is a disparity in the code and the Planning Board has asked for an interpretation of the code relative to density and the relationship of minimum lot size. I think the applicant's position is a legitimate position. The maximum density for the entire subdivision is a reasonable division of the minimum lot size where R-1 is divided into the maximum square footage available. I would like us to interpret the code to reflect how to arrive at the maximum density.

Mr. Spinner noted that one section of the code is in conflict with the other. There is inconsistency which necessitates code interpretation on cluster. For purposes of communication clearly to the Planning Board, there can be a yield of 17 lots. Mr. Spinner stated that in the future, you have to divide the square footage required for a single family dwelling in an R-1 zoning district, which is 11,250 s.f. If you take the total square footage of the development minus the square footage of the infrastructure and divide this total by 11,250 s.f. you end up with the total number of units you can build under cluster development.

Mr. Blaauboer also noted that we recommend that copies of this decision are to be forwarded to Drew Reilly and the Ad Hoc Committee reviewing the code. The interpretation applies to the plan submitted for 17 units. On minimum lot size, cluster allows a minimum of 5,000 s.f. as long as the surplus goes into a common area.

Mr. Oberacher noted that he has revised the drawing to reflect a retention basin with a workable pond, a fountain in the back and a dock. They have also added a cul-de-sac island and an entrance island, which will be maintained by a homeowner's association. The cul-de-sac is 630' in length. Board members noted that dimensions of the lots should be so noted on the drawing. Since the revised drawing no longer shows green space, the common areas will be owned by the homeowners and a recreation fee of \$600 per unit will be required. Since this is a private community, there will be no sidewalks. The applicant also noted that they would like to put up a fence in back to block out the railroad tracks.

Chairman Crandall stated that is feels that this will be a great development. Drawing is to be submitted to the Conservation Board and Traffic Safety. In conclusion, applicant was advised to submit more revised drawings, noted that there will be no sidewalks, and the homeowners will own the common ground. Applicant is to show dimensions on all lots.

The district should be contacted to determine if there is sufficient available capacity in their system to service the site. 2. The Erie County Water Authority should be contacted to determine if there is sufficient water system capacity to service the site. 3. Town subdivision regulations, Section 31-22(D-3), require that the centerline road radius be a minimum of 150'. This is to be appropriately revised. 4. The proposed 700 feet long dead-end cul-de-sac exceeds the maximum street length of 500 feet required in Town subdivision regulations Section 31-22(H). The road is to either be shortened, or a variance obtained from the Planning Board. 5. The Erie County Highway Dept. should be contacted to determine if the proposed road connection to McKinley Parkway is acceptable. 6. The proposed road is located opposite Hidden Hollow Road. Roadway could be named Hidden Hollow Road for conformity purposes. 7. Specify the proposed ownership of the area behind the sublots. 8. The islands shown in the road at McKinley Pkwy. and in the cul-de-sac are not acceptable. Remove them from the plan.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to set a Public Hearing for March 19th at 7:30 p.m. Carried.

Pace Landscaping - Storage Building - S-3812 Burke Parkway

Mr. Michael Pace appeared before the Planning Board on a proposed 40' x 30' storage building to be located on a parcel on S-3812 Burke Parkway. There will be no retail sales but rather a facility for the storage of landscaping equipment. The building will not be visible to McKinley but rather tucked back and will not be obtrusive. The property is zoned C-2. The applicant has asked to use millings on the project which will have to be okayed by Engineering and Building Inspection.

Engineering Comments: 1. A Town Highway Permit will be required for work within the Town right-of-way. 2. A landscape plan should be approved by the Planning Dept.

Motion was made by Mr. Koenig, seconded by Mr. Eustace to grant site plan approval for the landscaping facility. Carried.

Hamburg Dodge Dealership - Camp Road

Messrs. James Ruggerio and Joe Bonadonna, President of Hamburg Dodge, appeared before the Planning Board for the relocation of their dealership which is presently located in the Village of Hamburg to a parcel on Camp Road. The relocation must take place about August 1st.

Comments from **Engineering** are as follows: 1. The site development checklist was not fully complied with in preparing these plans. Revise site plan accordingly and resubmit for review. 2. Show the proposed sanitary sewer lateral pipe size, slope and a profile view. Include the location of the existing sanitary

Hamburg Dodge (Cont.)

sewer, property lines, buildings and utilities on the east side of Camp Road. The plan is to be submitted to the Erie County Dept. of Env. & Planning for review on behalf of the Southtowns Sewage Treatment Agency. 3. Note on the plan that a New York State Dept. of Transportation permit is required for work within the Camp Road highway right-of-way. We will not approve these plans without NYSDOT review and approval of the proposed work on their right-of-way. 4. Provide the location and size of the proposed water service. Show the location of the nearest fire hydrant. The Scranton Fire Dept. is to review and approve the project plans. 5. Specify locations of poured-in-place curbing. All landscape islands and the entrance way are to be curbed. Provide parking bumpers or curbing for all parking spaces along the perimeter of the site. 6. Include an appropriate clearing, stripping, and erosion control (CSEC) plan and associated construction details. 7. Provide a site location map. 8. The landscape plan is to be approved by the Planning Dept. 9. There is a three (3) foot grade difference between the proposed building floor/rear parking lot area and adjacent property. How will this be addressed?

Mr. Lardo pointed out that parking bumpers are required also around the landscaped islands. Seventy-five parking spaces will be required for the bays. They have parking spots for 189 cars.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the site plan for Hamburg Dodge subject to the following conditions: that the parking in front be moved back to 35', that the show car display in the front at the northwest corner be removed; nothing is to be displayed in the 35' setback; that all Engineering concerns are to be addressed; that a modification be made on the curb cut and that there be parking bumpers on the side property line; that landscaping requirements are to be approved by the Planning Dept., and that a Negative Declaration can be issued on the project. Carried.

Creekview Subdivision - Howard Road

Mr. Lee Webber appeared before the Planning Board on the proposed 68 lot subdivision to be located off Howard Rd. and Camp. A request has been made for a traffic study. EMS Consulting has submitted a scope of work which is acceptable to the Planning Board. A Public Hearing is to be scheduled for March 19th. **Engineering Comments:** 1. Note that S.L. 1,67,40, and 41 do not have driveway access to Howard Rd. 2. The developer will be required to install curbs and storm sewers along the south side of Howard Rd. 3. There are several math and spelling errors included in the drawing which need to be corrected. 4. We have received and reviewed the 2-12-97 proposed scope of work for the subdivision traffic impact study to be performed by EMS Consulting. The scope of work is acceptable to our department as proposed.

VTG Mini-Storage - Southwestern Blvd.

Messrs. Guatieri and Bill Arlow of Nussbaumer & Clarke appeared before the Planning Board on the proposed mini-storage facility which is to be located on Southwestern Blvd. near the State Farm Insurance facility. Revisions have been made to the drawings and a shared driveway has been put in place. Landscaping and buffering has been placed along the side of the State Insurance facility.

Chairman Crandall asked if anything was received from the Lake Shore Fire Dept. relative to a hydrant or any comment as to whether fire apparatus would clear the various lanes for turning radius. Response given is that nothing has been received to date. Comments from **Engineering** are as follows:

1. A mainline sanitary sewer extension may be required to service the site. The project may be connected directly to the Erie County/Southtowns Sewage Treatment Agency trunk line, if permission for the connection is granted by EC/SSTA.
2. A New York State Dept. of Transportation permit is required for work within the Southwestern Blvd. highway right-of-way. We will not approve these plans without NYSDOT review and approval of the proposed work on their right-of-way.
3. Water service is located along Southwestern Blvd. It may be necessary to provide a fire hydrant on the site (if required by Lake Shore Fire Co.).
4. The north arrow shown on the landscaping plan drawing is incorrectly oriented.
5. The additional landscaping on the east and west sides of the site, as requested by the Planning Dept. in their 2-7-97 correspondence, has not been provided.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to grant approval for the VTG mini-storage facility subject to meeting all Engineering requirements; that approval be given by the fire dept. with respect to emergency access and turning radius, and whether a fire hydrant will be required; that the aesthetics of the house and building meet sufficient design standards; and that a Negative Declaration can be issued for the project. Carried.

Becker Subdivision - Schoellkopf & Eckhardt Roads

Attorney Richard Sullivan and Bill Arlow of Nussbaumer & Clarke appeared before the Planning Board on a revised sketch for a proposed subdivision, known as Becker Subdivision, to be located on Schoellkopf and Eckhardt Roads in Lakeview.

Attorney Sullivan noted that they have come up with a new sketch that dramatically changes from the original design. Shown on the plan are 60' lots. However, it is not our intention to develop 60' lots. Because of tight time constraints, they were shown that way, but I can assure you that Mr. Becker does not intend to develop 60' lots. On S.L. 44-49, they are shown as 60'

lots. They are intended to be 4 90' lots. On S.L. 78 & 79, they would be two 80' lots. The issue of driveways on Schoellkopf Rd.-- (79 & 80) would be amenable to having their driveway entrances off Schoellkopf Rd. They were designed for that purpose. We are talking about 5 driveway entrances on Schoellkopf Rd. On the traffic issue, the speed limit on Schoellkopf Rd. is 30 m.p.h. It is a Town road. All our traffic information was done at a 35 m.p.h. study and that information indicates that there are no sight line problems in this area. We are sensitive to the Planning Board's concerns about entrance on Schoellkopf Rd. It is a useable highway that is amenable to this type of development. We tried to limit the number of entrances on to Schoellkopf Rd.

As for the issue of the Conservation area, recreation area, & Conservation easement, you will see that the Conservation area on the southwest portion, (it is my understanding that the Conservation easement means that the landowners would own to the center of the creek and that proper easements would be granted to the Town of Hamburg to maintain it in a forever wild state and secondly, an opportunity to enter on to the parcel for maintenance purposes. The conservation trail is at the northeast portion of the property. That is property that is deeded to the Town of Hamburg. You will see that we put in a walkway area along a portion of Schoellkopf Rd. up to Eckhardt to pick up where the trail is. We are speaking on concepts which have to do with the trail. We don't know if you want sidewalks on Schoellkopf Rd. The other cul-de-sac could change that. We have a conservation area meaning that the owners of these lots would not develop the designated land. At this point, on the recreation area, if we are short, we would make up the difference in fees. This will be a double entrance and double access. Our feeling is that we have listened to what you had to say. We feel we have made a major progressive change. We did our homework. It is a permitted use and we would like to begin this project and proceed to preliminary.

Mr. Crandall responded that this is what we have been encouraging the Becker's to do--to work with us. We are trying to accomplish the goals that you are heading into now. Mr. Koenig inquired as to the phasing of the project. It is our feeling that Schoellkopf and Eckhardt Rd. would get developed and the rest of the property would not get done.

Mr. Sullivan responded that we cannot ignore the fact that there are existing roads there. You can't ignore that from a developmental point of view. This is what makes the project go. Mr. Crandall stated that we would like other things done as it relates to phasing. I would not want to see the houses developed along the road and nothing done in the back portion. This is yet to be worked out.

Mr. McKenna stated that you refer to labelling--what is meant by Conservation Easement? Does it pertain to 29-10 which tells

which areas of the Town are Conservation areas or is this private? This is something we need to know. Mr. Crandall responded that we are going by the Open Space Plan for the Town that was adopted. We need to label things to give us the legal status for future enforcement. Is this piece going to be dedicated to the Town? If so, what are its uses. The applicant did not want this as a public trail. Perhaps it should be a private declaration. Mr. Sullivan responded that to his knowledge it means that the area is to be maintained as it is, in a wild, undeveloped state. By doing that, we give an easement to the Town to come on the property to maintain it and that there will be limitations in the deeds as to where homes can be constructed and minimum setbacks and what can or cannot be done to disturb that area. There is a creek running in the middle of this area. That is what our open space plan is about.

Mr. Sullivan noted that the owners will have deed restrictions in this area. The Town will be given an easement to maintain the area whenever necessary. This should be put on the final drawing to accomplish its legality. Passive recreation is also given to the Town.

Mr. Reilly noted that we have moved in one direction; namely less driveways on Schoellkopf Rd. There has been some change in the philosophy of the trail and conservation area. However, I have the same concerns. This is a normal layout for a beautiful piece of land. It's a shame. I think it would be worth more money if it were developed a different way. Reverse frontage is the perfect opportunity of which you are not taking advantage of. It will be hard to sell the rear lots. All you will see are homes and driveways. A long term plan was to have something different in the Town. I have seen better layouts. This is what we have been discussing with a cluster concept for Lakeview. We realize that Mr. Becker has land with a great deal of frontage which will limit the infrastructure. An on-site inspection of the property was done, and a plan was done to show the characteristics of the area. Schoellkopf and Eckhardt will be changed once this area is developed. It will look very different.

Mr. Sullivan responded that we have cut down on the number of lots. We have addressed the traffic problem on Schoellkopf Rd. We have addressed the conservation area and the cul-de-sac problem as well as the recreation problem.

See Engineering comments (attached).

Motion was made by Mr. Phillips, seconded by Mr. Koenig to accept the sketch plan as presented and proceed to the preliminary. Carried.

Other Matters:

Motion was made by Mr. Pohlman, seconded by Mr. Phillips to approve the minutes of the meeting of 1-22-97. Carried.

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Master Plan revisions - should be ready for March Work session.

Motion was made by Mr. Pohlman, seconded by Mr. Phillips to adjourn the meeting. Carried. Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Gerard Koenig
Gerard Koenig, Secretary
Planning Board

Next meeting: March 5, 1997