

**Town of Hamburg
Planning Board Minutes
2-28-90**

The Town of Hamburg Planning Board met in regular session on Wednesday, February 28th 1990 at 7:30 p.m. in Hamburg Town Hall Public Meeting Room. Those attending included: Chairman Richard Crandall, Vice-Chairman Elgin Cary, Secretary Gerard Koenig, Sandy Carnevale, Steve Strnad. Others attending included: Dan Gorman, Attorney, Sheryl Bower, Councilman Mark Cavalcoli and Terry Dubey, Stenographer.

Excused: Dave Phillips, Dennis Gaughan

Minutes of the meeting of 2-14-90 were approved on motion by Mr. Strnad, seconded by Mr. Cary. Carried.

Executive Session--Subdivision Regulations. A memo was received from the Engineering Dept. relative to revisions that have been drafted for subdivision regulations. They would like this project completed within the next 2 months. Chairman Crandall appointed S. Strnad, S. Carnevale, E. Cary, and G. Koenig to review the material. A set will also be mailed to every Planning Board member. Councilman Cavalcoli asked that a set be made available to the Town Board members also.

Update on N.F.T.A. Report

Chairman Crandall asked if there were any comments with respect to the N.F.T.A. report which was mailed to each member? Mr. McKnight is to present a report of his findings at the next meeting.

Erosion Control Letter Submitted by Engineering Dept.

Mr. Koenig responded that he has gone over the material and feels the Engineering Dept. did a good job in compiling the information. As for comments: On page 3, under Section 11B-3B, upon filing an application for a permit, that applicant shall pay to the Town Clerk a fee. The fee shall be set for the Town Board to cover costs of administration, etc. How should we establish the fee, what is the criteria? On Page 4, item K, The Town Engineer shall develop criteria to assist in determining all standards for clearing, stripping, and erosion control. Standards may be changed, modified or updated from time to time if such changes are considered desirable by the Town Engineer. In that area, shouldn't the current standards be listed? It should not be as arbitrary as it appears. Also, once it is published, can the Town Engineer unilaterally make a change? Once this is implemented, the Town Board would approve making this an ordinance. If that is the case, then the only change that can be made would be by approval of the Town Board. That should be written in such a manner as to recommend to the Town Board.

Erosion Control letter (Continued)

In Article A, on the time of 36 hours. The time could vary, depending on the violation. If someone has made a major violation, it may be impossible to correct in 36 hours. This needs more review. Under Article B, the fine is listed to be \$550 or by imprisonment of a term not exceeding 15 days. Who decides this matter? What is the criteria? Is this fair and legal? That is the maximum that is permitted by violation. Then, it is up to the judicial system to decide--a minimum only can be set not a maximum. Mr. Koenig noted that the Conservation Board should review this issue. Councilman Mark Cavalcoli responded that the Board is in the process of reviewing also.

Mr. Strnad asked about Section D--the authorized enforcer. It was explained that the Building Inspector is authorized to do same. This is the standard language used. The Police Dept. could also enforce and in absence of the Building Inspector, they usually do.

Chairman Crandall noted that he has some concern which pertains to the clearing of trees. There should be some effective language to control the clearing of sites. Councilman Cavalcoli responded that the Conservation Board looked into this matter a number of years ago when they considered establishing a Tree Ordinance to set limits and sizes and issue permits. However, at that time it was felt that this is unmanageable due to the amount of wooded areas that we have in the Town. It would be more manageable in communities where there is less woodland. However, perhaps this should be reviewed again as to how the ordinance is written. This should be treated separately. The matter should be reviewed again by the Conservation Board.

Letter from Dick Smith Highway on Green Space

Chairman Crandall noted that the matter requires some type of response. Councilman Mark Cavalcoli noted that as liaison he appreciates Mr. Smith's letter and discussion. However, it is not just piece-meal that we are accepting. There is an overall plan and we are trying to pick up some small pieces so that they are contiguous and strategically located for the use of the people who live in the area. Though this may pose a problem for 1 dept. or another, we cannot just disregard these, but view it in an overall picture. Perhaps we can come up with a better plan and review this with Buildings and Grounds and the Highway Supt. In some instances, on occasion, it has become piece-meal but we are trying to tie it together, & in other cases, we are leaving the green space as wild, therefore it shouldn't take major cleanups.

Mr. Strnad noted that it has been his intent to get the department heads together as this is all related as far as green space, recreation space, & forever wild is concerned. Also, where is the money coming from. There

Letter from Dick Smith - Highway.

is a meeting scheduled for March 8th at 3:00 p.m. in the Conference room at 6122 South Park Avenue with department heads relative to this subject.

Princeton Square - Affordable Housing - Ron Hayes, Chris Hull, John Crabbe, Bill Schutt, R&D Engineering

Secretary Gerard Koenig read the following Legal Notice:

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**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 Hamburg Town Hall, S-6100 South Park Avenue at 8:00 p.m. on February 28th for the purpose of approving Princeton 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 Farm Lot 13, Township 9 and Range 8 of the Holland Land Company's Survey and further distinguished as being part of a map filed in the Erie County Clerk's Office under Cover Number 712 and bounded and described as follows:

Beginning at the southeast corner of subplot 1120 in Block 11 of Map Cover 712; thence east across Cambria Street and continuing east along the north line of subplot 1204 in Block 12 of Map Cover 712 a distance of 175 feet to the northeast corner of subplot 1204; thence south along the eastern line of subplot 1204 a distance of 17 feet to the northwest corner of subplot 1233 in Block 12 of Map Cover 712; thence east along the north line of sublots 1233 through 1245 inclusive a distance of 403 feet to the northeast corner of subplot 1245 in Block 12 of Map Cover 712; thence south along the east line of subplot 1245 and continuing south across Princeton Street and the east line of sublots 1717 and 1745 in Block 17 of Map Cover 712 and continuing south across Cornell Street a distance of 474 feet to the northeast corner of subplot 2129 in Block 21 of Map Cover 712; said point also being as the south line of Cornell Street; thence west along the south line of Cornell Street a distance of 578 feet to a point which is on the extended west line of Cambria Street; thence north across Cornell Street and along the west line of Cambria Street a distance of 491 feet to the point of beginning being the southeast corner of subplot 1120 in Block 11 of Map Cover 712 containing the below listed sublots and the streets on which they front:

Sublot 1204 and 1230 through 1245 inclusive in Block 12

Sublots 1701 through 1717 and sublots 1730 through 1745 inclusive in Block 17

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

Dated Feb 15 1990
Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

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Princeton Square (Continued)

Messrs. Ron Hayes, Chris Hull, John Crabbe, and Bill Schutt appeared on behalf of the Princeton Square subdivision for subdivision review of the Affordable Housing Program which is slated for the Carnegie area.

Board members noted that this has been an on-going program for the past several months. Correspondence was received as follows:

Planning--The Town Subdivision Regulations require that the right-of-way for residential streets in the Town should be seventy (70) feet wide. The Carnegie Subdivision streets are sixty (60) feet wide and in order for Princeton Square to be developed using the existing street and lot layout pattern, the Planning Board should adopt a resolution waiving the 70 foot right of way requirement and accepting the 60' width. George McKnight.

Engineering - The following are review comments on a plan dated 12-18-89, revised 2-2-90 and received 2-5-90: The regulations require the road right-of-ways to be 70' in width. The developer has acquired only a small section of the undeveloped sublots. Access to the remaining lots must be provided for, via several paper streets. Adherence to the regulations would, in this case, cause an unnecessary hardship. We have no objections if a variance in accordance with Section 31-6 be granted.

Sharon Zeitler, resident of Carnegie, asked the purpose of the meeting? Chairman Crandall responded that this is the same project that the Community Development Department has been working on for several months, starting out with the rezoning, obtaining the variances on the two sub-lots, and now proceeding with the subdivision review process.

Chairman Crandall asked 3 times if anyone wished to be heard for or against the proposed Princeton Square Housing Program. Hearing no further concerns, the hearing was declared closed.

Motion was made by Mr. Koenig, seconded by Mr. Cary to waive the 70' right of way requirement downsizing to 60' in this case bringing it in line with the other streets in the Carnegie Subdivision. Carried.

Motion was made by Mr. Koenig, seconded by Mr. Cary to proceed to final. Carried.

Patrick Eddy - Elmhurst Subdivision

Chairman Crandall noted that this issue is still in review by the Town Attorney's Office and should remain tabled until the March 14th meeting. Correspondence was given to members regarding the history of this subdivision.

Elmhurst Subdivision (Continued)

Motion was made by Mr. Koenig, seconded by Mr. Carnevale to keep the matter Tabled. Carried.

Master Builders - Revised Site Plan - Ravenwood Park North

Mr. David Kowalski, Attorney representing Master Builders, and Mr. Bill DeMarco, who is in charge of the project, appeared before the Planning Board with a revised site plan of the Master Builders project which has since been abandoned. Mr. Kowalski stated that he forwarded a new Environmental Assessment and a revised site plan to the Planning Department for review. They are requesting site plan review approval and also a finding on the part of the Planning Board that this project has no significant impact on the environment and we request that the Board make such a finding and grant a negative declaration with respect to this project.

Mr. Kowalski explained that he had reviewed the Environmental Assessment with Mr. McKnight in the Planning Dept. office on Tuesday, February 27th and there were only 1 or 2 minimal questions that were resolved.

Chairman Crandall asked for input from the Planning Board Attorney, Dan Gorman as to whether the site plan can be approved without a specific use. The project was abandoned as to the intent of the prior use. Mr. Kowalski noted that everyone is painfully aware that Master Builders has gone thru the mill with this project and the company has determined that it does not wish to locate in a community where it is not welcome. Consequently, we will not complete the building as originally planned and the proposal is to complete the building as a shell, so that we can have a unit that is marketable for sale. There will be a great deal of money lost on the project and it is the company's desire not to locate in the area.

Mr. Crandall pointed out that he needs some direction as to the correct process to follow. In approving a site plan, where it was approved for a specific use, and now we are looking at the same site plan with modification for a totally unknown use, what action should be taken in the approval.

Attorney Gorman responded that in most cases, the applicant does not always know the proposed use. We know what the zoning is and the potential is. On Every Benderson project that has been before the Planning Board, it is not always known who the tenant is. This should be dealt with on the merits of the zoning and code requirements. Will there be restrictions placed on the use of the building? Each tenant would have to make application to the Planning Board for a proposed use. If there are internal changes only, does the Planning Board have to review the site at all.

Master Builders (Continued)

Chairman Crandall noted that they don't want to have the same mistake happen twice. We must look at this from a legal standpoint. If there is no change, the business could be opened up without review.

Mr. Hayes stated that since this is just a generic Environmental Assessment, another specific one will be required for the actual user. The storage tanks have been removed. The question was raised as to the I.D.A.'s interest. Mr. Hayes noted that the I.D.A. anticipates this happening a lot. Many times, applicants come into the town and agree to build an office, and once it is built, we learn later as to the proposed use. The important issue at hand is the correct zoning of the property. We know what is allowed on the premises due to the zoning of the property. For instance, there could not be an incinerator on this property. Anything that is allowed in an M-2 zone, can be put in the building.

Mr. Kowalski responded to the use of I.D.A. funds with regard to the building. The Town of Hamburg I.D. A. does not have a nickel invested in the project. There are no advanced moneys. Master Builders has not borrowed money or received money from the agency. The agency acts purely to expedite the issuance of municipal bonds which are purchased by the lender. The obligation to pay those moneys is strictly that of Master Builders. At this point, all of the bonds are prepared for retirement funds with which to discharge the bonds & are placed with the trustee. The bonds are discharged. The land is owned by the Town of Hamburg Industrial Development Agency subject to a lease with Master Builders. The lease calls for payment of rent equal to the amount of money it takes to discharge the bonds. The lease and the ownership of the property are a device with which to pay back the bond holder. The bond holder is equivalent to a mortgage holder and inserts the agency to expedite the transaction. The rent is used to pay off the bonds. The company has set aside enough money to pre-pay all of the bonds. That money is placed in the hands of a trustee with the option to purchase. The option to purchase is for \$1.00. After all rent payments are made, Master Builders has the right to give Mr. Hayes \$1.00 and take the deed back. Money has been set aside and we are in the position to exercise that option and simply take it back. We are going thru the process of resolving that question now.

Mr. Cary noted that this piece of property is no different than any industrial property. Because it had a history of controversy, it does not impact at all. Furthermore, the Building Inspector would not pass it without having the Planning Board review this. We are not permitting any ulterior use.

Mr. Timothy Bowen of the Bayview Big Tree Homeowner's

Master Builders Continued

asked why the Town Board was not taking the lead agency status on this matter. Councilman Mark Cavalcoli responded that if the project had gone thru as discussed, and if the lead agency would have been done, the Town Board would have done it. However, since the project was dropped, the Town Board decided not to take the legal steps of a motion for lead agency status at this time. If there is any further development, we can exercise that right to take away the lead agency status from the Planning Board and assign it to the Town Board. However, we would have to go thru a Public Hearing and a resolution to do it. That is why any action that is taken by this agency, they still maintain the right to take it unless we change the law.

Councilman Mark Cavalcoli noted that there are some different factors in place. First, the use for the building to meet the zoning code would have to come to the Building Inspection Dept. Application must be made with a S.E.Q.R. The Conservation Board and other agencies then review the proposal. Secondly, the Town has set in place a Committee made up of residents and Town Board members to review the use of that entire plot of land. We have had 2 meetings so far. Therefore, this is a second review process as part of the SEQR process. There would be a review element that may not even come back to this board. The SEQR process would set the criteria.

Comments from departments are as follows: **Engineering** - We have no comments on the subject site plan revised 1-18-90 and originally approved on 9-3-87.

Building Inspection--I have no plans or specs for the concrete pad which is approximately 25 feet by 42 feet at the southern part of the building. Note that the bottom corner of the plans says that the suggested landscaping plan is to be finalized by the new owner. If this is permitted, I would like to see the site rough-graded to prohibit any ponding of water. If the parking lot going to be striped. Are all the construction materials, outside the building, going to be removed including the construction trailers.

Mr. Cary noted that in the site plan review process landscaping is usually requested. You have asked not to commit to the landscaping. You have requested that the new owner put landscaping in. If we approve the site plan in this manner, there would be no commitment to have it planted. The present site plan does have some landscaping. We will not complete the landscaping before disposing of the building. The new owner would be responsible. A condition could be placed to include landscaping.

Attorney Gorman was asked on the landscaping issue and the response given was that it could be required as a condition of sale. There are some austrian pines and red maples shown on the

Master Builders Continued.

site plan. Mr. Koenig pointed out that the Building Inspector makes reference to ponding, and that this property is graded out. Mr. Kowalski responded that they would comply. We reviewed the elevations that show a natural drainage swale to the rear of the building near the detention area. It is built out as shown and drainage will be taken care of. Responsibility is for grading and not for landscaping. Mr. Kowalski added that they want to make the building as marketable as possible and do not want to create craters full of water around the building. Landscaping will be welcomed. In the meantime, there is no landscaping and this is a concern. **Engineering - No comments.**

Mr. Haines of Tower Place asked what safeguards would be in place to assure what was sent to the Bldg. Dept. would be approved correctly & not changed? Councilman Cavalcoli noted that the applicant will have to secure the proper permits from the department, and the use is listed. The Town can then proceed in the SEQR process and alert other agencies for public input. The committee that has been established is having significant input as to what will be developed there.

Mr. Bernard Jones asked if there would be another public hearing? It was pointed out that if this comes back to the Planning Board it will be in the paper.

Mr. Haines of Tower Place noted that when the site plan went to the Bldg. Inspection Dept., a permit was issued for something that was not approved. If this takes place again, the trouble could start all over again.

Councilman Cavalcoli assured that this problem won't happen again, as two years ago, and guaranteed that the procedures will be followed.

Mr. Jeffrey Kryszak asked if the Big Tree Fire Dept. input has been received as yet and questioned the 50' fire lane at the rear of the building. It is not a paved fire lane. Response given was that the power company had heavy equipment back in that part and there was no problem with trucks sinking. There is very good compaction on the soil even with the snow so that equipment could move with ease. He also questioned if there would be an impact statement. It was pointed out that there is no reason for an impact study at the present time. It is appropriate to declare a negative declaration on a building that is presently a shell for marketing.

Motion was made to approve the site plan as presented by Mr. Cary, on a revised drawing dated 1-18-1990, and revised 2-14-90, seconded by Mr. Carnevale. Carried.

Master Builders (Continued)

Motion was made by Mr. Carnevale, seconded by Mr. Koenig to accept the revised Environmental Assessment and issue a negative declaration on the project. Carried.

Sorrento Express - Woodlawn - Transport Center

Mr. Peter Krog appeared on behalf of Sorrento Express which is to be located in Woodlawn. Mr. Krog noted that since the last meeting, Sorrento has purchased an adjoining parcel and have relocated the building providing access from Milestrip Road. The company has agreed to put berming and plantings on top of the berm. Comments from various departments are as follows:

Engineering--1.2 - The parcel is not in a sewer district. A fringe customer agreement is to be made. The plan must also be reviewed and approved by the South Towns Sewage Treatment Agency. The site plan should not be approved without the sanitary approvals. **2.2** - A two (2) inch water service and meter are shown crossing Lake Avenue. The existing water main along Milestrip Road is to be extended the full frontage of Milestrip and service be provided off the new main. There is no provision for fire protection at the site. Woodlawn Fire Company serves the area and is to be consulted. **3.2** - Parking bumpers or curbing are to be added around the perimeter of the site. **4.2** - The plan should be reviewed by the Village of Blasdell. **5.2** - Storm Drainage - What is anchor pipe? **6.2** - Permission from the Erie County Highway Dept. must be obtained to connect into their Lake Avenue System. - **7.2** Part of the site is in the 100 year flood plain boundary. The exact location of the boundary is not shown in a detailed study area but we estimate it to be several hundred feet from the creek. Filling for the proposed berm adjacent to Mile Strip and the creek is not allowed in the flood plain area. A development permit will be required from the Building Inspector. **8.2** Show the existing house on the site. **9.2** - The full frontage of Milestrip is to have storm pipes installed. The design should be coordinated with the Highway Dept. **10.2** - Bridge and road construction details are to be worked out by the town and the developer. **11.2** - This is a large site. The Planning Board can require soil erosion control measures be taken as part of the SEQR review process. We recommend this be done. The existing storm system along Lake Avenue has problems now.

Planning - 1. Consideration should be given to a more fully developed landscape planting plan, especially on the bermed area along the school border. **2.** We would like to see the upkeep and aesthetic enhancement of the undeveloped Northern portion of the site.

Building Inspection--This revised site plan is completely changed from the original which was submitted. If this is to be approved,

Sorrento Express (Continued)

the bridge on Milestrip Rd. has to be repaired to make it passible for trucks. The trucks should be encouraged to use this part of the road to go to Route 179. Richard Smith of the Highway Dept. should be contacted concerning the bridge which needs to be repaired. Located on this property at the present time is a house and a detached garage. It is apparently going to be removed. The land berms on the south and west side are 5-6 foot high. The spacing of the 5 foot Douglas Firs should also be shown on the plan. The size and detail of the fence is needed to be shown on the plan. This is probably for security.

The 74 parking spaces plus the 4 handicap spaces are more than what the code requires. Part of the parking lot is in Zone A, according to the Flood Insurance Rate Map, however, it is not an area of detail study. All rounded curbs should be poured in place. Straight curbs could be precast. They should consider having an emergency exit, including the gate for the fence where the approximate location of the previous main entrance was proposed. Need details of the guard house and gas docks.

The following is a letter which was submitted from the nearby resident, Stephen J. Mikac, 3701 Milestrip Rd. Buffalo 14219

The intent of this letter is to bring your attention to the major complaints of the residents of Milestrip Rd. and the Stoney Point areas of Woodlawn in regards to the construction of the Sorrento Cheese Truck Terminal at the east side of the Woodlawn Elementary School between Lake Avenue and Milestrip Rd. 1. There are 16 homes on Milestrip Rd. (a) 7 of the homes are residences of senior citizens, retirees, or physically disabled. (b) of the 7 residences, 4 reside directly across the street from the planned facility. (1) 1 man is 88 yrs. old. (2) 1 woman is 80+ years old, (3) 1 couple-retired - 70+ yrs. old. (4) 1 couple-retired - 60+ yrs. old. (c) On Nelson Avenue, within 300' of Milestrip are an additional 3 households with senior citizens, 1 is physically disabled.

2. Assurances were mentioned by the Sorrento representative the operating reefer trucks (refrigeration) would not be parked near the residences on Milestrip Rd. relocating "parking area would insure, not assure, the reduction of noise pollution.

3. Planned egress and ingress roadway at the southeast corner of the facility property would present a disruptive annoyance to the residents of Milestrip Road with the continued flashing of truck headlights during the night hours of this 24 hour operation.

4. The quality of our living habits will change dramatically with the constant view of the parked trailers across the street from our porches and the character of the community will definitely

Sorrento (Continued)

be altered. 5. The site of the planned depot at the south half of the property will tend to decrease the value of the residences on Milestrip Road--relocation of the facility to the northern half of the property would ease the minds of the local residents.

6. Concern has been voiced about the "cleaning agents" and chemicals that will be used at the terminal and possibly discharged into our sewage system. Although Sorrento claims they could discharge the effluents into Cheektowaga and Buffalo sewage systems, they may not meet the standards of Hamburg.

7. The trailer parking area designated at the west end of the property will be adjacent to the present location of a little tots wading pool and playground. Concern has been voiced that the parked trailers might be an excellent hiding area for thugs, vandals, rapists, etc. that may prey upon the young children and mothers or upon the residents of Milestrip Road.

8. The east side of the terminal is bordered by a natural drainage ditch that discharges into Rush Creek. A truck service area is planned at the east side of the property also. Included is a refueling depot, and (I assume) a truck repair area. There is now concern that hazardous (gas, diesel fuel, cleaning agents, oils, naptha) material may spill into this ditch and be carried into Rush Creek, and then into Lake Erie.

9. The noise level of the trailer tractors under a load is also a concern. The present truck depot located in Blasdell produces noises from trucks under load now. Although they are bearable, under present conditions, the Sorrento terminal will have trucks in operation approximately 600 feet closer, and 24 hours per day, 7 days per week. Common sense dictates that the noise level will increase dramatically.

10. The noise level will be a disrupting influence during the school hours at the Woodlawn Elementary School.

11. With the present town code that a diesel engine cannot be in idle operation for more than 20 minutes at any one time, some senior citizens have expressed concern that the use of trickery will be employed by the employees of Sorrento Cheese Co. by shutting off the engines and then restarting them every 20 minutes.

12. Occurring events during the past 5 to 7 yrs. indicate that Rush Creek is now a stream that trout, northern pike, walleyes and salmon have been observed and caught by fishing by local sportsmen and the young boys and men of our community. Concern has been expressed that access to this stream may be banned by a proposed barrier in Milestrip Rd. and the fencing off of the property at the creek beds.

Sorrento Express

13. Sorrento Cheese Co. to define their meaning of a berm in relation to the facility and what it will do to improve the looks of the facility.

14. Sorrento spokesman indicated that they would create a water shed system to accumulate excess rainwater and the water from the thawing of heavy accumulation of snow. The question now arises if this water storage area will now become the breeding area for mosquitoes and insects. In summary, the local residents of the community bordering the planned site of the Sorrento Cheese Co. truck terminal are not against the construction of the terminal, only its planning and location. Under the proposed plan, the quality of life for those senior citizens who were once the pillars of the community, will change dramatically during the closing chapters of their lives. They have witnessed many changes, much turmoil the humility of the depression years, have sent their sons off to war, some have served in the war, and now they will be confronted with a daily panorama of trucks and trailers--no matter how clean they look. These same senior citizens have been eye witness to the final episode of completely surrounding the community of Woodlawn with industry--Bethlehem Steel to the north, the Ford Plant and the old Bethlehem Steel office to the south, and now Sorrento Cheese to the east. Relief from these industries, is well within the recommendation of a reasonable request for more thought to the planning of the site, and Sorrento Cheese proclaiming their dedication to being good neighbors could satisfy the concerns of the residents of the community with alterations to their plans. These suggested alterations would not completely destroy the character of the community nor affect the operations of the Sorrento Cheese Co. Thank you for the opportunity to list the major concerns of the citizens most affected by the construction of a truck terminal by Sorrento Cheese Co. on Milestrip Rd. Stephen J. Mikac, 3701 Milestrip Rd. Buffalo, N. Y. 14219.

Mr. Krop noted that he is addressing the sanitary as requested thru the Sewer Auth. On the curbing, they object to curbs as they are a maintenance problem especially concerning snow-plowing. They prefer not to have curbing as the street itself is not curbed. As far as the flood plain, based on a map that was supplied thru the County, there is some discrepancy with the Town Map as they are not sure that they are in the 100 year flood plain. A meeting was also held with the Town Highway Supt. on site with respect to the bridge repair. The driveway can be relocated away from Mr. Mikac's home. Mr. Mikac expressed concern about the driveway as he is the closest neighbor. The advantage of changing the driveway is so that they can bring trailers right off the expressway rather than going thru the residential streets. This is the shortest way to the property. An attempt will be made to move the driveway further south. As far as cleaning agents are concerned, only detergents will be used as one normally uses for car washing. The detergent

Sorrento Continued

will then filter thru an oil separator before being dismissed into the sewer. There will be a fence around the property with 24 hour surveillance. As for noise, the town has a noise ordinance in place. Mr. Krog also noted that one would be suprised as to how quiet these trucks run. There will also be a retention pond to reduce flow. There won't be any standing water.

Mr. R. Schumaker of the Woodlawn Fire Dept. expressed concern that he did not receive the plans in time for a proper review and that no hydrants have been indicatied on the site plan. This is a firematic concern since the bldg. will not be sprinklered. Mr. Krog noted that he will contact ISOP Fire Co. as to what would be required for fire protection, with respect to the insurance regulations. Mr. Figiel, of Woodlawn Revitalization would like to see the berm at 8'. The driveway is also a major concern.

Mr. Kryszak noted that a Committee is being formed within the Fire Chief's Association to review sites for fire protection purposes.

Mr. Lee, President of the Blasdell Taxpayers spoke in favor of the proposal noting that he lived near Sorrento in South Buffalo, and feels they will be an asset to the Town of Hamburg.

Motion was made by Mr. Strnad, seconded by Mr. Cary to approve the site plan for Sorrento Express contingent upon the relocation of the driveway satisfactory to the closest resident, and that consideration be given to increasing the height of the berm. Carried. This site to be contingent upon Engineering and Building Inspection approval.

Mr. G. Koenig, abstained.

Tiffany Meadows - Preliminary Subdivision

Applicant was not present. However, comments have been received from various departments. They are as follows:

Building Inspection: This proposed 89 lot subdivision conforms to Article VIII, R-1, single family residence--covered by 39-32 of the code as amended on May 22, 1989 by the Town Board. It appears that all the lots do conform to these requirements. In Phas 1, s.l. 1, corner of Holly Place and Willow Drive may have a problem depending on the size of the house and which way it faces. In Phase 5, the Planning Board should be aware that part or all of S.L. 1 thru 6, 16 & 17 are in the Town of Orchard Park, The Planning Board of Orchard Park should be advised. Also note on the plan that an approximate location of a gas pipe line runs under s.l. 1, 2, and 8 through 17. Placing houses on s.l. 1, 2, 15, and 16 may become a problem.

Tiffany Meadows (Continued)

Planning: 1. Because part of this subdivision is in Orchard Park, a copy of the plan should be submitted to the Orchard Park Planning Dept. To insure that the lot width at the building line is 90', this line must be included. Has the developer considered a dedication of land for open space? A 10% dedication would equal about 4.7 acres. Although an E.A.F. is on file for this subdivision, it is requested that the developer update the information. The 100' wide proposed street is only 70' wide. There maybe some problems constructing a home on Lot #1 off of Abbott Rd. due to the gas pipeline running through that lot.

Engineering--1. The site is partially in the Town of Orchard Park. The six (6) sublots along Abbott will have to be made into four (4) lots to meet the Orchard Park codes. Approvals from Orchard Park will be required. The site is not in a wetlands or flood plain. The site is in an existing water district. The Hamburg portion of the site is in the Benz Sewer District. There is a sewer easement across the parcel to St. Bernadette's Church. Locate it on the plan. Phase I along Holly has been filed (Map cover 2444) Show the map cover number on the plan. The sublots are to be numbered consecutively. Revise as necessary. All sublots on a curve are to be radial. Label them radial on the plan and revise as necessary. The minimum centerline radius on all curves is to be 150 feet. Label the radius on the curves and revise as necessary. The square footage of each lot and the existing zoning requirements are to be shown. The proposed building setback line is to be shown. We have found it best not to show Phase lines on the drawing as they will probably change. The width of the gasline easement is to be shown. A copy of the restrictions is to be provided. The street names are to be reviewed by this office and fire control.

Matter to be held in abeyance until the March 14th meeting.

American Oxygen South Park Avenue

Messrs. Joseph Frandina and Mark Hartman appeared before the Planning Board on a site plan to locate an office and storage area for American Oxygen, next to Century 21 on South Park Avenue. The business is a home care service providing oxygen units to the patient. That is 99% of the business. The theory of operation for the unit is: Room air is drawn through a dust filter into the Aspec cabinet by a cooling fan. A portion of this air is then routed through a second filter to an oil-less, rotary vane air compressor. After compression, the air is cooled by a heat exchanger and again filtered by a .3 microns filter, to remove all contaminates.

An electro-mechanical valve then routes the compressed air alternately to two beds containing a molecular sieve material. Air is passed thru a single bed from the compressor for a period of 7

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American Oxygen (Continued)

seconds. During this time, oxygen rich gas coming from the bed is partially stored in a container called the product tank. The bulk of the oxygen produced passes through the second sieve bed, purging its contents of accumulated gas, primarily nitrogen, to the atmosphere. Each bed is alternately pressurized and purged for a total unit cycle time of 14 seconds. Highly concentrated oxygen is delivered from the product tank to the patient through an adjustable flowmeter with pressure of 5 PSI. This pressure is controlled by a pressure regulator.

The other portion of their service, amounting to 1% is the handling of 60 cylinders of 2500 to 3000 c.f. that will be stored in a storage building. The oxygen is compressed and they will not be doing any filling on site.

The service is provided to a patient suffering from emphysema, chronic bronchitis, lung cancer, and is prescribed by a physician. They will also be repairing the units on site for the next customer. They will have 20 to 40 units on site. The cylinders will be stored in a back storage unit, 6' x 12'.

Mr. Robert Mueller, appeared as a member of the Scranton Fire Dept. and as a member of the Town's Disaster Preparedness Committee. He suggested that the building be sprinklered, and that a fire hydrant should be installed. Oxygen in itself supports combustion and would make something burn hotter and faster. He also noted that the dumpster should be relocated to another portion of the parcel as most of the fires started are in dumpster containers. He also asked if the MSDS sheets could be made available. Comments were received as follows from the departments:

Planning - It would appear that the proposed addition to this site may intrude on to a State designated wetland, this should be verified with the Dept. of Env. Conv. 2. If the side yard is used for ingress and egress, it must measure at least 25 feet. The proposed driveway only measures 23.5 feet, therefore a variance must be applied for. According to the zoning ordinances the storage of highly flammable or explosive materials is not allowed in a C-2 district, oxygen may be considered an explosive material and thus not permitted.

The 51' width for the parking area is not adequate to accommodate 2 rows of parking and lane space. The four spaces on the north side of the parking area may not be necessary. There would be adequate space if these 4 spaces were removed.

Building Inspection: Since there is a change of use on the property, the New York State Uniform Fire Prevention and Building code must be adhered to, including handicap accessibility.

American Oxygen continued.

The office and retail sales area is 3,370 s.f. and conforms to our code. There should be a total of 15 parking spots. Since the land adjacent to this to the west is in the wet lands, test borings will be required to assure proper foundations for any new proposed additions. Because the use is for the sale and service of oxygen, the plan should be reviewed by the Scranton Fire Dept. as well as the Town of Hamburg Emergency Management Team.

On the issue of the Wetlands, Mr. Hartman noted that he is on the edge of the wetlands and spoke to Jeff Dietz in the D. E. C.

Motion was made Mr. Strnad, seconded by Mr. Cary to approve the site plan for American Oxygen based on the following conditions:

1. The site plan is rejected as presented and to be forwarded to the Zoning Board of Appeals on parking and the driveway with a favorable recommendation.

2. The issues to be resolved as required by Engineering, Building Inspection, and Planning.

3. That the building be sprinklered as requested by the Fire Dept. and that there is to be an upgrading in the water service and relocation of the dumpster.

4. Approval is granted on the aforementioned conditions. Carried.

Other Correspondence:

1. Memo received from Sheryl Bower, Asst. Planner, that a seal is not required on a preliminary plat.

2. Letter received from Engineering Dept. relative to Hidden Hollow Estates. (Should be on next meeting for discussion).

3. Innovative Homes--concerns expressed about traffic and road cuts on to main intersections as still shown on site plan.
Engineering Comments: See attachment.

Motion was made by Mr. Koenig, seconded by Mr. Carnevale to adjourn the meeting. Carried. Meeting adjourned at 11:00 p.m.

Respectfully submitted,

Gerard Koenig, Secretary
Planning Board

Next meeting: 3-14-90, 7:30 p.m.