

Town of Hamburg Planning Board
Actions Taken - 4-19-95

Tri-Park Estates Subdivision North Creek & Lakeview Rd. 9 lots - Frank Parlato	Tabled for review by Eng. & Conservation compromise.
Steuernagel Sub. 3 lots - Burke Pkwy.	Preliminary approved.
Shoreham Woods Part II Hildegarde Corp. 41 s.l.	Preliminary approved.
Buttermilk, Part II W. Schiferle	Approved.
Southampton Condos Chuck Bailey	Concept approval given. Request for Lead Agency granted.
Subdivision of Maelou Drive 2 commercial pieces	Approved with conditions.
Lockport Savings Bank South Park & Maelou	Approved with conditions.
Brierwood Medical Center Southwestern Blvd.	Reapproved with conditions.
Bert's Bicycle Southwestern Blvd.	Concept approved.
Evans Bank Quality Plaza	Rescheduled for May 3, 1995
Alliance Homes Camp & Howard	Rescheduled for 5-3-95
Town Hall Addition South Park Plaza	Approved.
Bonerb Rezoning	Lead Agency Established.

TOWN OF HAMBURG

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TOWN ENGINEER'S OFFICE
HAMBURG, N.Y.

Town of Hamburg
Planning Board Meeting
April 19, 1995

The Town of Hamburg Planning Board met in regular session on Wednesday, April 19th, 1995 at 7:30 p.m. in Hamburg Town Hall, Room 7. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Richard Pohlman, Paul Eustace, Donald Fitzpatrick, Sue Ganey. Others attending included: Dick Connell, Rick Lardo, Drew Reilly, Rick Juda, Esq, Councilwoman Kathy Hochul, and Terry Dubey, Stenographer.

1. Chairman Crandall requested a moment of silence from the board due to the explosion of the Federal building in Oklahoma City.

2. Acknowledged thank you from George McKnight for the publication, "Rural by Design".

3. Proposed change in format for meetings. Due to the increased work load, the executive session will be placed at the end of the meeting as opposed to the beginning. That way, perhaps we can start on the regular agenda items at 7:30 p.m. and continue one right after the other, in an attempt to get thru the agenda at an earlier hour.

4. Minutes of meeting of March 15, 1995 were approved as amended by Mr. Phillips, seconded by Mr. Fitzpatrick. Carried.

5. Mr. Phillips reported on the annual North American Planning Conference which he attended from April 8th thru the 11th, in Toronto, Canada. The report is being submitted to the Supervisor. A booklet, entitled "Managing Impacts of Growth & Development," will be copied and distributed to Planning Board members.

6. Drew Reilly noted that some old projects will be coming back to the Planning Board. One is for the Tina Strnad apartments on South Park Avenue, as well as Mr. Ganey for North Creek Road.

7. Another Planning Board Tour has been scheduled for May 7th at 2:00 p.m. Mr. Crandall is working on a tour of Brierwood. A tentative date is set for May 21st.

Public Hearing for Tri Park Estates - F. Parlato - North Creek and Lakeview Road. Zoned R-A.

Mr. Koenig read the following Legal Notice of Public Hearing:

Tri-Park Estates (Cont.)

**TOWN OF HAMBURG
LEGAL NOTICE
PLANNING BOARD
TRI-PARK ESTATES
SUBDIVISION**

Notice is hereby given that the Planning Board of the Town of Hamburg will hold a Public Hearing at the Hamburg Town Hall, Room 7, S-6100 South Park Avenue on April 19th, 1995 at 8:00 p.m. for the purpose of approving a 9 lot subdivision on Lakeview & North Creek known as Tri-Park Estates Subdivision.

All That Tract or Parcel of Land situate in the Town of Hamburg, County of Erie and State of New York and also being part of Lot 36, Township 9, and Range 8, of the Holland Land Survey so called bounded and described as follows:

Beginning at a point in the centerline of Lakeview Road also being the northerly line of Lot 36 distant 429.00 feet as measured along the centerline of Lakeview Road from the northeast corner of Lot 36 further described as the northwest corner of lands conveyed to Richard Schmitz by deed and filed in the Erie County Clerk's Office in Liber 10528 at Page 826.

Running Thence: S-10 degrees-09'-01"-W along the westerly line of lands conveyed to Schmitz, aforesaid, a deed distance 737.63 feet a measured distance 708.31 to the southeast corner thereof, also being in the centerline of North Creek Road (said North Creek Road being 49.5' wide).

Running Thence, S-54 degrees-04'-58"-W along the centerline of North Creek Road a distance 420.75 feet to an angle point therein.

Running Thence: S-52 degrees-53'-52"-W continued along the centerline of North Creek Road a distance 383.98 to an angle point therein.

Running Thence: S-50 degrees-26'-57"-W continued along the centerline of North Creek Road a distance of 240.61 to an angle point therein.

Running Thence: S-47 degrees-20'-10"-W continued along the centerline of North Creek Road a distance of 188.56 to an angle point therein.

Running Thence: S-43 degrees-06'-18"-W continued along the centerline of

North Creek Road a distance of 114.66 to a southwest corner of lands conveyed to Robert M. Schultz by deed and recorded in the Erie County Clerk's Office in Liber 8540 at Page 513.

Running Thence N-10 degrees-08'-24"-E along a westerly line of lands conveyed to Robert M. Schultz, aforesaid a deed distance 247.92 a measured distance 243.26 to a southwest corner thereof.

Running Thence: N-80 degrees-29'-35"-W along a south line of lands conveyed to Schultz, aforesaid, and the northerly line of lands conveyed to Gary Grabowski by deed and recorded in the Erie County Clerk's Office in Liber 9996 at Page 14 a deed distance 336.60, a measured distance 335.28 to the northwest corner thereof, also being the easterly line of lands conveyed to Frank Guadagno by deed and recorded in the Erie County Clerk's Office in Liber 9277 at Page 77.

Running Thence: N-10 degrees-08'-24"-E along the easterly line of Guadagno, aforesaid, a deed distance 1401.10, a measured distance 1409.46 to the northeast corner thereof, also being in the centerline of Lakeview Road also being the northerly line of Lot 36, aforesaid.

Running Thence: S-83 degrees-20'-01"-E along the centerline of Lakeview Road also being the northerly line of Lot 36 a deed and measured distance 1222.32 to the Point or Place of Beginning containing 34.43 plus or minus acres be the same more or less.

Subject to the rights of others in and to that portion lying within the bounds of Lakeview and North Creek Roads.

Dated: April 6, 1995

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

4-13

Chairman Crandall declared the hearing open:

Planning Board Minutes, Page 3, 4-19-95

Mr. Frank Parlato, appeared on behalf of his 9 lot subdivision on North Creek and Lakeview Roads. He explained that this is a 35 acre piece with frontage on North Creek and Lakeview Road. He plans on keeping a great deal of the mature vegetation and terrain in tact. These will be seclusion lots for the people who live there. There is a preservation area that will be retained for wildlife refuge. Deed restrictions will be placed on the lots so that they will not be randomly disrupted. Memos were received as follows:

Engineering: 1. The revision block on the plan is to be used. 2. A map cover will be required for the subdivision. 3. The drainage swale crossing the property will require cleaning and regrading. The construction plans will be reviewed and approved by this office after preliminary plot approval is obtained. 4. It should be specified on the plan that the conservation area is to the lot owners and not to the Town. 5. Recalculate dimensions and acreages for lots fronting North Creek Road, excluding road right-of-way areas.

Conservation: The Chairman made a thorough inspection of the proposed site on March 28, 1995. The following observations and recommendations are submitted for your consideration. 1. The site is traversed by a meandering drainage channel* that crosses under North Creek Rd. and spills over the cliff into 18 Mile Creek. This drainage way is not shown on the Concept Plan dated 3-13-95. For a considerable distance the stream is located within a hydric soil area (Patchin silt loam). It is recommended that no disturbance of the vegetation be permitted within 100 feet of the center line of this stream to prevent any erosion that would end up in 18 Mile Creek, a critical environmental area. 2. Wetlands--In addition to the hydric soil, much of the site falls within soil types with potential hydric inclusions, e.g. Churchville silt loam, DERB silt loam, and Orpark, all on 0-3% slopes. Thus, a wetland delineation should be required. 3. Wetland vegetation--The depression areas and the minor flood plains of the drainage channel support the following vegetation: Cattail-Typha latifolia; Tupelo or Black Gum--Nyssa sylvatica; American Elm--Ulmus americana; Red Maple--Acer rubrum; Grey stem dogwood--Cornus paniculatum; Red asier dogwood--Cornus stolonifera; Arrow Wood- Viburnum dentatum; Sensitive Fern--a facultative wetland plant; High Bush cranberry--Viburnum opulus. 4. The entire site, with the exception of a clearing around a gas well and cleared farm roads, has receded to a dense stand of mature hardwood shrubs and second growth trees. Scotch pine, an introduced species, has spread by natural seeding and is quite abundant. 5. Recommended setbacks from the highway--A minimum of 100 feet is recommended in order to preserve as much of the roadside vegetation as possible. With the large lots, this would create an estate appearance. A large portion of the central area should remain as is and be protected by deed restrictions, or a homeowner's association. This area would serve as a habitat for much of the wildlife that presently utilizes the site. A portion

Tri-Park Estates (Cont.)

of the wetland could be greatly improved for wildlife by excavation or dikeing. *This drainage channel receives the run-off from a drainage ditch along Lakeview Rd. A culvert under Lakeview Rd. receives water from a large acreage that extends to the NYS Thruway, including a large portion of the Nike Base and the closed dump.

Mr. Parlato noted that there will be turn-around driveways on to Lakeview and North Creek so that there will be no backing out on to the road.

Mr. Reilly noted that there is a conflict with the Engineering Dept. and the Conservation Board. The Conservation Board does not want to see the ditch touched, whereas the Engineering Dept. would like it cleaned out for better flow and provide a better drainage way. There can be a compromise reached between the two. Perhaps portions could be cleaned up. It is not good to go in and clean out the entire swale area. There are areas that could be improved; while other areas, could just be hand cleaned of some of the debris.

Mr. Lardo responded that this will be difficult to do as it backs up presently on the other side of Lakeview Road and floods during a low intensity storm. Eventually, it will have to be cleaned by the homeowners there. It is a better time to do it now then to try to get 5 homeowners to do it later. A suggestion was made to put in a pond to keep the habitat in tact. It depends on the profile as the two ends are very flat.

Mr. Spittler noted that it is a straight channel and that is why we recommended the setback. The soils are heavy and it is important that the stream not be disturbed.

On density, it was noted that all lots are 200' in width. There will be 4 houses on one side and 5 on the other. A drive out only will be part of the deed restrictions.

Mr. Gary Grabowski of Shoreham Drive noted that he owns a lot directly south, and the area is low and he is concerned about the drainage system on adjacent lots.

Mr. John Grant of North Creek Rd. noted concerns about drainage and the stream. I disagree about the drainage ditch. I have a PHD in Geology and feel qualified to make the following statement. That drainage has been there for many, many years. Engineering is correct in streamlining the flow, but it will negatively impact as Mr. Parlato's drainage calculations have shown the increase in discharge across my land to be 15%. I want to know, pending the resolution, if there is an increase in discharge or decrease in discharge on my land, this affects the disposition which is 15%, is the Town liable for erosion and damage due to the recommendation of Engineering? People who have poor drainage want

Planning Board Meeting, Page 5

their problem solved. I am downstream, and their problem becomes my problem. I want to know if the Town makes a recommendation to streamline the flow, increase the discharge on to my land, will the Town be liable for damages?

Mr. Juda responded that it is a concern that the Engineering Dept. should look at to be sure that there is no affect to the other homeowners. Your point is so noted and we will look at it to come up with a compromise.

Mr. Grant noted that he appreciates Mr. Parlato contacting the neighbors. Having been a board member in another state, I understand that developers do not take the time to contact people. I also appreciate the desire to keep the land as is, but the placement of the 75' easement, I would argue that in an attempt to keep a conservation easement, the dredging of that channel way, would be a bad thing, will completely eliminate the habitat which the developer seeks to preserve.

Mr. Spittler noted that we created a Critical Environmental Area and the reason for that was to take a closer look at land disturbances that would have a direct impact on the creek. Now, that stream was there, and it does do a good job of silting out materials which would end up in the creek. If you dredge that channel, you will greatly increase the amount of siltation along 18 Mile Creek. This is an important issue.

Dan Tone of 1829 West Falls noted that he has been a 45 yr. resident of Hamburg. My mother still lives here. I can speak for her too. I am concerned about Hamburg over the years and people appreciate why they live here. We know that Mr. Parlato has the right to develop. According to the paper he is a self-proclaimed under-dog. He is a land preservationist and yet on McKinley Pkwy. he developed some scenic land. This is another development of a beautiful piece of land. There is a small buffer zone. You couldn't get any closer to the park land than you are. We enjoy the rural atmosphere of Hamburg and are getting away from that. There is very little land left. I think we are ruining the town, because you are taking away the green space. I am suggesting that people like Walmart are ruining the Town.

Mr. Phillips commented that this property is zoned R-A, and he could put 17 homes on this property as opposed to 9. Thru the conservation efforts he is saving a lot of green space. That area will remain in tact thru deed restrictions.

Mr. Donald Weiss of Cloverbank Rd. noted that there should be an EIS done and another hearing held.

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

Motion was made by Mr. Phillips, seconded by Mr. Pohlman, to Table the matter of Tri-Park Estates, in order to resolve the conflict between the Engineering Dept. and the Conservation Board; to review the drainage of this property and how it will affect homeowners downstream; and to review the concerns of the Environmental Board. Carried. Applicant to be on the May 3rd Work Session.

Steuernagel Subdivision - Burke Parkway

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
LEGAL NOTICE
PLANNING BOARD
STEUERNAGEL SUBDIVISION**

Notice is hereby given that the Planning Board of the Town of Hamburg will hold a Public Hearing at the Hamburg Town Hall, Room 7, S-6100 South Park Avenue on April 19th, 1995 at 8:10 p.m. for the purpose of approving a 3 lot subdivision on Burke Parkway known as Steuernagel 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 Lots 55 and 56, Township 9, Range 7 of the Holland Land Company's survey and further distinguished as the southerly 4.0 feet of Sublot 36 and all of Sublots 37 and 39 as shown on map filed in the Erie County Clerk's office under Map Cover 925, being more particularly described as follows:

BEGINNING at the intersection of the north line of Big Tree Road and the centerline of Burke Parkway said point also being the southeast corner of Sublot 39 as shown on map filed in the Erie County Clerk's office under Map Cover 925; thence northerly along the centerline of Burke Parkway 443.67 feet to a point; thence westerly at an interior angle of 90°-00'-00", 372.06 feet to a point in the east line of lands conveyed to Niagara Mohawk Power Corp. by liber 6417 of deeds at page 231; thence southerly along the east line of Niagara Mohawk Power Corp. at an interior angle of 98°-59'-25", 110.34 feet to a point in the south line of Sublot 37 as shown on map filed in the Erie County Clerk's office under Map Cover 925; thence easterly along the south line of sublot 37; 180.60 feet to a point in the northwest corner of sublot 39; thence southerly and parallel with Burke Parkway along the west line of sublot 39 at an interior angle of 90°-00'-00", 299.06 feet to a point in the north of Big Tree Road, said point also being the southwest corner of sublot 39, thence southeasterly along the north line of Big Tree Road at an interior angle of 99°-39'-00", 211.72 feet to the point or place of beginning containing 2.47 acres more or less.

April 6, 1995

Chairman Richard Crandall
Secretary Gerard Koenig
Planning Board

4-13

Chairman Crandall declared the hearing open:

Planning Board Minutes, Page 7, 4-19-95

Mr. Henry Steuernagel appeared before the Planning Board on his existing 3 lot subdivision located on Burke Pkwy. This is an "L" shaped lot and there are homes on the 2 lots.

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

Motion was made by Mr. Koenig, seconded by Mr. Eustace, to issue a Negative Declaration on the project; waive the filing of a map cover, and approve the preliminary. Carried.

Shoreham Woods Part II - Hildegard Corporation

Mr. David Pettit of Nussbaumer & Clarke appeared before the Planning Board with a revised site plan for Shoreham Woods, Part II. The stub street of David's Way has been removed as requested by the Planning Board, and the Traffic Safety Board. The D.O.T. issue involved a concern of creating lots fronting on Route 5. However, that is not the case. The Conservation Board is concerned about saving trees. They do not want to see wholesale clearing to the site. There is a note (4) that has been added to the drawing and clearing and stripping will be limited to work areas that will be shown on the plan which has been prepared during the Engineering drawings. That will be enforced thru the Engineering Dept. Those are the changes that we outlined. We made a note about the turn around at the end. There was discussion from Highway about an adequate turn around. We have changed the note to reflect a design that is acceptable to the Engineering Dept. On the 4-13-95 drawing, I had designated a lot as S.L. 43, which is S.L. 7 on the old map cover. We changed the numbering. The total length of the street is 1800', and from the cul-de-sac down to the end of Pinehurst is 660'. This will eventually proceed to another way out. Fairway Court will be used as the entrance and then someday Pinehurst Court might be extended to the end & it will connect to this.

Mrs. Nancy Wood stated concerns about the wetlands, traffic, and the school buses that come out by the playground.

Mr. Pettit noted that a delineation was done on the property, and there is no wetland designated under Federal or State guidelines. The project has been reviewed by Traffic Safety and advised of no traffic concerns. The Board looked at this project and does not view it as a problem. There are no other alternatives.

Duke Spittler noted that on the previous project there was a great deal of cutting of trees. Mr. Fran Igoe responded that the clearing was done when Route 5 was redone. The brush is the remnants of that project when the crown of the road was cut.

Shoreham Woods (Continued)

Engineering Comments: 1. S.L. 43 is an existing lot in May Cover 2544. It does not need to be refiled. 2. The south line of S.L. 21 should line up with the existing lot line to the east.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to issue a Negative Declaration for the project; approve the preliminary, that all concerns of the various boards have been met, as well as the concerns of the neighbors for the removal of David's Way at the northwest corner. Carried.

Buttermilk Falls, Part 2 - Reapproval of preliminary plot

Mr. William Schiferle appeared before the Planning Board on a revised preliminary for Buttermilk Falls, Part 2. **Engineering Comments are as follows:** This plan has been submitted and reviewed for 3 revisions. All previous approvals and conditions are still valid. We have no objections to the proposed revisions. 2. The road crossing formally known as Shadbush Way has been eliminated crossing the lake. The roadway is now shown as Winterberry Drive. We have discussed this with the developer of the adjacent Pine Lakes Subdivision and he is in favor of the revision. 3. A subplot has been added south of the active recreation area on White Oak Way. 4. Sublots have been removed on White Oak Way at the pond and in the floodway.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Koenig, to issue a Negative Declaration on the project; that the changes have no environmental concerns; and that Buttermilk Falls Part II be approved, and that all other approvals are still valid. Carried.

Southampton Condos - Bayview & Big Tree Rd.

Mr. Chuck Bailey appeared on behalf of his project for condominiums on Big Tree & Bayview Rd. He is looking for conceptual approval. The proposal will require a coordinated review and Drew Reilly noted that he needs authorization to proceed in applying for lead agency status. Comments from Engineering are as follows:

Engineering: 1. Utility Plans for the project will be reviewed and approved by this department after the site layout is approved by the Planning Board. 2. The Planning Board must also approve the Landscape Plan for the project. 3. We required that a copy of the access and maintenance agreement with the owner to the east be provided to the Town before final approval of the project is issued. 4. A storm water detention area will be required. The location of the pond should be shown on the site plan. 5. Additional lighting should be installed along the private road and at the driveways into the site.

Southampton Condos (Cont.)

Motion was made by Mr. Pohlman, seconded by Mr. Koenig to grant conceptual approval for the project; that this is an unlisted action that will require a coordinated review; and that Drew Reilly be authorized to send out notices requesting Lead Agency Status. Carried.

Subdivision of Maelou Drive - South Park Avenue & Maelou Drive

Messrs. Tom Blaine and Ken Stoddart appeared before the Planning Board on the subdivision of land for commercial use located at South Park and Maelou Drive. This is for the creation of 2 lots for commercial purposes. The proposed tenant on one parcel is Lockport Savings Bank and the other tenant is not known.

Mr. Tom Blaine noted that they contacted the State Dept. of Transportation and was advised by Brian Skok, Asst. Resident Engineer at 3754 Lakeview Road as follows: This letter will serve as confirmation of a discussion held on March 31, 1995 with Mr. Blaine at our Hamburg office. We have reviewed your site plans for the proposed facility on Route 62 in Hamburg. The Route 62 driveway configuration is acceptable as designed. New York State Dept. of Transportation will not require elimination of the curb cut for the southernmost driveway (at the subdivided property) as a condition of the work permit. Please be advised that a minimum of four weeks is required to obtain the highway work permit that will be required to construct the new facility. Applications can be obtained by calling our office at 649-2157. **Brian C. Skok**

Mr. Drew Reilly noted that the argument of the applicant is that there already exists 3 or 4 curb cuts along this property, and the new proposal will be an improvement. With the Board's direction, we held several meetings with the applicant, the Highway Dept., the Lockport Savings personnel, came up with a solution that would meet everyone's requirements. We agree that there are curb cuts in this area, but we are concerned about creating two heavy users adjacent to each other. The compromise that has been reached is a limitation on the subdivision. The limitation being, as agreed by the applicant, an offer of deed restrictions on the 100' parcel limited to a low traffic generator. The draft letter is as follows: Due to concerns expressed by the Planning Board as to traffic and potential use of the southern 100' remaining parcel, if subdivided from the original parcel, the applicant agrees to limit the use of the remaining 100' southern parcel to low traffic generator uses and to uses compatible with the bank facility to be constructed on the northern parcel as approved by the Hamburg Planning Board. Examples of acceptable uses are offices or professional uses, small low volume retail establishments and excluding uses such as: 1. Drive-in facilities; 2. Filling stations, and/or gasoline stations, 3. Vehicle sales and/or

(Sub. of Maelou Drive Cont.)

repair, 4. Recreational uses, laundry or dry cleaning, etc.
Kenneth Stoddart.

Lockport Savings Bank has also agreed as they are not interested in a business that will generate a high volume of traffic. Also, DOT has no problem with a curb cut on the 100' parcel. There will be a deed restriction put on record to be sure that the restriction can be enforced.

Deborah Pelkey, resident of Maelou Drive, noted that the neighbors are concerned with the splitting of the property. There is a drainage problem behind them that they would like to see corrected. It was pointed out there will be a retention pond to handle the run off.

Comments from Engineering are as follows: 1. The existing lot must be subdivided into two parcels. Any conditions of that approval must be incorporated into these plans. 2. Specific clearing, stripping and erosion control details are to be shown on the plan. 3. The sanitary sewer lateral location is to be shown on the plan. 4. Specify by a note on the plan that the drainage requirements along Maelou Drive are to be determined by the Highway Dept. 5. Show the parking lot lighting locations. 6. Our records show that the Maelou Drive right-of-way is 49.5 feet and not 66 feet wide as shown.

Don Borzelleri of Maelou Drive asked how the driveway will come out as he is directly across the street. He would not want an exit from the bank as he is trying to back out of his yard.

Mr. Reilly noted that there are two applications before the Planning Board. The Lockport Savings Bank Engineer has addressed the drainage situation with the division of land. The next item on the agenda is the Lockport Savings Bank. Since both issues have to be decided at the same time, for this portion: Motion was made by Mr. Phillips, seconded by Mr. Pohlman to **Table** for the next application so that they can go hand in hand.

Lockport Savings Bank - South Park and Maelou

Atty. Terry Gilbride and Laura Goodwin represented on behalf of Lockport Savings Bank. Letter was received from Richard Smith, Highway Dept. which reads: Upon further review of the proposed site plans and curb cuts, it is the opinion of this Department that eliminating the oversized curb cut on South Park closest to the traffic light would definitely improve traffic safety on S. Park Avenue, especially if this were coupled with a "No Left Turn" sign at the proposed Lockport Savings Bank exit on South Park Avenue. The southernmost curb cut that would be the access for the remaining lot is south of the commercial curb cuts on the east side of the street. If the property were limited to a low or moderate traffic facility, this would not materially increase the traffic

flow over that presently produced by the nursery during the summer and fall seasons.

Mrs. Pelkey of Maelou Drive noted that she is not crazy about the driveway coming out of Maelou. At the present time, with Kirst's it is difficult for residents to access their street, even with a signal. Also, the road is only 19' wide, and when trucks are parked at Kirst's there is very little room to get around. Maelou is a dead end street, and there is no other way to get out.

Mr. Jim Land of Maelou Drive noted that they also have schoolbuses on the street and children walking in the street to get to the corner to pick up the schoolbus. It was suggested to put in a sidewalk to better define the street and provide a safer way for children to get to the bus.

Chairman Crandall asked Councilwoman Hochul if the Town Board could do something to improve the situation on Maelou Drive. Perhaps the Police Dept. could make some recommendations to the Town Board as to better coordinate and correct some problems in that area. Mrs. Hochul noted that we have asked the State DOT to coordinate the signals, and have a longer lapse on the signal to accommodate the residents in getting in and out more effectively.

It was also noted that the Highway Supt. has asked for an easement to accommodate the widening of the street.

Mr. Don Borzelleri, resident of Maelou lives across from the proposed driveway and again asked that his driveway not line up with the bank's exit.

A resident of Maelou commented that there are 32 residents back on the street. Please don't forget that we are back there. Mr. Phillips noted that the yield sign should be changed to a stop sign.

Motion was made by Ms. Ganey, seconded by Mr. Phillips to bring the Maelou Subdivision off the table. Carried.

Mr. Phillips commented that he feels the environmental problem as it stands can be mitigated. However, there are some positive issues yet to be resolved. The traffic including pedestrian traffic, must be resolved on Maelou. The Dept. of Transportation has produced a letter saying that there will be no negative impact of traffic for South Park. The impact of children walking on Maelou is yet to be resolved.

Chairman Crandall noted that the position of the driveway out to Maelou must be considered. If the drive is agreeable, there could be a sidewalk for the children. Also, the easement for the road widening must also be considered.

Maelou Subdivision & Lockport Savings Bank (Cont.)

On the Maelou Subdivision, Motion was made by Mr. Phillips, to issue a negative declaration for the project; that the issue of mitigating pedestrian traffic on Maelou will be resolved by the addition of sidewalks from the corner of South Park and Maelou alongside the bank; that the issue of the road widening is to be resolved by the Town Engineering Dept. and Highway and that the agreement on the 100' parcel signed by Mr. Stoddart should help alleviate the problem; that the Maelou exit not be directly across from the resident across the street, seconded by Mr. Fitzpatrick. Carried.

Residents also expressed concern as to how the lighting will be arranged. That it be directed away from the residents homes. It was also noted that there is an alternating slat fence planned between the bank and the residential area.

On the site plan for Lockport Savings Bank, motion was made by Mr. Phillips, seconded by Mr. Eustace to issue a conditioned negative declaration on the project contingent upon the Planning Board Attorney receiving and reviewing the restrictions contained in the 100' parcel signed by Mr. Stoddart to help alleviate the problem; to approve the site plan, that traffic safety problems have been mitigated by the agreement to sidewalks on Maelou Drive from one end of their property on South Park to the other end of the bank's property on Maelou Drive; that a review be done for the driveway across the street so that it is not in direct alignment with the bank's drive; that the site plan show a change from a yield sign to a stop sign; that contact be made with Engineering and Highway to work out the Maelou Drive improvements; that the drainage plan be accepted for a detention facility and that the plans are to be in compliance with the Engineering memo dated 4-18-95. Carried.

Brierwood Medical Center - E. Burke - Southwestern Blvd.

Messrs. Ed & Pat Burke appeared before the Planning Board on a revised drawing for Brierwood Medical Center to be located on Southwestern Blvd. The modifications that have been made are from a 1 story building with a basement to a 2 story building, using the basement as office space for a total of 26,000 s.f. We have had communication with Roberta Gerlach and are in receipt of a comment letter wherein she has asked for 5 different assurances. Those assurances have been made in the past, but for the sake of the record, we will reiterate. The berm detail is exactly as the previous drawing. The height of the berm will be 8' and measured from the medical side of the property. We are reiterating by supplying a berm detail that shows the specifics of the berm including the height, and also the slope that was requested by Engineering as 3 and 1. We have also reiterated the previous agreement that we would improve the berm with Austrian pines, 5-1/2 to 6' in height and as on the previous drawing and this one, we intend to plant at 8-10' intervals. We have agreed and intend to

the basement excavation when we generate the fill. This is the most logical time to construct the berm. The lighting is the same and we intend to use a decorative lamp post no taller than 11' 4". For the purposes of this plan, we have added a decorative light standard for enhancing the entrance drive up to the building. The light fixtures are located several hundred feet from the neighbors which are separated by an 8' berm and will have no affect on them. We have made a detail on the drawing that site lighting will be directed away from the residences and will be designed with the property owners in mind. In addition, and provided on the drawing, we have added a speed bump to be installed in the traffic egress and ingress road adjacent to the berm. These changes were made this morning after I received notification and we have no problem in working with the Planning Board to mitigate their concerns. We have provided a site line drawing to document the exact sight line analysis from Mrs. Gerlach's property and adjacent property owners to clearly show the berm from a second story window. We have tried to respond to these concerns and feel it is in conformance with the original plan and in the spirit of our compromise with the neighbors, we would like reapproval of the modification of the plan.

Chairman Crandall pointed out that there have been many discussions on this subject. I am going to ask Mrs. Gerlach if you feel that the issues have been addressed?

Mrs. Gerlach: I appreciate the timeliness in which Mr. Burke approached this. He has known the concerns and had made the opportunity to speak with me. There are 2 points, one of which he doesn't have, on the site line from our location to the corner of the building, going left looking at it on the right side, facing the building. Depending upon the architectural design, the appearance of the building has a higher peak and I would like to know how much the peak will go. We would like to determine if the sight line works for us. The other concern is the distance from Amsdell Rd. on the entrance all the way thru on the schematic, the drive that goes to the dumpster. How many feet is that? Approximately 500'. That is one of the reasons we have asked for speed bumps along that roadway. Having that distance it becomes an attractive nuisance for after hour speeding, drag racing, donut making. We would like that closed to traffic. We would like to see additional speed bumps.

Mr. Doug Setter also asked that 6-12" of topsoil be placed on the berm so that the planted specimens can grow and that there be healthy trees. Secondly, there is a water problem that has caused flooding and we would like that corrected.

Motion was made by Mr. Phillips, seconded by Ms. Ganey to approve the site plan for the Brierwood Medical Center upon a condition that the developer meet with the residents to resolve all issues; that the developer install landscaped islands, & to comply

with the Engineering memo of 4-18-95 and to add 2 additional speed bumps (for a total of 3). Carried.

Engineering Comments: 1. Utility Plans will be reviewed and approved by our office after the Planning Board approves the site layout. 2. The center island at the main building entrance with the fire hydrant and the two islands on each side of the center island are to be curbed. 3. The walk thru area in the parking lot is not necessary. 4. The site plan previously approved for the site included a line of sight profile from the existing homes on Country Club Lane. This plan should be resubmitted for review. 5. An 8 feet high berm with landscape plantings for screening is to be constructed along the entire westerly boundary line between the medical center property and Brierwood Village Estates properties (S.L. 46 thru 50 and 52). Any encroachment of this berm into the detention pond is to be compensated for by removal of an equivalent volume of soil from other portions of the pond embankment. The berm is to be constructed as soon as possible following the initiation of site work. The berm is to have 3 on 1 mowable side slopes. 6. The island in the entrance driveway and the driveway should also be lighted. 7. Additional measures to properly protect the adjacent residential properties are required to prevent runoff from the berm from flowing onto the backyards of the homes. 8. Various maintenance, improvement, and study activities along the downstream drainage ditch which receives flows from the medical center property were requested of the developer by previous correspondence of 11-18-94 and 11-23-94. These should be required to be acceptably performed as part of the conditions of site plan approval.

Letters were received from the Gerlach's, Nichols, and Svoren.

Bert's Bicycle Shop - Southwestern Blvd.

Messrs. Pat Mahoney and Bert Dunn appeared before the Planning Board on a sketch plan for their facility located on Southwestern Blvd.

Comments are as follows: **Engineering:** 1. The site layout is generally acceptable. 2. The site drainage and utility drawings were not included as part of the site plan package originally submitted prior to the 3-20-95 deadline required for the 4-19-95 Planning Board meeting. These drawings were not received until 4-17-95. Therefore, we did not receive the plans in sufficient time to properly review the site drainage and utilities. We will provide comments directly to the design engineer as soon as possible. 3. If site plan approval is granted, it should be conditional upon the Eng. Dept. and other required agencies review and approval of the drainage and utility plans.

It was also noted that we need comments from the Traffic Safety Board.

Bert's Bicycle Plaza (Cont.)

Motion was made by Mr. Phillips, seconded by Ms. Ganey to give conceptual approval for the proposal; pending comments from Traffic Safety and site plan approval. Carried.

Evans Bank - Quality Plaza - South Park Avenue

Messrs. Mag Orfi and Martin Delleboni appeared before the Planning Board on a proposed Evans Bank on a parcel in the Quality Plaza and near the Mobil Station. Comments were received from Engineering as follows: 1. The location of the existing access drive cut to the Mobil station is being proposed to be moved closer to South Park Avenue. The stacking area available for cars is not sufficient to allow safe ingress and egress. Moving the Mobil sign as proposed would block sight lines. 2. Will there be a dumpster on the site? 3. The sanitary sewer lateral location and design must be approved by Erie County Sewer Dist. #3. We will not approve the plan until this approval is first obtained. 4. Specific clearing, stripping, and erosion control measures are to be specified on the plans. 5. The existing ditch parallel with South Park Ave. is to be piped. Catch basins are to be added as necessary. Specify that a NYSDot permit is required. 6. Show roof drains piped to a storm sewer. 7. All proposed storm pipes shall have a minimum diameter of 10" and at least 24" of cover on top of the pipe. 8. The existing drainage ditch was originally approved as only a swale. It is currently a dirty, odorous, dangerous, obstructed cesspool. Connection into this system will not be allowed unless the drainage way is fully piped to the detention basin at the rear of the plaza. The existing ditch water level of 795 indicates the ditch as filled in with 2 feet of sediment. The outlet pipe is to be lowered at least 2 feet at the west line of the proposed bank site in order to provide proper drainage. 9. The proposed remaining seven rows of parking between the plaza stores and the site are not considered sufficient to meet the plaza's parking requirements. Our weekday site inspection indicated more spaces are presently being used on a regular basis.

Motion was made by Ms. Ganey, and F. Fitzpatrick to Table for revisions as requested by Engineering and Traffic Safety. Carried. (on May 3rd agenda).

Alliance Homes Model - Camp Road and Howard

Messrs. Andy Romanowski and Mike Licata appeared before the Planning Board on a proposed model home center which is to be located on Camp and Howard. This proposal will have the appearance of a single residential home. It will be used for a sales office. Revisions were just submitted this evening with no time for review.

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

Table for the May 3rd work session. Carried.

Comments from Engineering: 1. What is proposed for the future use of the southern half of the parcel? 2. The driveway to Camp Rd. should be eliminated. 3. Specify on the plan that a Road permit from the Town of Hamburg Highway Dept. will be required for Howard. Rd. 4. All open ditches on the property are to be piped. 5. Additional clearing, stripping, and erosion control measures are required. 6. Show the roof downspout line piped to the storm system. 7. The pavement section is to be increased to support traffic loading.

Town Hall Retail Addition of 5600 s.f. - Benderson Development

Mr. Bob Alonzo of Benderson Development appeared before the Planning Board on a revised drawing for the 5600 s.f. retail bldg. They have tried to accommodate the Building Inspector and the Fire Chief of Scranton Fire Dept. All issues have been addressed according to the Engineering Dept.

Motion was made by Mr. Koenig, seconded by Ms. Ganey to approve the site plan for the retail bldg. at Town Hall Plaza. Carried.

Bonerb Rezoning -

Drew Reilly asked for lead agency for this rezoning project. Motion was made by Ms. Ganey, and seconded by Mr. Pohlman to authorize a request for lead agency status. Carried.

Motion was made by Ms. Ganey, seconded by Mr. Pohlman to adjourn. Carried. Meeting adjourned at 12:15 a.m.