

TOWN OF THE  
OFFICE

**Town of Hamburg Planning Board Agenda**  
**March 4, 1998**

JUN 18 8 48 AM '98

The Town of Hamburg Planning Board met for a work session on March 4, 1998 at 7:30 p.m. at S-6122 South Park Avenue to review projects. Those attending included Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Paul Eustace, Sue Ganey, Don Fitzpatrick. Excused D. Pohlman. Others attending included: Drew Reilly, Don McKenna, Attorney, Rich Whipple, and Terry Dubey, Stenographer.

**Special Use Permit for Learn and Play Day Care Center to be located at 4001 Legion Drive.**

Secretary Koenig read the following Legal Notice of Public Hearing:

**LEGAL NOTICE**  
**TOWN OF HAMBURG**  
**PLANNING BOARD**  
**SPECIAL USE PERMIT**

Notice is hereby given that the Planning Board of the Town of Hamburg will hold a hearing for a Special Use Permit for the Learn & Play Day Care Center to be located at 4001 Legion Drive for Donald Howe.

Hearing will be held in the Conference Room at S-6122 South Park Avenue at 7:30 p.m. on March 4, 1998.  
**RICHARD CRANDALL, Chairman**  
**GERARD KOENIG, Secretary**  
**Planning Board**  
**Dated: 2-19-98**

Mr. Don Howe applicant appeared before the Planning Board. Engineering comments are as follows:

- (1) Provide precast concrete parking bumpers for all spaces.
- (2) The Planning Board requested at their 2/18/98 meeting that one-way traffic signs be placed at the driveway, and that all trees on the site are to remain. These items should be shown on the plan.

Mr. Howe responded that they would like to use landscape timbers for the Playground area as they will serve the same purpose. Chairman Crandall asked if anyone wished to be heard for or against the proposal. No one appeared in opposition.

Motion was made by Mr. Koenig, seconded by Mr. Fitzpatrick to approve the site for the day care center by special permit. Carried.

**Southtown's Seafood - 4900 Lake Avenue**

The proposal is for 9,000 s.f. addition to provide for a meat packaging line to be used in accordance with the seafood packaging.

Comments from **Engineering** are as follows:

TO : Planning Board  
FROM: Engineering Dept.  
DATE: 3/2/98  
SUBJ: PLANNING BOARD 3/4/98 WORK SESSION AGENDA  
Southtown's Seafood - 4900 Lake Avenue

The following are review comments on a plan dated 2/4/98:

- (1) The site plan for this parcel was previously approved on 5/4/94.
- (2) The approved plans showed a grass area between the railroad ditch and the driveway. Currently there is a dangerous deep drop-off along the drive. A guide rail or other appropriate protective measures are to be installed along portions of the driveway.
- (3) The proposed stone area west of the proposed addition is to be paved. Provide a pavement cross-section on the plan.
- (4) The parking spaces between the existing parking lot and new parking area are to be moved to the perimeter of the lot. Include precast concrete parking bumpers or curbing for each space.
- (5) The proposed drainage swale along the east side of the new addition should drain to the north and not the south. Revise as necessary.
- (6) Specify and show locations of clearing, stripping, and erosion control measures for the addition.

**Big Tree Condos - Caesar Fabrizio project - Big Tree Road**

This was an approved site 1-1/2 years ago. Mr. Fabrizio has decided to change from townhouse units to condominiums.

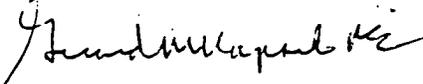
**Engineering Comments are as follows:**

**SUBJ: PLANNING BOARD 3/4/98 WORK SESSION AGENDA  
Big Tree Condos - Big Tree Road**

The following are review comments on a concept plan dated 2/3/98:

- (1) A preliminary plat plan for this parcel was approved on 10/17/96 by the Planning Board. Construction plan approval has not been issued by this office.
- (2) The plan has been substantially changed since the 10/17/96 approval. The common area and the recreation area west of the road have been eliminated. An exception parcel along Big Tree Road has been created. The building depth has been reduced from forty (40) feet to thirty-five (35) feet.
- (3) The utility lines shown on the plan are not acceptable to this office. We will review and approve construction plans when they are submitted.
- (4) The ten (10) notes which were included on the previously approved plan should be added to the current plan.

All comments are to be satisfactorily addressed for approval.

  
Gerard M. Kapsiak, P.E.  
Town Engineer

  
Richard J. Lardo  
Principal Engineer

RJL/dhp

St. Cyril & Methody Church - Revision

Mr. Walter Carovski, Trustee for the church appeared on a change in the site plan that was approved 8-1-96. They have decided to add some more square footage and reduce the size and height of the towers to cut down on costs.

**Comments from Engineering:**

1. The site plan for this parcel, which was previously approved by the Planning Board on 8-1-96, was not constructed, and the approval has expired. 2. The revised site plan is acceptable to this office as submitted.

Item to be on the next regular meeting.

NDC Apartments - 4678 Big Tree Road.

This is a minor revision to a previously approved site plan.

**Engineering Comments:** The Planning Board previously approved a site plan for this parcel on 12-11-97. 2. We have no comments on the proposed change to increase the building size. 3. We received the Landscape Plan Sheet LSI for review. The site plan sheet SPI should be submitted instead.

Item is to be on the next agenda.

Lakeview Children's World Day Care (Formerly Southtown's Day Care)  
- 2095 Lakeview Road

This is for a day care center in the former Southtown's Christian Center which had burned. **Engineering Comments** are as follows:

- (1) The site plan for a new sanctuary on this site was approved by the Planning Board on 7/23/92. The sanctuary is now proposed to be used as a day care facility.
- (2) We have recently received a complaint from an adjacent owner to the southeast that his property is being flooded due to storm water runoff from the site. This plan appears to address the drainage concerns, provided that the swale outlet to the west is installed correctly and that it does not cause additional drainage problems downstream. Permission from the downstream property owners west of the site will be required to complete the necessary regrading of the existing ditch.
- (3) Landscaping requirements (if any) are to be reviewed and approved by the Planning Board.
- (4) The Building Inspection Dept. and Planning Dept. should determine if the fence proposed to be installed along the highway right-of-way boundary complies with Town Code requirements, and if the parking setback is acceptable.

Chairman Crandall pointed out that there are some problems with this proposal and the adjacent neighbors Mr. & Mr. Ashbery. with respect to the ditch that must be ironed out so that the situation has not been made worse. There should also be a landscaping plan provided.

Item to be on for the next meeting.

Builder's Square - former Service Merchandise Bldg. McKinley Pkwy. at Milestrip.

The following comments were presented from the Engineering Dept.

The following are review comments on a concept plan dated 2/18/98:

- (1) Show the existing power poles and Niagara Mohawk right-of-way located along the west side of the proposed retail stores on the plan.
- (2) The site is currently accessed along McKinley Parkway via the McKinley Plaza ring road and the signalized plaza entrance. Additional access to this site along McKinley should not be approved. The proposed "Right Turn Only" driveway is unacceptable. The Town's past experience with this type of driveway (at WalMart) has been that numerous cars violate the turning restrictions, regardless of the curbing and signage. In addition, the "No Left Turn" restriction from the nearby BJ's Plaza easterly driveway onto Milestrip Road is also frequently violated.
- (3) Consideration should be given to closing the existing Builders Square Plaza driveway in front of Applebee's, due to the close proximity of the proposed new driveway for this project.
- (4) We will review and approve the construction plans when they are submitted.
- (7) Note that a permit from the Building Inspection Department is required to remove topsoil from the site.
- (8) Include a profile view of the proposed sanitary sewer lateral. Submit the plan to Erie County Sewer District No. 3 for review and approval. We will not approve these plans without their review and approval.
- (9) The landscaping plans (Sheet No. SP-3) are to be reviewed and approved by the Planning Board.
- (10) Sheet No. SP-1 refers to Sheet Nos. SP-3, SP-4, and SP-5. These sheets were not included in the package submitted to this department.

**Parkwood Patio Townhomes - North Creek Road**

Mr. Bob Reggintine submitted a concept plan for the Parkwood Patio Townhomes - North Creek Road. **Engineering** comments are as follows:

The following are review comments on a concept plan dated 7/18/97 and revised on 2/17/98:

- (1) A Homeowners Association will be required to be formally established for the project.
- (2) Erie County Sewer District No. 2 should be contacted to determine if there is sufficient available capacity in their system to service the site.
- (3) A waterline is located along North Creek Road fronting the site. The Erie County Water Authority should be contacted for pressure and flow information in the system, in order to determine if there is sufficient capacity to service the proposed development.
- (4) The proposed 600 feet long dead-end cul-de-sac exceeds the maximum street length of 500 feet allowed by Town subdivision regulations.
- (5) It does not appear that the proposed development is allowable under the RA zoning of the site.

All comments are to be satisfactorily addressed for approval.

**Brierwood Senior Housing**

At the last meeting, Chairman Crandall asked for a legal opinion from Attorney Don McKenna on whether an SEIS is required for the Brierwood Senior Housing. Attached is his opinion.

OPINION

RE:- Senior Housing - Brierwood P.U.D.

In order to require an SEIS, the Planning Board must find that the use modification application now before the Board has raised a significantly adverse environmental issue, element, or consideration by reason of the proposed use modification itself, or newly discovered information concerning the P.U.D., or a change in circumstances which would affect the P.U.D., which issue, element, or consideration was not raised and treated in the original FEIS or any later SEQR determinations made by the Board.

DATED: March 4, 1998



Attorney

Town of Hamburg Planning Board