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Town of Hamburg
Planning Board Minutes
May 30, 1990

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The Town of Hamburg Planning Board met in regular session on Wednesday, May 30th, 1990 at 7:30 p.m. in ~~Hamburg Town~~ ^{TOWN CLERK} Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman Elgin Cary, Secretary Gerard Koenig, Sandy Carnevale, David Phillips, Steve Strnad, and Dennis Gaughan. Others included: Rick Lardo, Engineering, Sheryl Bower Asst. Planner, Dan Gorman Attorney, and Terry Dubey, Stenographer.

Executive Session:

Tiffany Meadows--Matter was tabled from the last meeting for a vote on the preliminary pending some items that needed to be resolved. The question of the one-way traffic pattern was reviewed by Tim Ellis, Traffic Safety Coordinator which is as follows:

I have completed research with regard to the proposed **One Way** designation in the Tiffany Meadows Subdivision. After consulting with traffic engineers from the New York State Dept. of Transportation, as well as the publication **Policy on the Geometric Designation of Streets** (American Assoc. of State Highway and Transportation Engineers), I have found that the intent of the **One Way** designation is to facilitate traffic flow in areas that experience heavy traffic patterns, rather than to restrict or mitigate projected flow into a residential area.

Most common usages seem to be in heavily travelled urban, commercial or industrial areas with high intensity traffic flow (a generally accepted figure for a "busy" highway would be approximately 500 vehicles/hour). Generally speaking, most suburban residential areas do not generate the traffic levels that would be among what I would consider acceptable criterion for such a designation.

Although street engineers believe that there are certain advantages with **One Way** designation (optimum width usage of paved area, increased traffic capacity and reduction of head on collisions), these advantages do not seem to pertain to the issue at hand (which seems to be concern with projected traffic increases). One also must be cognizant of the potential disadvantages of **One Way** designation: it increases distances that must be travelled, which in turn may cause motorists in certain areas to ignore the restriction, resulting in a potential for serious accident. It is also known that **One Way** designations tend to result in an increase in speeds at which motorists will drive, as well as create potential problems for emergency service vehicles if, for some unforeseen circumstance, the highway is blocked. The variable exists, despite the fact that in emergency situations these vehicles may ignore the designation. Although some may believe that a **One Way** restriction may be beneficial, it also may cause confusion to those who are unfamiliar with the area but must travel

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Tiffany Meadows - within it. After weighing the advantages and disadvantages, I would recommend against the designation of **One Way** restrictions in this proposed subdivision. It is my opinion that such a designation is not in the best interests of traffic safety, nor does it fall within the "spirit" of what the designation should be used for.

However, I do request that the concerns of the area residents be taken into consideration, and that my office and Engineering be included in final site plan reviews. Hopefully, this may mitigate any potential difficulties and insure traffic safety within the area.

Engineering--In reference to your 5-16-90 meeting on the subject site and the discussion of a second site exit to Holly Place near the Town playground. The sanitary sewer and storm sewers will have to be connected at this corner of the site. It is preferred that they be located on a road right-of-way but they could also be on an easement. A waterline connection at this location would be very desirable to increase flows and useful should there be a shut down on Abbott Road. The Water Authority does not allow main installation on easements.

Petition from Residents which reads:

We, the taxpayers and residents of Best St. Holly Place, Meadow Lane, High St. Knab Drive, and Lillydale are strongly opposed to the Tiffany Meadows Subdivision as Planned, for the reasons listed below. We are not opposed to a Tiffany Meadows Subdivision. However, we do strongly reject the proposal of 2 new entrances into the existing subdivision, and urge the developers and the Town of Hamburg Planning Board to adopt an alternate plan with exits onto South Abbott Rd.

Traffic Safety--The plans as submitted include more than 80 new homes, and call for 2 entrances to the subdivision to empty onto Holly Place. Both entrances would create dangerous intersections and add substantially to the traffic flow through this residential area. The majority of homes in the existing area have families with children. The area presently has no sidewalks and the increased traffic would substantially increase the danger of a serious accident.

One of the proposed entrances is less than 100' from the intersections of Best and Holly, and Best and S. Abbott, the site of several fatal accidents in the past few years, and would make these intersections even more dangerous. These intersections are also used heavily by school busses travelling from St. Bernadettes School to Clark St., etc. A large increase in traffic through these intersections would affect the safety of these children also.

The other proposed entrance exits onto Willow St., which runs alongside the Benz Playground. This playground serves the entire

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Benz subdivision. The playground is presently full of children in the warm weather. The proposed plan would send half of the new traffic through this area and would greatly increase the hazard to these children and other residents.

Aesthetics and property values:The proposed entrance off Holly near Best would virtually create an island of the house at 4955 Best St. with streets on three sides of the house. The solution: This plan as submitted would create an unnecessary hazard for the residents of the current subdivision. Approval of the current plans would create an unsafe environment for us, the taxpayers, and our families. We are strongly opposed to creating 2 new entrances on to Holly Place, and the resulting increase in traffic in the entire existing subdivision. We urge the Town of Hamburg Planning Board to request all entrances to the proposed Subdivision be on to South Abbott Rd. (Signed by all the residents in that subdivision).

Mr. Gerken asked about the deed restrictions. Response given was that this have been turned over to the developer. On the issue of the legal matter with the original developer Mr. Wolfe, a solution has been reached. The issue of the walkway was raised. Planning Board members noted that a request was made of the developer to designate this on the site plan. A question of where the construction equipment will gain access to the property was raised. Mr. Braun noted that he will make sure the equipment will run thru the proposed Stewart Street. As far as upgrading of the playground, the matter was referred to the Recreation Dept.

Motion was made to approve the Preliminary that was presented by M. Braun, developer for Tiffany Meadows by Mr. Phillips, seconded by Mr. Carnevale. Carried. A copy of the deed restrictions were also submitted by the developer.

Strawberry Fields - Legal question of Another Public Hearing

Chairman Richard Crandall noted that a question was raised at the last meeting as to whether another Public Hearing was required at the Town Board level when the rezoning was approved. The issue of 9 lots was initially presented. The Planning Board requested that the developer put in an interior road so as to avoid nine drive cuts on to Lakeview Rd. The developer then came in with a proposal of 15 or 16 lots. This was due to the fact that it was a request of the Planning Board to change the road so that the lots would be inbound. The matter has been reviewed by the Planning Board Attorney & we are talking about a hearing for the Subdivision itself. We will be scheduling a Public Hearing for a continuation of the subdivision process. The question was then raised as to what the original resolution stated. Was a restriction imposed that there should only be 9 lots? A check was made in the Town Clerk's office to determine how the resolution was defined. There was no specific mention of the number of lots. At the public hearing, the applicant guaranteed that he would build on

9 lots. In the final resolution there was no condition imposed as to the number of lots that hinged on the rezoning approval. (Resolution was read into the record, dated 12-11-89).

Motion was made by Mr. Phillips, seconded by Mr. Carnevale to Schedule a Public Hearing for Strawberry Fields on June 13th at 8:00 p.m. Carried.

John Bosse - Vested Rights on Pinehurst - Shoreham

Attorney Gorman noted that Mr. Bosse's legal question relates to frontage & vested rights in the Pinehurst Sub. Motion was made by Mr. Koenig, seconded by Mr. Cary to approve the preliminary for Shoreham only on a drawing dated 12-27-89 & the standard of 80' Carried. All other future lots are to conform to the 90' reqmt. Developer is to proceed to final drawings.

Recommendation of Fee/Greenspace Committee - regarding Fee-In-Lieu of land.

Mr. Strnad reported to the Planning Board on the recommendation of the Fee/Greenspace Committee regarding Fee-In-Lieu of land. The committee has met regularly since January 1990, and has up-dated an earlier fee study by the Hamburg Future Development Advisory Panel by examining the latest fee schedules of 32 communities in the area. We find these fees under constant review, as more and more communities are making revisions to compensate for increasing development pressures and the rising costs of green space acquisition. Examples: Eden--effective May 1990 a 6% fee based on sale price of developed lot, plus purchase of TDR;s (Transfer of Development Rights) on a graduated acre-for-acre basis. Orchard Park--effective June 1990, \$1,000 per R-A lot, \$500 per R-1 lots, \$400 per lot for R-2, 3. In our first recommendation last January 1990, we suggested a fee of \$500-700 per lot. This was to be at the higher end of the then-current prevailing rates. It now seems to be mid-scale. In April, we broadened the contribution to our panel, to include Recreation, Community Development, Conservation and Finance, as well as several Town Board members. More recently, we contacted M. Pysz, a leader the HFDAP studies and who, through ties with the Chamber, we felt would add balance with business and developers interests. Mr. Pysz' suggestion we thought to be unique and creditable: To reward developers who provide additional green-space through the use of clustering or planned unit developments." We have distilled our many findings into this final recommendation:

- (1) A Green-space Recreation fee of: \$1,000 per R-A lot
(a 50/50 split between green space and recreation) 600 per R-1 lot, 400 per R-2, 3,4 lots, \$400 per attached dwelling unit.

S. Strnad (Continued)

(2) One half (1/2) of the above fee would be deducted for plans incorporating a cluster or PUD concept approved by the Planning Board. (3) Commercial and Industrial fee for green-space only of: 0.16sq ft. total building floor area. We feel this is a realistic schedule, presenting only modest increases for those developers offering relief from the usual gridiron development pattern. **S. Strnad, Chairman - Paul Guenther (Preparer)**

The Committee would like this report forwarded to the Town Board. Chairman Crandall noted that the schedule should be reviewed by the Planning Board members and discussed at the next normal session and voted upon.

Mr. Phillips raised a question on Item 3, with respect to the Commercial and Industrial areas. It was noted by Sheryl Bower that Harry Willis of the Local Government Dept. in the Dept. of State provided the following information: As the Town Law 274A stands, money cannot be collected from industrial or commercial development. But, an individual town can supersede and amend 274A, giving the Planning Board the authority to collect such funds. The amendment has to specifically refer to 274A and detail what exactly the Planning Board can ask for. Also, on the question, does money collected from a subdivision for recreation space have to necessarily be used in close proximity to that development? Answer from the Dept. of State: Monies collected in lieu of land from a subdivision can be used in any part of the Town. This money can be used for the acquisition of lands for parks, active or passive and can also be used to improve or update existing facilities.

Issue to be brought up at the next regular meeting for a vote.

Planning Board Meetings--Supervisor Quinn has not gotten back to the board about conducting Planning Board meetings in another room other than the Public meeting room. Chairman Crandall will contact Supervisor Quinn on the matter.

Bell's Bazaar - South Park Avenue - Addition of 3 Stores

The Engineer from Orfi and Underhill appeared before the Planning Board on a proposed addition to Bell's Bazaar which is located on South Park Avenue. Comments were received as follows:

Building Inspection Dept.--This is a 20,639 s.f. area. One curbed island, which is to to the southeastern part of the new proposed addition, should have landscaping. To the north of that, where the plan indicates "new hydrant" the six inch steamer connection faces the south. It should be close to the middle of the island. All other parts of the plan seem to conform.

Engineering--1. The Planning Board approved a site plan for the

Bell's Addition (Continued)

subject site on 6-14-89. 2. Add curbing along the entrance from South Park. Provide a curb detail. 3. Add curb or guiderail at the back of the building along the parking lot perimeter. 4. Storm catchbasin #4 and #5 are to be connected to the existing mainline at a manhole. 5. The main stormline is very flat, almost level. Calculations for the system are required. Contact this office for specific requirements.

Planning--This project has a gross leaseable area greater than 100,000 s.f., thus it is considered a Community Shopping Center. Because the storm water on this site is dumped directly into the D.E.C. designated wetland, it should be requested of the developer that during construction the grease separator be inspected to insure that it is functioning properly and maintained periodically thereafter.

Conservation--Debris from Bell's and other stores is now collecting in and around wetlands--new stores will contribute to this problem. Needs tree buffer at both ends of Bell's Plaza.

On the parking requirements, they are 50 spots over. Also, Mr. Koenig noted that there was a problem with the parking about 2 years ago. The Traffic Safety Board requested that the parking lot should be striped, and that the north entrance should be closed off, some drive lanes should be restricted. These items should be incorporated in this addition as well. In addition, the site plan should be reviewed by the Traffic Safety Board. The site plan dated 6-15-89 replaces the one before.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to **Table** action on this site plan for 2 weeks. Carried.

Mr. Strnad brought up the issue of an 8" main as opposed to a 6". Mr. Lardo responded that this is typically connected with a 6" main and sees no problem from an Engineering standpoint. A request for a landscaping plan was also requested which should be acceptable to the Planning Dept.

The Scranton Fire Dept. offered no comments.

Hogan Subdivision - Durham Road

Mr. & Mrs. Hogan appeared before the Planning Board on a proposed subdivision to be located on Durham Road. This is a preliminary discussion as to whether the applicants should proceed. The property is zoned R-2. There are 12 lots in question. During that period of time, the zoning code changed requiring 90' frontage. The applicants would like to go for variances.

Chairman Crandall pointed out that the lot size issue will be a problem. A request was made for the applicants to redraw the subdivision layout and bring it more in conformance. Also,

Hogan Subdivision (Continued)

the idea of 25' frontages was not acceptable to the Board members.

Comments from departments are as follows:

Conservation Board--This is a small 5 acre area within a residential neighborhood. It is not exceptional or unique from an ecological standpoint. It does not conflict with the Town open space areas identified on the 2010 master plan. We do not consider the effect on the environment to be significant. Note: Although project information states tract is meadow or brushland, in reality it is also partly forested with secondary growth trees. In various portions, particularly in the section south of Durham Rd. some larger trees are also present. Several of the proposed lot dimensions are less than the minimum with (80') for this zoning class.

Building Inspection: The lot frontage required is 90'. The required setback is 35'. In the past, the subdivision was proposed in a different manner. That is why the existing sanitary sewers are located on the plan. There are many drainage problems in the area. Some have been corrected by the Highway Supt., through the cooperation of the Engineering Dept. They should be consulted to assure that there is proper drainage in this section. Locations of proposed or existing fire hydrants should be indicated on the map. The location of the water main, as well as the sanitary sewer along Durham Rd. should also be indicated on the plan.

Engineering--1. The subplot lines are to be 90 degrees or radial to the roadway. The owners of the adjacent parcels are to be shown. There is existing sanitary and water districts and the site is not in a wetlands or flood plain. The Zoning requirements are to be shown. The developer is advised he may not strip, clear the site without a permit from this office. A topo map is required. Utility plans for the site will be reviewed after plot approvals are obtained.

Lake Shore Fire Company--Due to a lack of information other than lot sizes and location, I have no comment on the proposal at this time. Jeff Sweetland, Fire Chief.

Planning--The land is zoned R-1 and requires a 90' width at the building line, the building line should be shown. Variances will be needed for lots 2, 4, 5, 6, 7, 8, 10, and 12. These lots are not 90' at the building line. Many lots are not at a 90 degree angle to the street line. The zoning requirements; district and lot size are required on the plan. The names of all owners of all immediately adjacent unplatted land must be shown. A topo map is required.

Mr. Cary suggested that the applicant try to upgrade the lots

Hogan Subdivision (Continued)

by eliminating one lot on the north side and conform to 90'. One 60' lot would be a hardship. There is a playground near this site and as far as green space, nothing significant would be resolved. On lots 1 and 3, the area should be squared off into 1 lot thereby adjusting another lot. This way, the narrow frontages could be eliminated.

Motion was made by Mr. Phillips, seconded by Mr. Strnad to **Table** for a better layout presentation. Carried.

Austin Pontiac - Camp Road

Chairman Richard Crandall noted that the applicant is back before the Planning Board. After the site plan was approved, the message was never conveyed to the operator of the satellite dealership. Cars were parked all over and not in conformance with what has been approved. Mr. Crandall paid a visit to the manager and they have agreed to start from scratch with a new layout. The Engineering Dept. wrote a memo stating that they had never signed the original plan nor have they seen a revised layout.

Mr. Phillips pointed out that the agent was asked if there would be any parking in the front. A response that was given was no. Within 2 more days there were more cars parked in the front. The area was completely filled. The applicant complied with the request to remove the cars out in front and begin again. There is to be no parking within the first 35'. Mr. Strnad voiced opposition to the proposal. An appearance before the Zoning Board is necessary to park closer. No recommendation was made.

Messrs. Patrick & Ed Burke - Saddlebrook Point Lot 34, T-9, R-8 off Amsdell Road.

Messrs. Patrick & Ed Burke appeared before the Planning Board on a Townhouse Section entitled "Saddlebrook Point." Applicant originally appeared at the Planning Board meeting of 4-11-90 at which time **No approvals were given. The concept is acceptable. Applicant is to proceed to preliminary.** Also, a question was raised by G. Koenig for a legal interpretation of the farmhouse which was purchased later. No ruling was issued.

Comments from departments are as follows:

Building Inspection--I was under the impression that this was in the area around the pony farm. What are the two exceptions for off Amsdell Rd. The layout of the golf course on the north and east side of this property should be shown on the plan. The name of the property owner to the west should also be stated on the plan. The layout appears to conform to your regulations. There is a creek to the north of this property. If it infringes on this property, it should be shown on the plan.

Saddlebrook Point Townhomes (Continued)

Engineering - 3.2 Access to Amsdell Rd is to be approved by the county prior to plot approval. 4.2 Show Devonshire Lane on the Plan. Do the roads conflict with the project? 6.2 a topo plan is required. 13.2 Part of this site was not in the original Brierwood P.U.D. E. I. S. How will the project be handled? Has the Planning Board Attorney reviewed this as directed on 4-11-90. 14.2 The developer has shown three (3) Exception Proposed Duplex. These lots are to be reviewed by the Board and a map cover filed in the future and it should be made clear--**Permits will not be issued.** 15.2 After plot approval is given, this department will review utility plans. Part of this review will be to check that a reasonably sound pavement is proposed. Planning has in the past (Pinegrove) requested curbing be installed. What does the Board prefer here? 16.2 The developer is hereby notified that the site **May Not Be** cleared or stripped without a permit from this office. (Comments are based on a drawing dated 5-16 and received in Engineering 5-21.).

Planning--1. According to Section 29-166 Letter "O", site plan specifications, of the Town of Hamburg Zoning code; (1) As part of the supplementary data required for the Planning Board review of a proposed townhouse development...a typical tentative plan showing front elevations of proposed townhouses and a typical tentative floor plan of a proposed townhouse prepared by a licensed architect, shall be submitted to the Planning board. 2. (From Section 29-166, O (2), the plan should also include the location of buildings in relation to property and lot lines...patio and service areas including garbage disposal areas; landscaping, walls or fences; driveways; all common facilities open space and walkways; and utilities...in addition lot size; square footage of each townhouse and its patio living area should be shown. 3. A topographic map is required. 4. It is assumed that Saddlebrook Point, will also be served by the Pinegrove Park Association, Inc. Offering Plan. This plan has enabled the Planning Board to waive the minimum lot area for each unit. There are 20 units that do not meet the minimum lot area of 2000 s.f., all but 1 are 506 s.f. off.

Also, Mr. Burke commented that on the 5 acre parcel he had discussed the matter with Mr. McKnight and was advised that this parcel was also included with the P.U.D. Mr. Crandall noted that this is a substantial change to what was originally approved. The proposal is for 43 units. I would think this would impact on the original EIS. This is a change within the concept plan. The issue of setting a duplex was never discussed. The 43 units are in addition to the 1,000 units already planned.

Attorney Gorman responded that this is significant and will require another environmental assessment. With a P.U.D. and subdivision regulations the rule does not apply than with a regular P.U.D. development. Public input was based upon a certain size

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being developed which is now being changed. Mr. Crandall stated that he has a problem with this and is looking for legal counsel on the matter. This must be addressed thru some type of research.

Mr. Burke stated that he spoke with Mr. McKnight on the issue relative to the purchase for the units. He asked if there would be any difficulty in adding to it as it is not part of the P.U.D. when the map was filed. The farmhouse was not part of it. Mr. McKnight told Mr. Burke that this was included in the P.U.D.

Mr. Crandall noted that questions will be brought back to the board as to the number of additional units. Amsdell has no duplexes now along the entire length. Now, we have townhouses and duplexes which is a total change from what was originally envisioned for this subdivision as it affects Amsdell Road. The question was raised at the April 11th meeting but was conceptually approved. Mr. Burke then proceeded to Engineering. I am now told that I need a Map Cover. Mr. Crandall noted that the questions are being raised now rather than later. The developer claimed that density was reduced rather than increased.

Mr. Crandall pointed out that R-2 is not commensurate with single dwelling units that exist on Amsdell Rd. The issue of duplexes was not brought up. The duplexes and townhouses were to be in the back of the development and not along Amsdell Rd. That was what the overall plan showed.

Mr. Koenig made reference to a section of the minutes of 4-11-90, in Engineering comments...The developer has shown two (2) Exception Future Duplex Townhouses. If they will not be part of the Homeowner's Assoc., utility installation could become a confusing problem. These lots should be reviewed by the Board and a map cover filed in the future and it should be made clear, permits will not be issued. We do not like the possibility of four driveways from the duplexes exiting on to Amsdell. This was discussed in the E.I.S. A provision for access of the proposed private road should be considered and the lots approved or disapproved now and not in the future.

Mr. Crandall again reiterated concern over the duplexes and driveways on to Amsdell Rd. A review of the Environmental Impact Statement must be made.

Asst. Planner Sheryl Bower noted that in reviewing the impact statement, a question of open space was to be addressed. Nothing has been said on the topic presently. Developer would provide hiking and jogging trails in wooded areas. This has not been addressed at all. It was not mentioned at the April 11th meeting. Mr. Burke commented that it is his intention to have an area near the quarry that would be dedicated to open space. Mr. Burke must obtain a drainage easement from the radio towers to go across that section. The intent is to landscape the area underneath the Radio

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towers. That is my answer to the green space, although the property is not owned by us. I would like to take someone else's eyesore and create a park like setting. The quarry area shows artificial lakes for the overall development of the P.U.D. I feel this will be done tastefully.

Mr. Crandall noted that each proposal should be looked at in detail. Reference was made to the overall plan. Board members were reminded that an overall plan was distributed to each member and mailed about last December. Mr. Burke noted that he had 12 copies printed up. Mr. Phillips stated that this guide would be beneficial. These maps should be brought in each time Mr. Burke appears.

Asst. Planner Bower noted that in Sec.29-166, there are site plan specifications for Townhouse development. We should be getting floor plans, elevations, prepared by a licensed architect. The plan should include the location of buildings in relation to property and lot line, patio and service areas...etc.

Motion was made by Mr. Phillips to accept the preliminary on Pinegrove Park contingent upon comments expressed, a map cover, and an E.I.S. not to include the exception as this is not in keeping with the present character of Amsdell Road; Opposed: Richard Crandall. Also opposed to additional drive cuts on to Amsdell. This is not what was shown on the large scale plan for the entire P.U.D. This is not what the public was shown when the hearing was held. There are 43 more units. We are making a major change. I object to the exceptions shown as duplexes.

Mr. Burke stated that this was discussed and the only confusion is on the driveways. We have 4 unit buildings and 2 unit bldgs. If the driveway is the problem it will be taken care of. Mr. Crandall noted that there is nothing to prevent what was supposed to be around the perimeter of the golf course from having 2,000 units and filling in every bit of property. We are adding a large piece here and there. We have an entirely different P.U.D.

Mr. Burke again noted that he had discussed the matter with Mr. McKnight and was advised that this was part of the P.U. D. Mr. Crandall stated that this was not addressed originally. This was not to be increased. If that was the case, I feel it was incumbent on Mr. McKnight to explain the matter to the Planning Board so that it was understood that this was not contemplated in the original layout. There are hundreds of drawings that have been presented, and it is difficult to remember each and every site. Mr. Burke noted that he did submit the conceptual drawing for each member. When the issue was brought up at the April 11th meeting, Mr. Burke felt the issue was understood.

Mr. Crandall stated that this is drastically different than what was originally approved. Two parties have failed here and the

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Planning Board will take the abuse. I see a problem here. Mr. Burke asked for preliminary approval, on the complete townhouse development and leave the exception alone for a legal opinion. Attorney Gorman responded that nothing can be done with those exceptions. To be sure that there is no misunderstanding that by approving that we are not approving duplexes on those pieces of property. Mr. Gorman responded that because of the way the problem has been handled as a P.U.D., it has not been handled with the strictness of a subdivision. The board must be comfortable in approving this. The matter should be **Tabled** as to what is acceptable for approval. Changes should be made accordingly and an agreement should be made on the exception as it relates to the Saddlebrook Point area. Applicant was to proceed to preliminary. The question is, based upon the original E.I.S. and our original conceptual approval, does this constitute a significant change to require another public hearing? This must be researched further.

Certain phases were brought in to the Planning Board. As each phase was developed, we assumed that this was the original plan in the layout. In reality, it is not another phase, it is an additional parcel to what was originally approved. The Planning Board was led to believe that this was another phase which was done before. We were led to believe that the townhouses were part of the P.U.D. and that the housing development was always on the plan. It appears that the board was misled as to what the plan represented. There is enough question, & we have not taken any actual fir approval. We are in a position to question this to the point of getting satisfactory answers. The Planning Dept. should have advised us of the situation.

Further legal review is required. Therefore, I request that the matter be **Tabled for Saddlebrook Point**. Motion was made by Mr. Phillips, seconded by Mr. Carnevale. Carried. We are making a change that is significantly different in the P.U.D. that was originally approved. What was green space, no longer is. Townhouses were not supposed to be put in the green space. A conceptual plan means that the idea is sound. Otherwise, it would be preliminary approval. The mix of single family versus duplexes has changed by increasing the number of townhouses. The location has been changed for townhouses from the north half and west half into the south half of the property. The character of that subdivision is being changed. Mr. Cary noted that it is being concentrated and some of the open space is no different.

Reference was again made to No. 8 of Sheryl Bower's memo. According to the Planning Board minutes from 11-16-88, a determination will be made for each phase of the Brierwood PUD as to whether or not public active or passive recreation will be required. In the section titled: Responses to comments on Brierwood Draft Environmental Impact Statement, of the D.E.I.S., a comment was delivered regarding the lack of public recreation and/or open space. The response was as follows: The developer has

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said that in future phases that jogging and hiking trails will be designed through the wooded areas that are on site. Does the developer have any plans for these recreation areas at this time. Mr. Phillips commented that this was supposed to be left as open space. Mr. Cary asked how many units were anticipated originally? It was over 1,000 units. Now, there are less than 800 units. It is less than what was originally planned. Mr. Crandall noted that he is not convinced that there are 800 units. No layout has been made. I saw one that was 1,000 units. If the density has been reduced, it would be taken into consideration. There should be some type of proof submitted to show that the units have been reduced. The original should be stated as well as the final. Each phase was brought in. This is not part of the original layout. This is above and beyond what was originally approved.

Motion was made by Mr. Phillips, seconded by Mr. Carnevale to Table this matter on Saddlebrook Point for the June 13th meeting. Carried.

**Sawgrass Court - Pinegrove 4 and 5
Comments from Planning Dept. from S. Bower**

Re: Pinegrove Park, Emerald Green, & Sawgrass Court

1. It is assumed that Pinegrove and Emerald Green will be served by the Pinegrove Park Assoc. offering plan. 2. Both have groupings of townhouses which exceed the maximum 160' length requirement. 3. There are a total of 32 townhouse units which do not meet the minimum lot area of 2000 s.f. 4. The Emerald Green sublots should be numbered. 5. The names of each of the projects in Brierwood seem to vary from plan to plan. This inconsistency should be corrected. 6. According to Section 29-166, Letter O, site plan specifications, of the Town of Hamburg Zoning Code; (1) As part of the supplementary data required for the Planning Board review of a proposed townhouse development....a typical tentative plan showing front elevations of proposed townhouses and a typical tentative floor plan of a proposed townhouse prepared by a licensed architect, shall be submitted to the Planning Board. 7. From Section 29-166 O(2), the plan should also include the location of bldgs. in relation to property and lot lines...ation and service areas including garbage disposal areas; landscaping, walls or fences; driveways; all common facilities open space and walkways; and utilities...in addition lot size; square footage of each townhouse and its patio living area should be shown. According to the Planning Board minutes from 11-16-88, a determination should be made for each phase as to whether public active or passive recreation will be required.

Engineering.. The project names within the PUD could become a problem with fire control and when map covers for the project are filed. Emerald Green was presented to the Board last year as being off Rogers Rd. We request Pinegrove Park not be used because it was used off Amsdell Rd. Separate map covers for public and

private sections will be required. We have no objection with preliminary plot review for this whole section, but we will need to to workout a map cover and name agreement. 2. All sublots are to be numbered. 3. The owners of the parcels in the exception north of Emerald Green should be identified on the plan. 4. All of the roadway into Emerald Green off Sawgrass Court is to be private. Sublots 15 and 16 will not have access to the private road. The roads at this intersection should connect at a 90 degree angle. 5. A temporary turn-around will be required at the deadend of the townhouse road to the west. 6. The developer is to be notified that no clearing or stripping of the site is permitted without a permit from this office. Utilities for the site will be reviewed by this office after preliminary plot approval is given.

Today we received a phone call from Mr. Wiess of 2963 Cloverbank who raised the questions on the subject site. Specifically he questioned the reduced flow capacity and safety of his well, the proposed storm drainage for the area, and a requirement for a visual barrier or berm between existing homes. The original concept plan for the site shows a berm between the Cloverbank house and the townhouses. Twice as many townhouses are now proposed. Several places in the E.I.S. buffers and berms are mentioned and should be considered by the Board. We have not had the time to re-read the whole E.I.S. The concerns should be addressed by the Board as they pertain to the E.I.S.

Mr. Burke noted that the revised plan shows 136 units as opposed to 284. Mr. Lardo stated that on Emerald Green, the berm was directly behind Mr. Wiess' house, 19' off the property line. Mr. Burke noted that they reduced the number of units in this area from 98 to 83.

Motion was made by Mr. Cary, seconded by Mr. Koenig to approve the preliminary for Sawgrass Court, & Pinegrove 4 and 5, Job #NC-29421, Dwg. T-462 dated 5-16-90, . Carried. This is not to include approval for Emerald Green. That item is to be addressed separately.

Emerald Green

Bldg. Insp.--In the proposed Emerald Green development, the first bldg. off of Cloverbank Rd. should be moved further to the east and south to keep it away from Cloverbank Rd. This is a private drive and a stub street. I need to know the location. It does not seem to conform to the previous preliminary plan. If there is a revised layout, I would like to see it. Sawgrass Ct. will be a public road, and at the end of the cul-de-sac and will continue on a private road.

Planning - S. Bower - Asst Planner - On Emerald Green

I received a phone call from Mr. D. Weiss, in regard to the proposed Pinegrove Park, Emerald Green Townhouse Developments and Sawgrass Court Subdivision. Mr. Weiss had various concerns and

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after a little research I had found that he had voiced these same concerns during the public hearing stage of the Brierwood PUD Env. Impact Statement. As Mr. Weiss threatened legal action against various Town officials, I am reiterating his concerns: The drainage is very bad in that area. The protection of well water production. The inclusion of a buffer strip between the proposed development and the transmission towers. New information on the affects of radio waves on humans. Lack of Public hearing on Amsdell 2.

I reviewed the minutes of the Public Hearing on 9-16-88 and in almost all cases, Mr. Weiss' concerns were aired and no promises were made by the Town or the developer except for those concerns over the wells. Below is an excerpt of the meeting dated 11-16-88:

Mr. Burke noted that the issue of the wells has been resolved. Mr. Barrett and Mr. Koerner rely solely on their wells for their water supply. Mr. Burke has assured them that prior to construction, they will have the wells tested for quality and quantity. After construction, if there appears to have been an impact, Mr. Burke will bear the expense for them to tie into Wanakah or Erie County Water. Mr. Barrett also stated that Messrs. Weiss and Nister don't use their wells for drinking purposes but rather for the washing of cars and lawn watering and also have concerns about the impact of the construction. Mr. Burke stated that he will be responsible for these 4 wells should there be an impairment. Mr. Gaughan suggested that some short agreement should be written up stating that Mr. Burke will be responsible in order to hold up in court. According to the Statute of Frauds, any agreement involving \$500 should be in writing. Otherwise, it is not binding. This is not an agreement with the Town and Mr. Burke, and should it wind up in court, with the Town involved, this would add additional costs to the Town and more complicated for the people to prove. Mr. Burke agreed that something in writing from him will be forthcoming. The others, who have wells, did not seem to care as their wells are sulphur. Only 4 individuals were interested.

I am unaware if any agreement was drawn up between those concerned about their wells and the developer. But, because Mr. Weiss sounded very disturbed, I am bringing the matter to the Board's attention.

Note: No action was taken on Emerald Green.

Professional Office Park - Messrs. Matusick and Cartonia - Milestrip Road

Messrs. Matusick and Cartonia appeared before the Planning Board on an information session for a professional park office to be located on Milestrip Road. Application for the rezoning has not yet been made.

Professional Park - Milestrip Rd.

Conservation--We foresee no significant effect on the environment and no conflict with open space areas. This is not part of the proposed open space area or trailway. Area between residential area--mall of highway. No significant flora-fauna. Area is bordered by McKinley Mall- Milestrip Rd. & housing development. Landlocked because of D.O.T. regulation on curb cuts on to Milestrip Rd. This is being appealed by owner at this time--because of recent court decisions. Access to mall property prevented by ownership of lots 25 and 26 by other parties. The owner, Mr. Matusick holds title to lots 20, 21, 23 & 24. 19 and 22 are in title to T. Pzcygcel for 600' frontage. It is proposed to leave at least 30 as a buffer between the present residential development and the outer rim of parking and about equal on both sides. I see no environmental problems with the project since the mall is the next door neighbor and there are other commercial properties extending in both directions.

Planning--The applicant for the proposed office complex is requesting feedback on his conceptual site plan. It would require a rezoning from R-2 to C-3 and the owner has yet to receive access from the County on to Milestrip Rd.

Engineering--We request that the developer address how he proposes to serve the site with public water and sewers as these utilities are not located nearby. Access to the expressway is not allowed by the County. Storm water detention would be required for the site. Gerard M. Kapsiak, Town Engineer.

Chairman Crandall pointed out that the access on to Milestrip will be a problem as the County restricted access for that strip. A Planning Board recommendation would be premature until application is made. Motion was made by Mr. Phillips, seconded by Mr. Carnevale to Table the application until a rezoning petition is filed.

West Herr Ford - Camp Road

Mr. John Wabich appeared before the Planning Board with a proposed renovation of the used car lot area on Camp Road. At the present time, they have a mobile as an office. They would like to remove the mobile and replace with a building. The building will utilize the same spot. They will continue with parking in the back. The display cars will be around the perimeter.

Motion was made by Mr. Phillips, seconded by Mr. Cary to approve the facility for West Herr Ford. Carried.

Comments: Planning - We have no review comments on this site plan.

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Engineering--We have no review comments on the plan dated 5-9-90 and received on 5-14-90.

Parlato - Hidden Hollow - McKinley Parkway.

Chairman Crandall informed the board that a meeting was held with the Engineering Dept., and Highway on Parlato's Subdivision. An agreement was reached whereby the cul-de-sac would be 50' in diameter. The Engineering Dept. and Mr. Parlato are now in agreement as to what should be done. As for the cul-de-sac area, it will be totally paved.

Motion was made by Mr. Koenig, seconded by Mr. Phillips to amend the previous minutes from 40' to 50' diameter. Carried.

Motion to adjourn the meeting was made by Mr. Phillips, seconded by Mr. Koenig. Carried. Meeting adjourned at 12:30 a.m.

Country Store - Mr. Manfreda - Southwestern Blvd.

No input has yet been received from John Daleo from the Conservation Board on the Country Store on Manfreda. No review was done at this meeting.

Respectfully Submitted,

Gerard Koenig, Secretary
Planning Board

Next meeting: June 6th, 1990
Next regular meeting June 13, 1990 7:30 p.m.

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