

T. C.

TOWN OF HAMBURG PLANNING BOARD  
MEETING - FEBRUARY 21, 1996  
ACTIONS TAKEN

Public Hearing  
Wanakah Woods Sub-division  
Near Juno Drive & Lakeshore Road  
39 Lots - Richard Brox.

Approved with conditions

J.C. Penney Expansion  
McKinley Mall.

Recommended approval  
to Town board

Rezoning of 4 parcels from  
R2 to C2 to consolidate with  
adjacent land owner by  
Benderson on McKinley Pkwy.  
north of 7 Corners for proposed  
strip plaza.

Favorable recommendation  
to Town Board

Maplewood Apartments  
Part II Southwestern Blvd.

Approved with conditions

Erie County Water Authority  
Pump Station- Clark Street  
and Armor Drive.

Reviewed and accepted

West Herr Car Display area  
at Camp and Sowles Road  
(Old Zittel's Market Location).

Approved

Hilbert College Expansion  
and improvements.

Approved preliminary  
site plan

TOWN CLERK  
Nov 25 1 42 PM '96  
HAMBURG, N.Y.  
TOWN CLERK'S OFFICE  
FILED IN THE

Town of Hamburg  
Planning Board Meeting  
February 21, 1996

The Town of Hamburg Planning Board met in regular session on Wednesday, February 21, 1996 at 7:30 p.m. in Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerald Koenig, Sue Ganey, Don Fitzpatrick, Paul Eustace. Others attending included Drew Reilly, Rich Whipple, Rick Lardo, Kurt Allen, Attorney Don McKenna, and Councilwoman Kathy Hochul. Excused: Richard Pohlman.

Minutes of the Meeting of 1-17-96 were approved on motion by Don Fitzpatrick, seconded by Ms. Ganey. Carried.

Public Hearing- Wanakah Woods Subdivision- Route 5 (Lakeshore Road) South of Juno Drive.

Secretary Koenig read the following Legal Notice of Public Hearing:

**February 15, 1996**

**TOWN OF HAMBURG  
PLANNING BOARD  
LEGAL NOTICE  
FEBRUARY 21, 1996**

Notice is hereby given that the Planning Board of the Town of Hamburg will hold a Public Hearing on a proposed 39 lot subdivision known as Wanakah Woods in Room 7 of Hamburg Town Hall located on Lake Shore Road near Juno Drive, at 7:30 p.m. on February 21st, 1996.

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg, County of Erie and State of New York; described as part of Lot 42, Township 9, Range 8 of the Holland Land Company's Survey. Bounded and described as follows:

Beginning at the intersection of the north line of premises described in a deed filed in the Erie County Clerk's Office in Liber 8061 of deeds Page 225 with the east line of Lakeshore Road as a 100 foot wide right of way.

Thence southeasterly along the north line of said Liber 8061 of deeds Page 225 at an interior angle of 90 degrees 00 minutes, a distance of 306.97 feet to a point;

Thence southerly along the east line of said Liber 8061 of deeds Page 225, a distance of 213.63 feet to the southeast corner of said Liber 8061 of deeds Page 225;

Thence easterly along the south line of a parcel of land deeded to Truscott by Liber 601 of deeds Page 120, a distance of 410.0 feet to the center of a creek;

Thence northeasterly along the centerline of said creek, a distance of 420.0 feet to a point on the south line of a parcel deeded to Johnston by Liber 1747 of deeds Page 424;

Thence northeasterly along said Johnston's south line, a distance of 177.38 feet to a point;

Thence northerly along a line at an interior angle of 108 degrees, 48 minutes, 14 seconds, a distance of 1060.99 feet to a point;

Thence westerly along a line at an interior angle of 90 degrees, 00 minutes, a distance of 55.76 feet to a point;

Thence northwesterly along a line at an interior angle of 213 degrees, 4 minutes, 40 seconds, a distance of 178.97 feet to a point on the east side of Lakeshore Road;

Thence southwesterly along the east line of Lakeshore Road, a distance of 110.0 feet to a point;

Thence northwesterly along a line at an interior angle of 90 degrees, 00 minutes, a distance of 10.00 feet to a point;

Thence southwesterly along the east line of Lakeshore Road, a distance of 718.48 feet to a point;

Thence southwesterly along a line, at an interior angle of 90 degrees, 00 minutes, a distance of 10.00 feet to a point;

Thence southwesterly along a line at an interior angle of 90 degrees, 00 minutes, a distance of 20.00 feet to a point;

Thence southeasterly along a line at an interior angle of 90 degrees, 00 minutes, a distance of 37.00 feet to a point;

Thence southwesterly along a line at an interior angle of 90 degrees, 00 minutes, a distance of 65.00 feet to a point;

Thence northwesterly along a line, a distance of 37.34 feet to a point;

Thence northwesterly along a line, a distance of 10.00 feet to a point on the east line of Lakeshore Road;

Thence southwesterly along the east line of Lakeshore Road; a distance of 500.29 feet to the Point or Place of beginning.

This parcel containing 20.93 acres more or less.

Dated: 2-8-96

Richard Crandall, Chairman  
Planning Board

2-15

Wanakah Woods Subdivision (continued)

Chairman Crandall opened the hearing. Mr. Richard Brox, Landscape Architect and Planning Consultant represented the owner. Mr. Brox stated that the project consisted of 39 lots total and that in regards to the question relative to the potential wetlands he has agreed to review the wetland issue with the Corps of Engineers. Apparently lot 18 which has 2 ponds could be affected. Mr. Brox stated that he would accept any mitigation, subject to the corps review and comment.

Mr. Brox addressed the issue of sewer capacity and the concern raised by the Wanakah Sewer District as related in the February 15th, 1996 letter, addressed to the Town of Hamburg Planning Board. Mr. Brox spoke to Mr. Cook, a Commissioner of the Sewer District who in turn talked to Gerry Devlin of the Erie County Sewer Division of the Department of Public Works. As a result of that conversation, Mr. Brox was advised that the Southtown Sewer Plant had adequate capacity. Mr Brox further stated that he will work with the Wanakah Sewer District and Erie County Sewers in the permitting process so as to resolve any possible problem. Mr. Brox reiterated that there is adequate capacity but that there is a concern of infiltration during extremely wet weather. That issue would also be addressed during the permitting process.

Mr. Drew Reilly responded that in regards to the wetland question that if wetlands had not been identified, they would not appear on the map and it is up to the applicant to check and verify the wetland extent. Mr. Reilly asked Mr. Brox if the soils are hydric or potentially hydric. Mr. Brox responded that the soils are potentially hydric. Mr. Reilly responded that in cases where you have potentially hydric soils you don't usually ask the applicant to delineate before hand, but we do advise them that it is in there best interest . In this particular instance we brought up the wetland question because it was raised by the Conservation Board who pointed out that there was relatively extensive areas that appeared to be wet. Mr Relly further stated the only other issue of concern at this time was the question raised by the Wanakah Sewer District as to the capacity. Mr. Crandall then read Mr. Hamlett's letter that indicated that he has a concern that what ever action we take tonight, that we address the issue of the Sewer capacity so as to comply with the request of the Wanakah Sewer District. Mr. Brox assured the Planning Board that this issue would be resolved before any final action is taken and that the issue would be addressed during the permitting process.

Letter from Mr. Hamlett follows:

February 15, 1996

Dear Mr. Crandall:

Wanakah Woods Subdivision (Continued)

We represent the Wanakah Sewer District and have been advised that the Town of Hamburg Planning Board is considering the Wanakah Woods Subdivision as set forth on a Preliminary Plot Plan prepared by Millard & MacKay dated January 11, 1996, being their Job No. 181.13-33.1 and 34.1. It is our understanding that the Wanakah Sewer District may be required to process and treat the sanitary sewage generated by the proposed subdivision. The District has concerns about its capacity to do so and requests that the Town discuss the issue of sanitary sewage treatment with the commissioners of the District prior to approving the subdivision.

Thank you for your assistance in this matter.

Very truly yours,

John R. Hamlett

**Engineering Comments:** 1. Sewer and water service is available to the site. Wanakah Sewer District should be contacted to determine if there is sufficient capacity in the sewer system. A 2/15/96 letter to the Town from the sewer district states that the district has concerns in this regard. 2. Wanakah Woods Court exceeds the maximum length of 500 feet allowed under the Town Subdivision Code for a permanent deadend street. 3. The 6' and 10' wide access ways to the passive recreation area should be eliminated. We have had several problems with such walkways over the years. If the Planning Board desires that the access ways provided, they should be required to be a minimum of 15 feet wide for security and maintenance purposes. In addition, the developer should be required to install fencing along the side lot lines of adjacent residential parcels, for privacy and the prevention of trespassing. 4. Note on the plan if the passive recreation/park area is to be deeded to the Town.

Chairman Crandall asked three times if anyone wished to be heard for or against the proposal? Since there was no response the hearing was closed.

A discussion was then held relative to the ownership of the ravine and open space adjacent there to. The question raised was whether or not the Town should own this space or whether the land should revert to the property owners. After a short discussion it was agreed by all the members of the Planning Board that the ravine and the adjacent Open space would be deeded to the Town. This will be included in any subsequent motion. Mr Koenig then brought up the subject of the six hundred (\$600) dollar per lot charge and he stated that in as much as the project was a cluster development that the Town would be receiving the six hundred (\$600) dollar per lot in addition to the dedication of the land. Mr. Brox agreed however he did question the fifteen (15) percent fee reduction as

**Wanakah Woods Subdivision (Continued)**

had been given other sub division application. Mr Crandall responded that it was not up to the Planning Board that it was a matter to be taken up with the Town Board.

Ms. Ganey raised a question about the two access paths, one located between Lot 8 and 9 and the other located between lots 24 and 25. The intent of the two access paths were to provide resident access into the ravine-open space area. However the pathways as shown are of insufficient width. They would have to be fifteen (15) feet wide and fenced if the Town was to take ownership. A discussion followed among members of the Planning Board during which it was pointed out that there is access to Route 5 and at the end of Harbor lane. The Planning Board then again agreed to eliminate the two (2) access paths.

Motion was made by Mr. Phillips seconded by Mr. Koenig to approve the preliminary site plan for Wanakah Woods Subdivision contingent and conditioned upon meeting all Engineering requirements; that approval of the Waanakah Sewer District is received; that the passive recreation/parkland be deeded to the Town of Hamburg; that the fee of six hundred (\$600.00) dollars per site be paid; that the land be deeded to the Town be indicated on the site plan as passive recreation land; that the two access pathways be eliminated; and that a negative declaration be issued. Carried.

Mr. Reilly pointed out that this (Wanakah Woods) is an unlisted action under SEQR, we have done uncoordinated review. In actuality, we have done a coordinated review, we have received responses from other agencies, but we have not officially done a coordinated review so each agency will do their individual SEQR.

**J.C. Penney Expansion-McKinley Mall**

Mr. Moon of Sain Interstate, P.C. introduced himself and indicated that he was representing the Consulting Engineer for the J.C. Penney Expansion Project. Mr. Moon stated that he is aware of the Planning Board's concern regarding the potential traffic problem at the Mile Strip Road entrance to the Mall and that he felt it would be in the best interest of everyone if they be permitted to submit a plan to address the problem subsequent tonight's hearing on the J.C. Penney Expansion. He further indicated that the owner of the mall was committed to reviewing the problem and making the necessary modifications. He also indicated that they would be willing to work with Town officials in addressing the problem.

Mr. Crandall indicated that the McKinley Mall personnel have been extremely cooperative and have indicated and that they will continue to coordinate their efforts with the Town to satisfy the

**J.C. Penney's Expansion (Continued)**

Town's concerns relative to the traffic issue. The traffic issue of potential problems at the Mile Strip entrance has no direct bearing on the J.C. Penney Expansion in as much as this was thoroughly addressed during the Planning Department review process and was found to have only minimal impact.

Mr. Koenig pointed out that in all actions concerning the Mall that the Planning Board recommends to the Town Board and that we don't approve, only make a recommendation.

**Engineering Comments:** 1. Sanitary sewer plans for the project are to be reviewed and approved by Erie County Sewer Department #3, prior to the Town approval of the site plan.

Councilwomen Hochul indicated that the last time the Town Board considered an expansion of the Mall, that a question was raised as to the validity of the original traffic study and how much square footage the study envisioned and where we are at now. Before we approve or consider any further expansion that the Town Board have that information at hand to determine if the traffic study needs to be expanded upon or whether the traffic projections have been born out ten years later.

Mr. Reilly responded that he was the one who originally brought the subject up with the project that Benderson handled that was before us a few months ago. At that time he questioned the status of the Mall in relation to the impact statement, further he reviewed the impact statement and the thresholds established. When the J.C. Penney project came up, he reviewed the status of the project with the Mall personnel, and that all the information generated from that review is presently shown in the J.C. Penney project drawings. The final results of that review indicated that the J.C. Penney expansion falls below the thresholds established in the original impact statement. Mr. Reilly pointed out that the square footage of the entire Mall including the J.C. Penney expansion is one million forty-three thousand three hundred ninety-six (1,043, 396) square feet, where as the original traffic study was based on one million three hundred thousand ( 1,300,000) square feet, well below the previously established threshold. Mr. Reilly further stated that the Mall has acknowledged the fact that they have plans for further expansion and as such they will begin the process of a supplemental impact statement. Mr. Reilly stated that the Mall has been very cooperative and that they have met with virtually every agency involved to get their input and that there is no present problem. No agency has expressed any problem and that the Mall has agreed to submit a supplemental impact statement for the next project. Mr. Reilly recommended approval of this project under the original EIS with knowledge that any further development and/or expansion will be based upon the findings of a supplemental

**J.C. Penney's Expansion (Continued)**

impact statement.

Councilwoman Hochul indicated that she was under the impression that a supplemental impact statement would be conducted subsequent to the last project (the Benderson Project). Drew Reilly responded that that was true, however in this instance he did make contact with other various agencies, such as the State and the County to determine if any additional problems were occurring in that area. The only problem that was raised was relative to the interior road. If he had found any indication of a traffic problem, he would have recommended to the Planning Board that we have some sort of supplemental work. Nothing from any of the Agencies, indicated that any problem did exist. He found that he had no information that would indicate that the original impact statement was not still valid and that the impact statement was established for the long haul.

Mr. Crandall added that when we send a recommendation to the Town Board that we could prepare a package that would indicate the various statistics that are being questioned. This should help the Town Board at arriving at a decision.

Councilwoman Hochul indicated that what might be helpful would be for the Town board to receive some traffic count information based upon the present traffic situation. These counts could then be compared with the original traffic study. She felt that the counts could be obtained in a relatively short period of time. Mr. Koenig pointed out however, that any traffic studies taken during January or February would pale in comparison with traffic studies that would be taken at peak load periods. Mr. Crandall pointed out that the proper time to take the studies in order to make a fair comparison would be the same time periods included in the original Environmental Impact Statement. A lengthy discussion followed relative to the expansion plans of the Mall, including possibility of additional main tenants and expansion of the Theaters.

Mr. Crandall asked if there were any further questions and also gave an opportunity for the audience to respond. There were no further questions, so at this point Mr. Crandall asked for a motion. Mr. Koenig stated that in as much as the McKinley Mall personnel were willing to work with the Town in addressing the traffic situation at the interior road at the Milestrip entrance and that other traffic studies would insue for any future expansion and that the J.C. Penney project was only a minor increase in the total square footage (43,000 square feet), he therefore moved to recommend approval to the Town Board. The Motion was seconded by Don Fitzpatrick. Carried.

**Benderson Development - continuation of rezoning and Traffic Study for Seven Corners for a Strip Plaza.**

Mr Robert Alonzo representing Benderson Development, Inc. appeared before the Planning Board. Benderson is requesting a rezoning from R-2 to C-2 for four (4) parcels of property immediately north of the old CID property on McKinley Parkway at Seven Corners. Mr. Alonzo proceeded to review the history of the project and he indicated that in early 1995 Benderson acquired the old CID property. That property is presently zoned C-2. Mr Alonzo indicated that in previous meetings, he was told that the primary concerns of the Planning Department dealt with the aesthetics of the development and the traffic. As a result of these concerns and with the impression that the Town wanted to know what Benderson was planning to put on the site they developed a hypothetical site plan so as to make some preliminary decisions. Benderson made three (3) studies of potential site uses with the result that the site plan presently submitted they felt was the best result. The present lay-out shows a restaurant at each extreme end of the site with a Strip Plaza in between. The proposed site plan shows one (1) exit way onto Big Tree Road at the south end of the property and two (2) exit drives approximately one hundred fifty (150) feet apart at the north end of the property. Benderson has also modified the original site plan proposal to indicate a tie-in between the Strip Plaza and the north most restaurant, this is based upon the request of the Planning Department. Mr. Alonzo indicated that Benderson had performed their own Traffic Study and as a result felt that the two (2) driveways at the north end of the property would permit left turns and cause no further problem to the over all present traffic situation. Mr. Alonzo reiterated that the proposed site plan as presented is strictly hypothetical and that their primary concern was to obtain the rezoning of the four (4) north most parcels from R-2 to C-2 so as to tie in with the remainder of the property which is presently zoned C-2.

Mr. Reilly stated that when the proposal was first submitted to the Planning Department, the Planning Department indicated that a Traffic Study would be necessary and that there would not be three (3) exit drives on the McKinley and further that there would be some restriction on the total number of curb cuts. Subsequently, Benderson did complete a Traffic Study which was submitted to the Planning Department for review and comment. As of this date, the Planning Department has not received comments from the NYSDOT or the County of Erie, although they did have input as to what should be included in the Traffic Study. Comments on the Traffic Study are expected to be received in the near future. Mr. Reilly indicated that the Planning Department has reviewed the Traffic Study and regardless of whether or not we have received any comments from the County or the State that the Planning Department does have some opinions on the Traffic Study, one of which is that they would like to see only one exit way unto McKinley. Mr Reilly

**Benderson Development (Strip Plaza-continuation)**

also pointed out that the other major question that must be addressed, had to do with the impact of the possible changes that may occur as a result of the Master Plan Update. How do we treat this when we have a Master Plan Update in progress? Consideration is being given to making McKinley Parkway commercial from the McKinley Mall south to Seven Corners. Presently there are only short stretches of residential property left.

In order to move the discussion along, Mr. Crandall indicated that the Planning Board had several options in front of them as far as any action to be taken tonight. The options would be to table the matter, to recommend to the Town Board to approve the rezoning, to recommend to approve with restrictions to access to McKinley Parkway, or to recommend approval with zoning restrictions related to the C-2 zoning. Mr. Reilly interjected that in the Master Plan Update Review, Wendel is considering restrictions to the zoning along McKinley Parkway. He feels that the present C-2 is too all encompassing and that some modifications maybe possible for the rezoning along McKinley Parkway. There would be some limitation of use, for example it would appear that gas stations would not be appropriate along that particular stretch and that there would probably be some type of an overlay established similar to that presently in existence on Southwestern Boulevard.

Mr Alonzo indicated that he does have a concern if only one driveway on McKinley is permitted, in that the driveway be of the proper width to satisfy the traffic load in and out. He stated that there are usually restrictions by the governing authority in this case the Erie County Department of Public Works, as regards to the width of the driveway and that he may need a wider driveway to accommodate the type of traffic that will be in existence, particularly if the driveway is to take a load from an interior parallel road. Councilwoman Hochul questioned whether the Southwestern Boulevard overlay applies to the property in question. The answer was that yes the overlay district restrictions does apply. She also questioned whether the traffic study included traffic counts and the response was that yes it did include traffic counts. A lengthy discussion followed relative to possible uses of the site, with Mr. Alonzo reiterating that the site plan submitted was strictly hypothetical, and that all the concerns expressed would be addressed at the time of the actual site plan review, once the rezoning has been approved.

Motion made by Mr. Phillips, seconded by Mr. Eustace to forward a favorable recommendation to the Town Board for the Benderson rezoning application from R-2 to C-2 for the following reasons:

- 1) The property is immediately adjacent to property zoned C-2.

**Benderson Development (Strip Plaza-continuation)**

2) That in any rezoning consideration the Town Board consider approval with conditions to limit the use of the property under the present C-2 zoning.

3) The proposed use is compatible with adjacent area.

4) Final site plan will be subject to Southwestern overlay zone requirements.

5) The issue of the number of driveways exiting and entering the property to be determined by the Planning Board at the time of site plan review.

Carried.

**Maplewoods Apartments - Part II - Southwestern Boulevard**

Mr. Lee Weber, the applicant and William Tynn of Pratt and Huth appeared before the Planning Board, regarding a proposed twenty-two (22) unit building, one hundred seventy-six (176) unit apartment complex located on Southwestern Boulevard. Mr. Tynn briefly described the project and brought the Planning Board up to date on the latest site plan, dated February 13, 1996. The latest site plan shows a berm which extends along the southeast property line parallel with the New York State Thruway. The drawing indicates that the berm will be a minimum of six (6) foot in height. A discussion followed during which the Planning Board expressed concern regarding the height of the berm, as well as the extent of the berm along the Thruway. Mr. Reilly stated that the Planning Department needed more information on the height of the berm in as much as the height would determine the width at the base. He also indicated that the Engineering Department had requested a detail of the berm. Mr. Reilly indicated that the minimum of six (6) foot high, was okay but suggested that a ten foot height would be the maximum. He further stated that he understood the intent of the berm in that the developer wanted to get rid of excess fill, however he did not feel that an excessively high berm like twenty (20) foot high would be very attractive and would not be acceptable to the Planning Board.

Mr. Koenig indicated that he was concerned that the size of the berm would destroy most of the existing trees. Mr. Crandall stated that is why we need something more definitive relating to the height of the berm because the height would determine the width at the base of the berm and obviously would affect any existing trees that happen to be in the way. Mr. Tynn indicated that the ten (10) foot maximum height was agreeable to them. Mr Koenig expressed concern however that he would not want to see a

Maplewoods Apartments- Phase II (Continued)

contractor go in there while constructing the berm and destroying all the existing trees and vegetation. Mr. Kurt Allen, the Building Inspector questioned Mr. Tynn as to how he intended to construct a berm of that height without destroying all existing vegetation. Mr. Allen indicated that a ten (10) foot high berm would have a base of approximately sixty (60) feet and that the area in which the berm is to be constructed in some places only sixty (60) feet is available, which would destroy anything that happened to be in the way. Mr. Reilly responded that this is the exact same question that the Planning Department asked and we have the same concern.

After a lengthy discussion relative to the size and configuration of the berm and its relationship to the existing trees and growth it was decided that the berm would be constructed in approximately the same location as presently shown but that the size and configuration would be somewhat dependent on retaining as much of the trees and natural growth as possible. A discussion was also held as to what was to be planted on the berm or whether the berm was to be left bare. The Planning Board was concerned that suitable coverage would be placed upon the berm and Mr. Weber agreed that the berm would be constructed in a way that would be satisfactory and acceptable to the Planning Board. That a suitable ground cover would be placed on the berm, not that it would require mowing but would provide a pleasing appearance. Mr. Reilly pointed out that although a berm had been discussed previously, the drawing that is being reviewed tonight is the first time the Planning Board has had the opportunity to review the berm itself.

**Engineering Comments:** 1. Our office is to receive, review, and approve the detailed sanitary and storm sewer, waterline, grading, and erosion control plans for the project before building permits are obtained. 2. The landscape plan shows a proposed six (6) foot high fence along the New York State Thruway. The type of fencing should be specified. 3. The landscape plan also shows a proposed berm a minimum of six (6) feet high. A detail of the berm is to be shown. Include side slopes, height, and type of plantings (if any) and topsoil and seeding. The Planning Board has requested that the natural vegetation along the New York State Thruway be maintained as much as possible. Show access driveways to the berm, as required for construction and maintenance purposes.

Mr. Phillips expressed concern as to the maintenance of the roads once the project is completed. Mr. Weber assured the Planning Board that the roads would be properly maintained particularly during winter months and that access for emergency vehicles would be provided.

After a lengthy discussion regarding the status of the drawing that was being reviewed tonight and the timeliness of the

**Maplewoods Apartments- Phase II (Continued)**

information shown, the Planning Board agreed to proceed with a motion to approve. Mr. Crandall reiterated the concerns of the Planning Board and cautioned Mr. Tynn that the details of the berm and other issues previously raised tonight would have to be worked out. We are not telling you specifically how long the berm is to be, how high it's to be, how wide it's to be, these details will have to be worked out in coordination with the Planning Department.

Motion was made by Mr. Phillips, seconded by Mrs. Ganey for a preliminary site plan approval for Maplewood Apartments- Phase II conditioned upon compliance with Engineering Department requirements, compliance with the Building Inspector requirements, and that details of the berm and other related issues be coordinated with the Planning Department, that the revised site plan drawing to be submitted be stamped and signed. Carried.

**Erie County Water Authority Pump Station -  
Clark Street and Armor Drive**

Mr. Crandall opened the discussion on the site plan review for the Erie County Water Authority Pump Station by stating that the Erie County Water Authority was an exempt agency and not subject to the requirements of the Planning Board. The Water Authority submitted the drawings for site plan review to the Planning Department as a courtesy. The Planning Board therefore would provide the Water Authority only with any concerns that we may have. Mr. Richard Rosenberry appeared before the Planning Board representing the Erie County Water Authority. Mr. Rosenberry indicated that the Water Authority had appeared before the Planning Board previously with schematic drawings and now the drawings have been finalized and that the project is out for bids. The Water Authority would therefore appreciate receiving any further comments from the Planning Department and Planning Board so that they may proceed with the project.

**Engineering Comments:** 1. Section 29-161C(4) of the Town Code requires that the proposed 40' high communications pole be located at least 40 feet from all property lines. It is currently proposed to be 20 feet from the adjacent farm pasture. Erie County Water Authority has informed us that site constraints limit the area available for locating the pole. 2. There is a storm water pump station in the southeast corner of the property on Armor Drive. The 6" PVC discharge line from this station flows east along the edge of pavement and is to be shown on the plan. Silt fence is to be placed around the station to keep debris out of the storm water pump station. 3. Note on the plans that a Town of Hamburg Highway permit will be required for installation of the 4" sanitary lateral across Armor Drive. It is also to be noted that an Erie County Sewer District #3 and a Town of Hamburg sewer tap permit will be required. Sewer plans are to be submitted to ESCD #3 for review

Erie County Water Authority Pump Station (Continued)

and approval. 4. Note on the plans that a Clearing, Stripping & Erosion Control Permit is to be obtained from the Town Engineer prior to the initiation of site work activities. 5. Show the building roof downspout lines piped to the Armor Drive ditch. 4" SDR 35 PVC pipe is to be specified. 6. This project was presented to the Planning Board by ECWA at the 11/16/94 meeting, and was tabled following discussion. Is a formal approval by the Planning Board required?

The Engineering comments were reviewed and Mr. Rosenberry indicated that most if not all the Engineering comments have been included in the bid documents and that any remaining items would be handled by addendum. Mr. Rosenberry also indicated that they would include the landscaping revisions requested by the Planning Department during the construction phase of the project.

Mr. A. Anzulewicz, 4899 Clark Street, a neighbor to the proposed project raised a several questions. Mr. Anzulewicz expressed concern regarding the noise level that may be produced from the facility. He indicated that he did not want to hear "a pin drop". The response was that the noise level and the vibration level would be minimal and would never exceed the Town noise ordinance levels. Mr. Anzulewicz indicated that he was not satisfied with the response and further stated that he was totally against the project. A lengthy discussion ensued during which attempts were made to resolve and answer questions and concerns raised by Mr. Anzulewicz to no avail. Mr. Anzulewicz also questioned whether the Planning Board would sign off on the final site plan. The response was no, the Planning Board was only reviewing the documents and it would not sign or indicate a formal approval. Mr. Anzulewicz then questioned whether a building permit would be needed, and the response to that was that yes a building permit was required in as much as the building falls under the New York State Fire Prevention and Building Code.

Councilwoman Hochul questioned Mr. Rosenberry as to the potential sound levels that maybe heard by the neighbors. She indicated that she would be troubled if the residents had to live with an unreasonable sound level everyday. Mr. Rosenberry responded that the building would be constructed of heavy cinder block and brick, that the two (2) chimneys were ventilation shafts, and that the noise level would be maintained at an absolute minimum. Mr. Fitzpatrick then asked if the building was designed with sound retention in mind. The response to this question that yes it was.

Being that there were no other questions or concern raised, a motion was made by Mr. Koenig and seconded by Mr. Fitzpatrick that in view of the fact that a formal Planning Board approval is not required that the Planning Board therefore accept the site plan for

Erie County Water Authority Pump Station (Continued)

the Erie County Water Authority Pump Station as submitted and that the Erie County Water Authority has indicated that they will comply with the Planning Board's concerns as previously forwarded to them and that the Planning Board requests that the Erie County Water Authority consider the comments of the public as expressed at tonight's meeting. Carried.

West Herr Car Display Area - Camp and Sowles Road

Mr. John Wabick of West Herr Ford appeared before the Planning Board in regards to the conversion of the Old Zittel's property at Camp and Sowles Road to a car display area for West Herr Ford. Mr. Wabick briefly described the project and indicated that if they could not get a setback variance for parking within ten (10) feet of the property line then the project could not move forward. Mr. Crandall responded, that for the record, the Planning Board had already reviewed the site plan at our Work Session and made a formal recommendation to the Zoning Board of Appeals that the setback variance be approved. It was the position of the Planning Board that the setback as requested by West Herr was consistent with the setback in existence at their adjacent property. Mr. Crandall also indicated that Mr. Wabick would have to make a formal application to the Zoning Board of Appeals and that the deadline was tomorrow, February 21, 1996.

Mr. Eustace indicated that he had a concern relative to the property on Southwestern next to the Mobil Station at Camp Road that is presently being utilized by West Herr for storage of automobiles. Mr. Eustace questioned as to what the intent was for the use of that property in the long term. Mr. Wabick responded that West Herr was in the process of acquiring two adjacent pieces of property and that once that was accomplished that they intended to submit a site plan, probably next month, for a new small dealership facility.

In response to a question by the Planning Board which was raised at our Work Session, Mr. Wabick proceeded to describe the use of the property and specifically the use of each of the buildings. Mr. Wabick stated that there are three (3) existing buildings presently on the site that will be reused. The house which is a frame building will be utilized as an office building for the internal use of West Herr only. This is indicated on the drawings as Building C. Building A which is a masonry building will be utilized for parts storage and will also contain two small offices strictly for the use of West Herr. There will be no customer access and no sales from this building to the public. Building B which is the existing car wash building will remain as presently utilized. The car wash will only be for West Herr use and will not be available to the public. Mr. Wabick further indicated that the existing greenhouse building will be torn down.

West Herr Ford (Continued)

He further indicated that the existing masonry building (Building A) will be redesigned so that the facade will match the other West Herr buildings.

Mr. Koenig questioned whether the driveway serving the employee parking adjacent to the house at the east end of the property exiting onto Sowles Road could be eliminated. He further suggested that if that driveway was eliminated a tie-in could be developed between the employee parking and the display parking area. Councilwoman Hochul indicated that she would like to see the driveway exiting unto Camp Road eliminated. Mr. Wabick responded that in thier operation a driveway onto Camp Road was of upmost importance being that anyone going by and seeing the cars on display would be likely turn in, without a driveway they would just keep on going. Mr. Wabick then pointed out that West Herr also owns the adjacent property immediately to the north and that there is a driveway serving that and that he would consider relocating the driveway to the proposed display area further north and eliminating the driveway to their existing property, reducing the total number of drives off Camp Road to one instead of two.

**Engineering Comments:** 1. Provide a plan and profile drawing of the sanitary sewers serving the car wash building. Show size and location of grease traps. This sewer plan must also be submitted to the Erie County/Southtowns Sewage Treatment Agency for review and approval. 2. Parking bumper blocks are provided for those spaces adjacent to the landscape areas. 3. The site plan approved in 1987 for the area north of this site required a 35 foot setback from the front property line. This plan indicates that there is existing parking at only 10 feet from the property line in this area. Explain this discrepancy and revise as necessary. 4. The landscape plan must be approved by the Planning Board.

Motion was made by Mrs. Ganey and seconded by Mr. Fitzpatrick to accept and approve the site plan contingent upon Zoning Board of Appeals approval of the parking setback; that the two driveways exiting unto Camp Road be condensed to one with the drive servicing the display area being relocated further north; that the curb cut onto Sowles Road at the east end of the property be deleted; that the comments of the Engineering Department be incorporated into the final site plan; that five customer parking spaces be provided, and that a negative declaration be issued. Carried.

**Hilbert College Expansion and Improvements-**

Mr. Richard J. Pinkowski, Jr., Vice President for Business and Finance from Hibert College appeared before the Planning Board and introduced other members of his party in attendance; Mr. Paul Weaver, Chairman of the College Board of Trustees; Mr. Thomas Butler of Nussbaumer & Clarke, Inc.; Mr. Rod Drake and Robert

Hilbert College Expansion and Improvements (Continued)

Arnone both representing the architect's Habiterra. Mr. Pinkowski proceeded to give a brief description of the project. The site contains 47.33 acres and is located on South Park Avenue north of Sowles Road. The project consists of a proposed student building and reconfiguration of the access drives and internal circulation on the campus site to improve pedestrian safety and access. In addition there is a proposal for the acquisition of additional property so as to provide an exit and an entrance drive from the Campus south to Sowles Road. Also included would be additional parking, a reconstructed soccer field and other site improvements.

Mr. Pinkowski discussed the reasons that the college would like to proceed with the additional exit to Sowles Road. He stated that the college wants the additional exit and entrance in order to provide a better operational base for the facility. The College presently has only one point of access, namely onto South Park Avenue and in consideration of the fact that approximately forty (40%) percent of the traffic is from the south and sixty (60%) percent of the traffic comes from the north it is estimated that a good portion of this traffic could use Sowles Road and alleviate a lot of the traffic presently traveling through the Sowles and South Park intersection. The projected traffic increases once the college program has been completed is expected to be minor, therefore will have little if any impact on the present traffic situation. Mr. Pinkowski also pointed out that the Erie County Department of Public Works Highway Division has indicated that an improvement has been planned for Sowles Road to be completed in the summer of 1997. It is anticipated that this schedule will coincide with the work contemplated for Hilbert College.

A general discussion was then held relative to the water/fire protection system. Apparently there is a question that has been raised relative to the water pressure that is available on the site. Mr. Pinkowski stated that before the project is completed that there will be a satisfactory resolution to the fire/water question. He also pointed out that the existing pond was to be rehabilitated and that the college intended to install a hydrant adjacent to the pond that could be utilized by the fire department during any fire emergency. Mr. Reilly discussed the matter of the necessity for completing a water pressure test. Apparently the fire/water pressure is insufficient and there is a question of where the problem emanates, on site or off site. Mr. Reilly also stated that he would like to see a landscape plan.

**Engineering Comments-** 1. The detailed construction plans for the project are to be submitted to, reviewed, and approved by this department prior to the start of construction. 2. The landscape plan is to be submitted for review and approval of the Planning Board. 3. On 2/20/96, a representative of the Big Tree Fire Company reported to our office that they will be conducting a flow test on

Hilbert College Expansion and Improvements (Continued)

the college's private water/fire protection system. We will work with the fire company and design engineer to appropriately resolve the fire company's concern's in this regard.

Mr. Reilly also stated that the Hilbert representatives had contacted the Planning Department several months ago and that they have been very cooperative to work with and he felt that there would be no problem in reviewing anything additional including a landscaping plan.

Councilwoman Hochul questioned what the intent was for any new signage and the response was that there probably would be a new sign and that it would conform with the Town requirements.

A motion was made by Mrs. Ganey and seconded by Mr. Eustace to approve the preliminary site plan for Hilbert College contingent upon complying with the Engineering requirements, resolution of the fire/water problem and issue a negative declaration. Carried. Mr. Koenig abstained. Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Gerard Koenig, Secretary  
Planning Board

Next meeting: Work Session- March 6, 1996- 7:30 p.m.

# TOWN OF HAMBURG

S-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111 • FAX (716) 649-4087

Supervisor  
PATRICK H. HOAK

Councilmen  
D. MARK CAVALCOLI  
JAMES F. CONNOLLY  
KATHLEEN COURTNEY HOCHUL  
THOMAS J. QUATROCHE, JR.



Town Attorney  
VINCENT J. SORRENTINO

Town Cler  
GEORGE DANYLUI

Supt. Of Highway  
RICHARD A. SMITH

Receiver of Taxe  
ROBERT A. MARSH

February 29, 1996

To: The Town Board

From: The Planning Board

Subject: Rezoning Petition of Benderson Development Company, Inc., on property located on the west side of McKinley, north of the old Amoco Town (CID) property (north of intersection of McKinley Parkway and Big Tree Road) from R-2 to C-2 with conditions.

At the Planning Board Meeting of February 21, 1996, the following favorable recommendation was made on the rezoning from R-2 to C-2 for the following reasons:

1. The property is immediately adjacent to property presently zoned C-2.
2. That the Town Board consider approval with the conditions to limit use under C-2 zoning.
3. The proposed use is compatible with the adjacent area.
4. Final site plan will be subject to Southwestern Overlay Zone requirements.
5. The issue of the number of driveways exiting and entering the property to be determined by the Planning Board at time of review.

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

  
Richard Crandall, Chairman  
Gerard Koenig, Secretary  
Planning Board

RC/rmmc