

T. Clark

Town of Hamburg Planning Board
Meeting - 4-17-96
Actions Taken

Public Hearing C. Fabrizzi - Big Tree Townhouses Big Tree Road	Tabled.
Berkley Place Subdivision 76 Unit Condos Big Tree Rd.	Preliminary approved.
Recommendation for Tasseff Rezoning - 25 acres north of Beaubain from R-A to R-1	Favorable recommendation made to Town Board
Swanekamp Subdivision 4 lots - Salisbury Place	Tabled
Woodlawn Fire Dept. Lake Shore Rd. Proposed Expansion	Approved
Richwood Acres Subdivision Fairgrounds Road 8 lots	Public Hearing 5-15-96 - 7:30 p.m.
Electro-Abrasives Addition Willett Road	Approved
NDC Apartments - K. Nigro Big Tree Road	Approved
Southtown's Auto Addition Camp Road	Approved
West Herr Mitsubishi Addition Camp Road	Approved
Boston Market - BJ's Plaza Milestrip Road	Approved
Request. for use of slag in Brierwood	Granted

**Town of Hamburg Planning Board Meeting
April 17, 1996**

The Town of Hamburg Planning Board met in regular session in Room 7 of Hamburg Town Hall at 7:30 p.m. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Paul Eustace, Dick Pohlman, Don Fitzpatrick. Others attending included Rich Whipple, Rick Lardo, Drew Reilly, Don McKenna, Attorney, and Terry Dubey, Stenographer.

Public Hearing - Big Tree Townhouses - Caesar Fabrizzi

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
PLANNING BOARD
LEGAL NOTICE —
BIG TREE TOWNHOUSES
BAYVIEW ROAD —
PUBLIC HEARING**

Notice is hereby given that the Planning Board for the Town of Hamburg will hold a Public Hearing on the Big Tree Townhouses located on Big Tree Road for 42 units for Caesar Fabrizzi on April 17, 1996 at 7:30 p.m. in Room 7 of Hamburg Town Hall.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number fifteen (15) Township nine (9), Range eight (8) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the south line of the Big Tree Road distant three hundred fifty-two and forty-two hundredths (352.42) feet east of said south line of Big Tree Road with the southeasterly line of lands formerly owned by the Western New York and Pennsylvania Railroad, said point also being one thousand sixty-eight and fifty hundredths (1068.50) feet easterly from the northwest corner of said Lot Number fifteen (15), said point of beginning being also the northwesterly corner of premises conveyed to Robert E. Daniel and Thomas F. Daniel by deed recorded in Erie County Clerk's Office in Liber 9977 of Deeds at page 457, running thence southerly along the westerly line of said lands conveyed to Daniel one hundred seventy-five (175) feet to the southwesterly corner thereof, running thence easterly along the south line of said lands conveyed to Daniel one hundred (100) feet to a point, running thence southerly at an interior angle of 90° 01' 03" a distance of three hundred two and seventeen hundredths (302.17) feet to a point, running thence southwesterly at an interior angle of 166° 47' 19" a distance of three hundred eighty-nine and twenty hundredths (389.20) feet to the center line of a creek, running thence northwesterly along the center line of said creek about one thousand (1000) feet to the south easterly line of lands formerly owned by the Western New York and Pennsylvania Railroad, running thence northeasterly along the southeasterly line of said railroad five hundred sixty-six and four hundredths (566.04) feet to the southerly line of the Big Tree Road, running thence easterly along the southerly line of said Big Tree Road, three hundred fifty-two and forty-two hundredths (352.42) feet to the point or place of beginning.

3-22-96

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

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Comments from **Engineering**: 1. Sewer and water service is available to the site. 2. This department will review detailed construction plans for the project after the preliminary plot

Caesar Fabrizzi Continued

approval is granted by the Planning Board. 3. A map cover will be required. The length and width of each unit is to be shown on the preliminary plot plan. 4. A New York State approved Homeowner's Assoc. must be formed for maintenance of the site. 5. Our records show that Big Tree Rd. has a 66 feet wide right of way. The plan drawing shows it as 65 feet. Revise as necessary. 6. The developer will be required to compensate for the folume of fill material to be placed within the floodplain, through the removal of a similar volume from other portions of the floodplain.

Chairman Crandall declared the hearing open: Messrs. Don Swanson and Caesar Fabrizzi appeared before the Planning Board on the proposed 42 unit townhouse development which is zoned R-3 and R-4. There will be a single cul de sac to the back of the road. There will be shared driveways and garages for each unit.

Mr. Reilly noted that a letter was sent to Mr. Swanson stating that some of the requirements have not as yet been met. The Preliminary elevations have not been shown, as well as a floor plan, size of units, garage areas. Also, for townhouses, one is required to have 500 s.f. per unit in recreation area. For 40 units, you need 1/2 acre (21,000 s.f.) for recreation. He could take the common area and call it a recreation area or use it for a tot lot. The list in the zoning regulations have not been included in the drawing. There should also be a note saying that there should be no further subdivision. Note 9 is confusing. is allowed and the access road in the back is to be deleted. The final plat should show the meets and bounds of each lot with dimensions, the garbage disposal area should be designated. Patios should be enclosed with a fence or hedge.

Chairman Crandall noted that the required items should be reviewed with the Planning Dept. Mr. Koenig stated that there was a note in the preliminary approval about removal of fill that was currently on the site, including the common area. The fill has to be removed.

Chairman Crandall asked if anyone wished to be heard for or against the proposal. Mrs. Eileen Eich of State Street inquired as to the traffic with the project. Response given was that this preliminary was approved some time ago with the traffic in mind. They have pushed the road east of the railroad tracks as far as possible.

After hearing no further comments, the hearing was declared closed. Motion was made by Mr. Phillips, seconded by Mr. Pohlman to **Table** to the next meeting. Carried.

Berkley Place Public Hearing - Brian Maslowsky 76 unit Condos - Big Tree Road.

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
PLANNING BOARD
LEGAL NOTICE —
BERKLEY PLACE SUBDIVISION
BAYVIEW ROAD —
PUBLIC HEARING**

Notice is hereby given that the Planning Board for the Town of Hamburg will hold a Public Hearing on the Berkley Place Subdivision located off Bayview Road for 76 units on April 17, 1996 at 7:30 p.m. in Room 7 of Hamburg Town Hall.

All that tract or parcel of land in the Town of Hamburg, County of Erie and State of New York being part of Lot 7, Township 9, Range 8 of the Holland Land Company's Survey and being bounded and described as follows:

Beginning at a point on the centerline of Bayview Road (66 feet wide) 1027.07 feet northwesterly from the southwest corner of lands described in deeds to the trustees of School District No. 7 of the Town of Hamburg by deed recorded in the Erie County Clerk's Office in Liber 1972 of Deeds at page 360;
Running thence northerly 09°-42'-30" east 199.96 feet;
Thence south 80°-41'-16" east 409.29 feet;
Thence south 09°-18'-44" west 94.53 feet;
Thence south 80°-41'-16" east 70.00 feet;
Thence north 09°-18'-44" east 94.53 feet;
Thence south 80°-41'-16" east 191.53 feet;
Thence south 53°-56'-59" east 259.38 feet;
Thence south 10°-20'-58" west 590.44 feet to the centerline of Bayview Road;
Thence north 51°-06'-08" west 1027.07 feet to the point or place of beginning.

Excepting therefrom those portions of the above described lands (i) lying within the bounds of Bayview Road and (ii) lying within the bounds of Berkley Place (70 feet wide) being 1.85 acres more or less.

Dated: 3-26-96

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

44

Engineering Comments: 1. The site was previously approved for an apartment building complex. The units are now proposed to be sold as townhouses. It is our understanding that garages and storage units will also be separately sold. 2. A New York State approved Homeowner's Assoc. must be formed for maintenance of the site. 3. We will review the site work and utility construction plans for the project after preliminary plat approval is granted by the Planning Board.

Chairman Richard Crandall noted that this is a unique subject situation as the layout, number of units originally shown, remain identical. There are no changes in density, but a change in the method of sale and ownership. Therefore, the hearing is now open:

Messrs. Brian Maslowsky, Dave Pettit, and Attorney George Grasser appeared on behalf of this subdivision of 76 units. Mr. Grasser explained that we have the units that we were going to develop in the condominium form of ownership. The purpose was to have 4 unit buildings where people would have a choice of owning an individual unit or owning a whole building and renting out 3 units. We ran into a problem with financing. Banks do not keep mortgages when they lend money out. They sell those mortgages on a secondary

market to get more money to lend. The secondary mortgage market agency have requirements. One of those requirements is that a certain percentage of units in a condo have to be sold before they will make any loans. Another requirement is that a certain percentage of those units (70%) be owner occupied. If we were offering to sell 4 unit buildings and rent 3, we would not reach the 70% ownership. In addition, with large projects we could not get closed sales until 50% of the units were sold. As a result, we decided to develop it as a subdivision with individual lots of the 2nd floor units. In these units 2 are on the second level, and 2 units are on the first level. Although the second level unit has exterior access to the door and stairway inside. We decided to make this a subdivision and use air rights so that someone on the second floor would own the air above the first floor units. That created additional expense for the developer because a subdivision under the code and where you have lot lines separating one unit from another must need a firewall. These units will have firewalls between them and in the ceiling and floor of the other units. In addition, we are losing some tax breaks because condos are taxed at a lower rate than other units at market value. You treat the whole complex as an apartment complex. Here the assessor will be using the market price. We are not changing density. We will have garage units which will be separately sold as well as storage units. This will accommodate a resident who wishes to store automotive goods or patio furniture.

Dave Pettit touched on the issue of the recreation space. There have been questions raised as to the amount of green space. Originally, when the project was approved in 1991, the total site acreage for this project was 53.8 acres. We broke down the areas and size as to how much green space was proposed. I went thru the project and went over the park area which is 1.75 acres; the buffer area consists of 4.40 acres; the zero lot line homes are 7.10 acres; the single family homes 6.60; the commercial area 10.35; the Townhouses came to 11.23 acres; road right of way 10.47 acres; and an additional buffer of 1.90 acres. We came up with a requirement of 5.38 acres. There is an active recreation area of 1.75 acres and 6.30 acres of passive recreation. If you look at the zero lot line homes and single family, that would amount to 13 acres, and 10% of that is 1.37 acres of which the project still meets the requirements.

As the project changed, when we went thru the reconfiguration of the project (which was the commercial part), of 10.35 acres, this was reduced to 2.75 acres. This was replaced with a 7.0 acre apartment complex. We are now converting the apartments to a subdivision. Under the apartment scheme, we had about 4.6 acres of landscaping as part of the project. As a result of the change, we had not increased the density but reduced the commercial and parking area.

Mr. Reilly responded that he went thru the EIS and found the 1.75 acres of parkland. There were single family homes and zero lot

line homes consisting of 17.5 acres. When you change from commercial to apartments, we could not ask for anything more. When there was a change for townhouses, there is a requirement of 500 s.f. per unit to be dedicated to recreation. That is why this kicks in. According to the rule, we need 3/4 of an acre more for recreation or in lieu of. This must be decided by the Planning Board.

Mr. Pettit asked for special consideration due to the fact that the developer is constructing a fountain, a gazebo, and ornamental beds for the park land area. It was noted that there will not be very many children in the area. Also, there is a tot lot already constructed for the Meadowvale Subdivision and there are 2 schools across the road. There is an area adjacent to the playground which could be used for a recreation area.

Chairman Crandall asked 3 times if anyone wished to be heard for or against the subdivision.

Mrs. Kathy Schalmo noted that this is a very upscale neighborhood and that we would like to see more of this type of development in the Town.

Hearing was then closed.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the preliminary for Berkley Place Townhouse subdivision; that the developer has agreed to provide a piece (3/4 acres of land) under the homeowner's association at the northwest side of building #1 on the subdivision; and that sidewalk access to the adjacent Town of Hamburg recreation area be provided in lieu of a recreation fee. Carried.

Recommendation on Tasseff Rezoning from R-A to R-1 - East Eden Rd.

Mr. Dave Pettit of Nussbaumer appeared before the Planning Board for a recommendation on the Tasseff rezoning from R-A to R-1 off East Eden Road. This involves 25.4 acres of land for the purpose of a single family subdivision. Three conceptual drawings were presented. Concept 2 shows the highest density with a minimum lot size of 90' x 130'. Some lots would be deeper. Concept 1 shows 38 sub lots, 90' wide and 250' in depth, with 2 lots off of East Eden Rd. and made them accessible off the cul-de-sac. The final layout is the original concept consisting of 34 sub lots being 100' in width and 250' deep. The road is straighter and is similar to No. 1.

Comments from Engineering: 1. The site is in Erie County Sewer Dist. No. 3. Sanitary sewer service is available to the site, and the County has stated that adequate sewer system capacity is available (per 3-20-96 correspondence). 2. The site is in the Southtowns Water District. Water service is available to the site.

3. Storm water detention will be required as part of the development of the parcel. 4. In general, the three concept sketch plans submitted for the site are acceptable to this dept. These plans show proposed layouts for 34, 38, and 56 sublots. It is noted that the previous (7-18-94) rezoning application proposed a 34 lot subdivision.

Mr. Drew Reilly noted that the Master Plan suggests for this area of the Town something different from the other section as utilities are available. We reviewed the Open Space Plan and the Master Plan which will ask for unique design, designs that do not promote the cookie cutter subdivisions from the past. Concept plan #1 shows a better design, and will fit in with the rural character of the community. There would be no lots running on East Eden Rd. There would also be a landscaped berm and a detention pond. The lots are oversized. They have also added the curve in the road and you will not be able to see 20 houses down the road. He is also offering a drainage system and detention basin at the existing drainage way that runs between the two subdivisions to help the drainage for that site. There will be one tie off to East Eden Road and 1 to the stub street off Beaubain. Thirty-five to 38 lots for a subdivision would be adequate. This is in keeping with what we are looking for. Also, the Planning Board can attach special conditions on the rezoning petition.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to forward a positive recommendation to the Town Board on the Tasseff Rezoning from R-A to R-1 for the following reasons: That there be no driveways on East Eden Road; 34-38 lots should be the maximum, as this would be in keeping with the rural character of Hamburg. That the plan should show some unique design and layout of lots to maintain the rural character of the area and not to be a normal subdivision sprawl; that the proposal does comply with the scope of the Master Plan; sewer and water are available; that the design reflect a suitable drainage system and detention basin for the site. Carried.

Swanekamp Subdivision - Salisbury Place

Comments from **Engineering**: Per a 4-12-96 meeting with Mr. Swanekamp, he informed us that he will attempt to sell his property as is, instead of proceeding with the subdivision development. However, if he should change his mind, the following are review comments on a plan dated 3-7-96: 1. The site is not in a water district. A new water district, district extension, or out-of-district agreement will be required to serve the site. 2. A 180 feet long, 8" diameter waterline extension will be required across the full frontage of Sublot Nos. 3 and 4. In addition, approximately 500 feet of existing 4" watermain (between McKinley Pkwy. and 4563 Salisbury Place) will be required to be replaced with 8" diameter waterline, in order to provide adequate fire protection to the subdivision. 3. The site is in the Erie County

Sewer District No. 3 service area. Sanitary sewer service is available to the site. An extension will be required across the full frontage of S.L. 3 and 4. 4. S.L. 4 contains a ten (10) foot reserve strip to the adjacent property line. The reserve strip is to be eliminated and the road extended, in accordance with Section 31-17 of the Town Code. 5. The Planning Board on 6-16-93 approved a previous subdivision of this parcel. Article 11 of the Public Health Law requires that a map cover be filed if five or more residential lots are divided from a parcel within a 3 yr. period.

Mr. Swanekamp appeared before the Planning Board on his proposed 4 lot subdivision on Salisbury Place. It was noted that there are still quite a few problems with this proposed subdivision.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Koenig to **Table** for a possible 2 lot subdivision for May. Carried.

Woodlawn Fire Dept. Renovation - 3281 Lake Shore Rd. at Milestrip

Mr. Brian Lewis appeared before the Planning Board on the proposed renovations for the Woodlawn Fire Company. The rezoning has been passed and the variances were granted by the Zoning Board of Appeals.

A question was raised with respect to the location of the siren, on the north side of the building which is a concern of Mrs. Perry who owns the Woodlawn Hotel. She does not want this siren over her roof. It was noted that this is an issue that should be resolved by the Building Inspector to see if some type of agreement can be reached.

Comments from **Engineering**: Show inverts and slopes for sanitary sewer laterals. Provide a letter approving the sanitary sewer design from the Woodlawn Sewer Dist. 2. Provide a letter of approval of the sanitary sewer design from the Erie County Dept. of Env. & Planning on behalf of the Southtown's Sewage Treatment Agency. 3. Application for proposed hydrant relocation and water service connections is to be made to Erie County Water Authority (ECWA). The installation of RPZ backflow prevention device will likely be required by ECWA. Provide this office with a Letter of Approval from the ECWA. 4. On Sheet SP-2, Detail No. 3 shows an 8" concrete thickness for the dumpster pad, while Note No. 4 on Sheet SP-1 states that it is to be 4" thick. Revise as necessary.

Motion was made by Mr. Koenig, seconded by Mr. Pohlman to approve the site plan contingent upon addressing Engineering concerns and that the location of the siren be worked out to the satisfaction of the neighbor who owns the Woodlawn Hotel. Carried.

Richwood Acres Subdivison - Part I

Mr. Pete Johnson appeared on behalf of the Richwood Acres Subdivision to be located on Fairgrounds Road.

Mr. Reilly explained that the applicant has brought in a concept of what the entire area might look like in the future. At the present time, they are concentrating on 9 lots.

Mr. Johnson explained that they are aware that the setback should be 75' on McKinley Pkwy. to be in conformance with other lots in the area. However, this does affect S.L. 4. We need some type of relief for that corner lot. There is also a concern about limiting driveways on McKinley. We are not sure whether this should be a common driveway on a lot line. We don't think it would be a design problem.

Mr. Reilly noted that 3 lots should be combined into 2 with 2 lots facing Quinby and 2 facing McKinley with a shared driveway. Then, there would be 1 driveway on McKinely Pkwy. Trees could also be preserved to preserve the character of the area. Mr. Johnson noted that the applicant would be opposed to this as the lots would not be as marketable. One other solution would be to put in a side entrance on to Quinby with a common driveway on lots 2-3 and a single driveway for lot 1.

Neighbors spoke in opposition to the proposal. Kathy Schallmo 5239 Fairgrounds noted that she is concerned about the drainage problems in the area near the railroad tracks. Also, concern was expressed about additional traffic. The present neighbors have homes on 4 acre lots and is concerned about a devaluation of their property. With additional housing, we will lose the character of the street. Karen Copp of Fairgrounds Rd. was also opposed.

Mr. Ron Kinn of Fairgrounds Rd. noted concerns of traffic on McKinley during the winter which will be much worse later on with more houses.

Mr. Al Schallmo noted concerns about the water pressure. It was explained that contact has been made with the Erie County Water Authority and that problem will be addressed. Mr. Johnson also stated that the developer of this project is Fairgrounds Venture Partnership--Essex Homes and Tom Greenauer.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to schedule a Public Hearing on this subdivision for May 15th at 7:30 p.m. Also, there is to be a side entrance for the corner lot, with combined driveways. Carried.

Comments from **Engineering**: 1. The site is in Erie County

Sewer District No. 3, and sanitary sewer service is available. A sewer extension will be required to be installed along the McKinley Pkwy. frontage. 2. The site is in the Central Hamburg Water District. The Erie County Water Authority has been contacted by

the developer's engineer to determine if there are sufficient water flows and pressures to service the site. However, no response has yet been received in this regard. 3. Driveway access to McKinley Pkwy. is to be prohibited from S.L. 4. Fairgrounds Rd. and Quinby Dr. have a 4.5 feet wide right of way. We request that the developer deed an additional ten (10) feet of right of way to the Town for installation of the required utilities. 5. The overall concept plan will require several design revisions to the Part 2 portion to be acceptable. However, these required changes do not affect Part 1 of the development.

Electro-Abrasive Corp. - Willett Rd.

The representative from Electro appeared before the Planning Board on a proposed 1200 s.f. addition which will be put on the manufacturing facility. The building will be used as a warehouse, as there is no room to expand. The questions have been answered as to parking and access to the back of the property. An agreement has been reached with the adjacent neighbors. (Applicant was asked to provide the Town with this agreement). This is accomplished by using 2 large gates.

Engineering: No Comments

Motion was made by Mr. Fitzpatrick, seconded by Mr. Eustace to approve the addition subject to receipt of the agreement for egress. Negative Declaration is to be issued. Carried.

NDC Apartments - Big Tree Rd.

Comments from Engineering: The following are review comments on a site plan dated 4-10-96 and grading plan dated 4-12-96: 1. The two entrances to the site are to have 6" raised curbing. The island adjacent to parking space no. 6, west of the frame house, is to be curbed. A curbed island is also required adjacent to parking space No. 1, east of the frame house. 2. If a garbage dumpster is to be provided, it is required to be enclosed with solid fencing and placed on a concrete pad. 3. Clearing, stripping, and erosion control measures and details are to be shown on the plan. 4. It is not clear if the future apartment rental office, south of the frame house, is desired to also be approved at this time. 5. Roof drains from the frame house are to be shown connected to the storm sewer.

Messrs. George McKnight and Allen Nigro appeared before the Planning Board on a change in use to apartments of a former warehouse that is located on Big Tree Rd. It was noted that a better landscaping plan is in order, due to the fact that a stand of evergreens is dead and needs replacing. Mr. McKnight informed the board that a variance of 47' was granted at the last Zoning Board meeting for the side yard setback for the apartment building to be 5' from the property line. The area is zoned R-3, proper for apartments. The applicant is in the process of cleaning up the

parcel and the Zoning Board is in favor of the change. Originally, the land was zoned C-2 and residential was allowed. Our request is for the change in use. A question was raised as to the dumpster location. The dumpster will be enclosed on a concrete pad and not visible from the road. The applicant is to consult with the Planning Dept. for a landscaping plan.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to issue a Negative Declaration for the project; approve the change of use to apartments, contingent upon Engineering approval; that a landscaping plan be provided to the Planning Dept.; and that a dumpster is to be located on the north side of the building, to be enclosed. Carried.

Southtowns Auto Addition - Camp Road

Mr. John Kryszak appeared before the Planning Board on a proposed addition for Southtown's on Camp Road. A concern was raised about the green area that was to be left in front of the building. However, it was noted that the State D.O.T. acquired the property when the reconstruction was done last year. Mr. Reilly stated that he does not want to see cars parked right up to the sidewalk and would like a row of bumper blocks set in order to delineate the parking from the rest of the area. A suggestion was made to put some landscaping around the sign area. A dumpster will be located on the site and surrounded by a stockade fence. The issue of paving was discussed. Based on the original plan, paving was not completed. The owner reassured the board that this will be completed this year.

Comments from Engineering: 1. The site plan for this parcel was last approved on 8-17-94. The catch basin that was required to be installed at the southeast corner of the building has not been installed. The area has not been paved. 2. The ten (10) foot planting area along the east line, previously approved, has been removed from the present plan. 3. Parking bumpers are to be provided for all spaces along the south property line. 4. It should be noted that the site is to be paved in accordance with the site plan approved on 8-17-94. 5. The owner, in a letter to the Planning Board dated 4-10-96, requested that a 10' x 10' dumpster also be approved. The accompanying sketch is not drawn to scale and shows the dumpster encroaching on the adjacent property. The type of fence should be specified. A concrete pad is also required for the dumpster area.

Motion was made by Mr. Pohlman, seconded by Mr. Eustace to issue a Negative Declaration for the project; contingent upon Engineering and Planning Dept. (landscaping Plan) approval; that landscaping be put around the sign area; and enclose the dumpster. Carried.

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West Herr Mitsubishi - 5140 Camp Road

Mr. John Wabick, representing West Herr Ford, appeared before the Planning Board on the proposed addition for the Mitsubishi facility located on Camp Road. It was noted that the applicant has discussed the matter with Kurt Allen of the Building Dept. Landscaping has been provided along the front portion of the property. All other concerns have been addressed.

Engineering: No comments.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the site plan addition for the dealership. Carried.

Boston Market - Milestrip Road (BJ's Plaza)

Comments from Engineering: 1. We did not receive any revised detail sheets. 2. The proposed trash enclosure is to have a concrete pad and be enclosed with a solid fence. 3. The previously proposed landscaping has been deleted from the revised site plan. Appropriate landscaping should be shown and approved by the Planning Board. 4. The site plan does not indicate that the parking spaces eliminated by drive-thru and trash enclosure will be replaced. 5. The proposed sign at the plaza entrance driveway should instead be located on or adjacent to the building.

Mr. Reilly noted that a change was made on the drawing as requested whereby the drive thru has been brought along Milestrip in back of the property in order to eliminate stacking and a traffic jam. It was pointed out that the BJ's entrance, is a traffic concern as it is most difficult to make a left hand turn into the plaza. Mr. Reilly would like to speak with Benderson Development about the traffic situation. The sign should also be relocated closer to the entrance.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to issue a Negative Declaration for the project; that Engineering concerns be addressed; that the sign be moved closer to the building at the signalized entrance location. Carried. Mr. Reilly is to send a letter to Benderson about the traffic concern.

Buffalo Crushed Stone - Use of Slag in Subdivision

Chairman Crandall explained that a request has been made for use of clean slag in the Brierwood Subdivision. At the present time, slag is acceptable in other areas of the Town. Originally, the EIS prohibited the use. Now, things have changed, and it is not a problem as it was originally.

Motion was made by Mr. Koenig, seconded by Mr. Phillips to approve the use of slag, subject to approval of the Town Engineer. Carried.

Comments from **Engineering**: We are in receipt of a copy of the 4-3-96 correspondence to the Planning Board from E.F. Burke Co., requesting that slag be approved for use as roadway and parking area sub-base material in future Brierwood development. The use of slag for this purpose is acceptable to this department, provided that the slag complies with the Town's construction specifications in this regard. Our department will verify such as part of our construction inspection activities. It is therefore recommended that the Planning Board approve a revision to the Environmental Impact Statement for the Brierwood Planned Unit Development, allowing for the use of slag in the proposed manner.

Motion was made by Mr. Eustace, seconded by Mr. Pohlman to adjourn the meeting. Carried.

Respectfully submitted,


G. Koenig, Secretary
Planning Board

Next meeting: May 1, 1996 - Work Session

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 Clerk
GEORGE DANYLUK

Supt. Of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

April 11, 1996

Memo To: Planning Board

From: Conservation Board

Subject: Fairgrounds Road Subdivision (Richwood Sub.) Part I

The subject site is predominately open meadow, with a fringe of wood vegetation along the north and northwest border. This vegetation is associated with the concourse of a small tributary of Rush Creek and it should not be disturbed.

Refer to Item II, Part II, EAF. Although the predominant land use in the immediate vicinity north of Quinby Drive is residential, the existing homes are on much larger lots with setbacks far in excess of the 35' shown on the subject site plan. Thus the density of the subject proposal conflicts with the general pattern of existing residential uses in the immediate vicinity.

Refer to Item 12, Part II, EAF. Property is only a short distance from the archaeological site on McKinley that is listed on the National Register of historic places. Therefore, the CAB recommends an archaeological investigation. Refer to Item 18, Part II EAF. As stated in Item 11, the subject proposal will cause a change in density of land use.

Sincerely,

Town of Hamburg Conservation Board

Duke Spittler
Duke Spittler, Chairman

TOWN OF HAMBURG

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



Supervisor
PATRICK H. HOAK

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D. MARK CAVALCOLI
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Town Attorney
VINCENT J. SORRENTINO

Town Clerk
GEORGE DANYLUK

Supt. Of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

April 18, 1996

To: The Town Board

From: Planning Board

Subject: Tasseff Rezoning Petition - East Eden Rd. 25 acres - from R-A to R-1

Please be advised that at the Planning Board meeting of April 17, 1996 a favorable recommendation was made on this rezoning of 25 acres of land from R- A to R-1.

Some of the conditions discussed are:

1. That there be no driveways on East Eden Road
2. 34-38 lots should be the maximum for this subdivision, in order to keep the rural character of Hamburg.
3. The plan should show some unique design and layout of lots to maintain the rural character of the area so as not to be a normal subdivision sprawl;
4. The proposal does comply with the scope of the Master Plan.
5. Sewer and water are available to the site
6. The subdivision is to take into account drainage problems of the area and a suitable drainage system and detention basin should be indicated on the plan.

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

Richard Crandall
Richard Crandall, Chairman
Planning Board

RC:tad