

Town of Hamburg
Planning Board Meeting
6-17-98

Farmhouse II Subdivision
Rogers Rd. - E. Burke

Preliminary approved.

Bedrock Eatery
4038 Hoover Road
Richard Sikorski

Tabled.

Burke Senior Housing
E. Burke

DSEIS rejected.

St. Matthews Rezoning from R-1
to R-3
McKinley Parkway

Favorable recommendation
to Town Board

St. Mary's of the Lake Church
S4737 Lake Shore Road

Approved cont. on Eng.

South Shore Dome
Southwestern Blvd.

Approved with conditions

Lakeshore Goodfellows Club
3524 Big Tree Road.

Forwarded to ZBA with
favorable recommendation.
Also site plan waiver.

Monte Riefler
5690 Camp Road
Rail Transloading Storage Facility

Approved with conditions.

Burger King Restaurant
McKinley & Southwestern Blvd.

Approved with conditions
Forwarded to ZBA.

Richwood Acres
Donato Builders
McKinley & Fairgrounds

Approved Cond. Neg. Dec.
on SEQR only.

TOWN CLERK
JUL 15 2 26 PM '98
TOWN OF HAMBURG
PLANNING BOARD OFFICE
211 N. W. 10TH ST.
HAMBURG, NY 12521

Town of Hamburg Planning Board Meeting
June 17, 1998

The Town of Hamburg Planning Board met in regular session on Wednesday, June 17th, 1998 at 7:30 p.m. in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Sue Ganey, Don Fitzpatrick, Dick Pohlman, Paul Eustace. Others attending included Drew Reilly, Wendy Salvati, Attorney Don McKenna, Rick Lardo, and Terry Dubey, Stenographer.

Minutes of the meeting held March 4th, 1998 were approved on motion by Mr. Fitzpatrick, seconded by Ms. Ganey. Carried.

Motion was made by Ms. Ganey, seconded by Mr. Phillips to approve the minutes of the May 20th meeting. Carried.

Public Hearing - Farmhouse II Subdivision - Rogers Road

Secretary Koenig read the following Legal Notice of Public Hearing:

TOWN OF HAMBURG
PLANNING BOARD
LEGAL NOTICE

HOUSE II SUBDIVISION

is hereby given that the Planning Board of the Town of Hamburg will conduct a Public Hearing on the proposed 2 lot subdivision known as Farmhouse II located near 5232 Rogers Rd. between the Brierwood Country Club entrance and the new Emerald Green Apartments for Ed Burke on June 17th, at 7:30 p.m.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, being part of Lot 29, Township 9, Range 8 of the Holland Land Company's survey, more particularly described as follows: COMMENCING at a point in the centerline of Rogers Road at a point 936.07 feet north of the south line of Lot 29 as measured along the centerline;

thence north 89° 27' 57" west a distance of 48.04 feet more or less to the west line of Rogers Road being the Point of Beginning; thence continuing north 89° 27' 57" west a distance of 163.07 feet; thence north 01° 30' 43" east a distance of 125.55 feet; thence north 89° 30' 15" east a distance of 96.42 feet to the west line of Rogers Road; thence south 00° 31' 43" west along the west line of Rogers Road

a distance of 66.30 feet to an angle point in the road; thence continuing along the west line of Rogers Road south 46° 02' east a distance of 88.77 feet to the point of beginning, containing 0.33 acre more or less.

6-4-98

6-11

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board Chairman

Chairman Crandall declared the hearing open: Mr. Crandall explained that this is a minor 2 lot subdivision with an existing farmhouse that will be removed and replaced with a duplex residence. This is considered a zero lot line subdivision. The developer has agreed to a single driveway with a turn around.

Mr. Ed Burke appeared on behalf of this application. He stated that he responded to the amendment on June 11th and noted that he is familiar with the site and there is no sight distance problem on the westerly side of Rogers Rd. The building will be situated on a hill looking visibly clear downhill to the north and visibly clear on a level plain to the south. This would not be the case from the easterly side of Rogers Road.

Engineering Comments: The proposed sublots are to be shown on the plan and numbered. 2. The application states that a duplex house is to be developed on the site. If two dwelling units are to be sold on separate sublots, the development should be a two unit

Farmhouse II Subdivision:

townhouse or zero lot line dwelling. (3) Public water service fronts the property along Rogers Road. 4. Public sewer service fronts the property along Rogers Road. 5. The two units should share a common driveway, with tee turn-arounds provided for each parcel.

Mr. Crandall explained that the turn-around allows the property owner to come out front first and will be beneficial to everyone.

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

Christine Roach asked if this farmhouse was part of the PUD? Response given was that it was not.

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

Motion was made by Ms. Ganey, seconded by Mr. Eustace to grant preliminary approval of the subdivision, contingent upon submittal of drawings reflecting that the lots are to be numbered and with a seal; that a Negative Declaration be issued, and that the filing of a map cover be waived. Carried.

Bedrock Eatery - 4038 Hoover Road

Chairman Crandall stated that Mrs. Sikorski called the Planning Dept. and asked to have their application tabled as they are not ready to proceed.

Engineering Comments:

- (1) The row of parking bumpers along Hoover Road is located within the highway right-of-way, approximately five feet closer to the road than what was previously approved.
- (2) The fence and gates along the front of the parking lot were not shown on the approved site plan. These should not have been located within the highway right-of-way.
- (3) The location of the highway right-of-way boundary differs by approximately 10 feet from that shown in the approved site plan.
- (4) The new 4" concrete pavement has not been installed in the parking area as required in the approved site plan (still a stone surface).
- (5) The building and garbage dumpster pad and enclosure are approximately ten feet (10') closer to the right-of-way than what was previously approved.
- (6) The enclosed patio at the rear of the building was not shown on the approved plan. However, a site plan waiver for the enclosure was granted in August 1996.
- (7) The concrete curbing, planters, grass areas, and sidewalks within the site ~~either were not installed or were installed differently than shown on the~~

Bedrock Eatery continued

Engineering (Cont.)

Due to the discrepancies between the right-of-way boundaries and building locations shown in the two drawings, it is considered that this matter needs to be clarified and appropriately rectified by the site developer, surveyor, and architect.

Mr. Cliff Ball, adjacent neighbor, brought in a letter that he submitted to the Planning Board that is to be part of the record.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to **Table.** Carried.

Burke Senior Housing - Brierwood

Chairman Crandall noted that we have received a Draft Supplemental Environmental Impact Study on the Brierwood Senior Housing project. We have had discussions in house. There is an Article 78 proceeding that has been filed against the Town. We are in the process of reviewing that to determine what our position is. We have a resolution tonight that we want to pursue in regards to the DSEIS.

We have received a letter from Mr. Burke that reads as follows:

JUN-17-1998 16:03 FROM E.F.BURKE CO. TO 6490151 P.02



June 17, 1998

Mr. Andrew Reilly, Development Coordinator
Town of Hamburg Planning Department
S-6100 South Park Avenue
Hamburg, New York 14075

LICENSED REAL ESTATE BROKERS
RESIDENTIAL SALES - APARTMENTS - APPRAISING
BUSINESS OPPORTUNITIES - FINANCING - LEASING
COMMERCIAL PROPERTIES

6455 LAKE AVENUE ORCHARD PARK, NEW YORK 14127
TELEPHONE (716) 675-3000

Re: Proposed Brierwood Multiple Housing
Our Informal Review Meeting June 5, 1998
and Subsequent Telephone Conversation
with Robert Walsh, Esq. June 17, 1998 thereto

Dear Drew:

This correspondence is directed as both a follow up and response to the above.

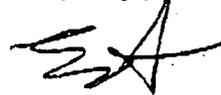
Whereby we have not been able to make your below outlined Planning Board SDEIS

1. Change format presentation to follow your presented draft letter of June 4, 1998 (copy enclosed)
2. Amend or expand E.M.S. Consulting Inc. Traffic Impact Study to address all comment issues set forth in the boards May 12, 1998 prepared "Final Scope for DSEIS" (copy enclosed).
3. Amend our May 27, 1998 presented DSEIS Appendix Documentation to include the "Computer As Built Housing Development" together with site line analysis from nearest neighbor as was presented in earlier packages to the board.

The complete compilation of above requested amendments and inclusions can be available for review no later than June 26, 1998. With the above written for our justification, we respectfully appreciate your adjournment of our scheduled June 17, 1998 appearance and arranging for our placement on your advised forthcoming July 8, 1998 meeting thereto.

We thank you for the guidance and understanding and will look forward to addressing any further concerns at the aforementioned meeting of July 8, 1998.

Very truly yours,



Edmund F. Burke

Mr. Reilly noted that we received this correspondence at 4:30 today. We have to respond to the Draft SEIS that was submitted by 30 days according to SEQR law. On advice of counsel we have drafted the following resolution for this evening. The applicant did not withdraw the document as submitted. This document was not done in the proper format.

Mr. Crandall stated that he was at the meeting where the resolution was drafted. I am in favor of proceeding this way. It cuts to the quick of the matter. It makes it clear where the board stands in regards to the validity of the document submitted. It establishes the route for the applicant to pursue if he wishes to do so.

Resolution:

Whereas, the Town of Hamburg Planning Dept. received a document titled, "Final Scope for SDEIS" dated May 27, 1998 and an appendix titled "DSEIS Supplemental Brierwood Impact Statement Brierwood Apartments (Senior Housing)" and

Whereas, these documents do not constitute a DSEIS or answer the scope outlined by the Town of Hamburg Planning Board, and

Whereas, the applicant in a letter dated June 17, 1998 stated that the document needs to be amended,

Now, Therefore, Be It Resolved, that the Hamburg Planning Board hereby rejects the document submitted dated May 27, 1998

seconded by Mr. Koenig. Carried.

Mrs. Roach asked what the resolution meant? Does it mean the Planning Board rejected what he submitted and is now to revise the document. Answer: Correct.

Chairman Crandall also noted that the meetings for July will be held on **July 1st and July 15th.** The item could be on for the July 15th meeting provided that there is sufficient time for review.

St. Matthews Rezoning Petition from R-1 to R-3 Multi Family Housing - McKinley Parkway.

Mr. Jerry Ruhl stated that they are present for a rezoning petition from R-1, single family to R-3, Multi-family on an 8.9 acre site on McKinley Parkway for the construction of 18 units of condominium type housing intended for senior citizens. This is a unique design using the landscape to the most benefit. The units will be set into the hillside whereby it starts low on McKinley and goes up at a reasonable slope to the high ridge along Rush Creek. There will also be a high degree of privacy from existing properties. The homeowner will not be tax exempt. They will also be part of a homeowner's association.

Mary Cheman, adjacent neighbor, asked why the zoning couldn't be changed to R-2. It was explained that the difference is that this is all one piece of property with 2-3 units. The current church driveway will be used as the access point. This will not be a public road. The applicant has also been asked to tie into the sewer line fronting on McKinley Parkway.

Motion was made by Mr. Phillips, seconded by Ms. Ganey to forward a favorable recommendation for Activity Village from R-1 to R-3, Multi family for the following reasons:

1. This is a unique design that will compliment the Master Plan.
 2. Even though the proposal is for an R-3 zoning, it will have the density of an R-1;
 3. The proposal will allow a sewer tie in for adjacent property owners for those who are on septic.
 4. The proposal will make good use of the topography.
- Carried.

St. Mary's of the Lake Church - S4737 Lake Shore Road

Chairman Crandall began the session by explaining that he has been a volunteer consultant to the parish for the proposed new St. Mary's Church on Lakeshore Rd. If anyone has objection while he is chairing the project, he will excuse himself. Mr. Koenig noted that he too has had a business association with Trautman. No one in the audience indicated any objection.

Mr. Richard Stievater, Carl Schoenthal, Civil Engineer, and Father Jerome Sullivan appeared before the Planning Board on the new proposed church of St. Mary's of the Lake on the Lakeshore Road. Father Sullivan stated that his concern with the project involves the proper time lines and budget constraints. He hopes that the project can be kept on schedule.

Comments were received from Engineering as follows:

The following are review comments on plans dated 5/18/98 and last revised 6/10/98:

(1) SHEET D-1 - SITE PLAN

- A New York State Dept. of Transportation (NYSDOT) permit is required for work within the Lake Shore Road highway right-of-way. We will not approve these plans without NYSDOT review and approval of the work on their right-of-way.
- A Town of Hamburg Highway permit is required for work within the Norton Drive and Kennison Pkwy. highway right-of-ways. We will not approve these plans without the Town Highway Dept. review and approval of work on their right-of-way.
- The garbage dumpster should be No. 9 (not 10) in the drawing notes.
- The location of all topsoil stockpiles are to be shown on the plan. Include silt fence around the stockpiles.
- The landscaping is to be approved by the Planning Board.

(2) SHEET D-2 - SITE GRADING AND UTILITY PLAN

- Submit the sanitary sewer service lateral plan to the Erie County Dept. of Environment and Planning (ECDEP), for review on behalf of the Erie County/Southtowns Sewage Treatment Agency. The plan must also be submitted to the Mount Vernon Sewer District. We will not approve the plan prior to approval by the ECDEP and the Mount Vernon Sewer District.

- CB-9 is to be installed on the main Norton Drive storm system (not offset).
- Include the footage of pipe between structures.
- The Highway Department requires that a ten (10) inch diameter perforated coated or aluminized corrugated metal pipe storm system be installed along Norton Drive and north along Kennison Parkway for a distance of 240 feet. Revise as required.
- Design grade elevations are required for the site.

(3) SHEET D-3 - RECTORY RELOCATION PLAN

- The Highway Department also requires that perforated coated or aluminized corrugated metal storm sewer pipe be installed along the full frontage of Norton Drive. Show this on the plan. Revise as necessary.

(4) SHEET D-4 - DETAILS

- The proposed storm sewer invert at the existing manhole on Roanoke Drive is to be raised above the manhole bench.

All comments must be satisfactorily addressed for approval.



Gerard M. Kapsiak, P.E.
Town Engineer



Richard J. Lardo
Principal Engineer

RJL/dhp

St. Mary's Church Continued

Mr. Richard Stievater explained the project which involves the existing church of 250 which will later be demolished. There will be a connecting link with the school. Next to the church is the rectory building that will be moved to a site at the corner of Norton. We will be saving this structure for re-use. The main worship space for 400 will have two entrance points. The structure will be 14,000 s.f. total and built with a brick exterior to match the other buildings. The Highway and Dept. of Transportation applications are in. The financial planning for the church began approximately 4 years ago. The fund raising has been fairly successful. We have permission from the Diocese to proceed. Bids will be received until July 7th. The masonry building of the church will be in an octagonal shape.

Variances were granted by the Zoning Board of Appeals for the parking lots. We have been granted 10-15' into the setbacks for the parking lot off Norton and Lakeshore. The variance for the second lot of 15' was also granted. This was done in order to come up with the required parking spaces without cutting into green space as we would like to preserve as much as possible around the church. The church will remain in a green area and not appear to be in a sea of parking. The Zoning Board did agree with us on the determination to put several spaces into the setback. We have tried to help control traffic by providing islands at the entrances to the parking areas and at the corner to help define an exposed corner and to direct traffic to several points as opposed to allowing traffic to come out on to Kennison as it has in the past. We feel it is a much safer condition and we have landscaped along the edges of the parking area as requested by the board. I think we have complied with the requirements with the exception of the one item. We feel it is not necessary and would still like to talk about it. That pretty much is an overview of the project.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Pohlman to approve the site plan for the church, issue a Negative Declaration, and approve the project contingent upon the resolution of Engineering changes. Carried.

South Shore Dome - Southwestern Blvd.

Mr. Tom White appeared with a revised site plan for the South Shore Dome on Southwestern Blvd. The changes have been made as requested. There have been some additions noted on the drawing as well as additional landscaping. We will be increasing the height of the trees along the berm by 6-8'. We have assumed the lease for the driving range, the restaurant, and the pro shop from the landowner. When asked about the old building at the corner, it was noted that this belongs to the landowner. Concern was stated about the aesthetics at the corner. This will be completed when the road

project is complete. Mr. White stated that it took 30 people to take the dome down and it was taken down in two sections, of which each section weighs 20,000# when rolled up. The sections were then placed on pallets. However, we cannot move something that large. The permanent structure with the deck will be utilized as an outdoor driving range in the summer with 20 stations above and 20 stations below.

Mr. Reilly stated that he will send a letter to Mr. Bookbinder telling him that the maintenance buildings need refurbishing. At one point, Mr. Bookbinder agreed that these buildings would be updated.

Also, on the dates that the dome is in place was also discussed. Chairman Crandall noted that initially the term "seasonal" was used. What we talked about was from October to May as far as the dome being up. Mr. White and I discussed the possibility of May 15th. What I would like to do is say that May 1st would be the date that the operation ceases and that you have until May 15th to get the dome down, and the date of October 1st for putting it up.

Mr. Reilly noted that the tree size should be 3" in caliper. There will also be new poles and netting put in place for a height of 25'.

Motion was made by Mr. Phillips, seconded by Mr. Fitzpatrick to approve the revisions for the South Shore Dome subject to the following conditions: That the temporary structure, the time when they can start putting it up not begin before October 1st, and that the take down begin May 1st with everything accomplished by May 15th. The approval is also subject to the landscaping plan being reviewed by the Consultant, that a letter be issued to Mr. Bookbinder requesting compliance with the improvement of the other structures, and issue a Negative Declaration. Carried.

Engineering Comments: 1. The Planning Board previously approved this site plan on 2-11-97. These improvements have not yet been completed. 2. The seasonal usage of the sports dome should be noted on the plan.

Lakeshore Goodfellows - 3524 Big Tree Road

Mr. Mark Chavel appeared before the Planning Board on the rebuilding of the Lakeshore Goodfellows club on Big Tree Rd. This is a matter that must go before the Zoning Board of Appeals as it is a non-conforming structure in an M-3 zone & has been destroyed by fire. The code requires that a non-conforming structure damaged by fire exceeding 50% must have ZBA approval when it is being rebuilt. (Section 280-177)

Chairman Crandall stated that the site is hidden from the road; it is well landscaped, and the parking area is paved and

Lakeshore Goodfellows (Continued)

striped for the required number of parking spaces. The size of the building will be the same and they are putting up another structure in kind. There is a large outdoor area for activities, and this does not change the intent of what is presently there.

Motion was made Mr. Eustace, seconded by Mr. Pohlman to forward a favorable recommendation to the Zoning Board of Appeals for the approval of a non-conforming use, and waive the site plan approval, and to refund the fee of \$750.00. Carried.

Engineering Comments: The project is acceptable to this office.

Monte Riefler - 5690 Camp Road - Rail Transloading & Aggregate Storage Facility -

Mr. Monte Riefler informed the board that he is present for site plan review and approval of a Rail Transloading & Aggregate Storage Facility on property located at 5690 Camp Road. This facility will transfer coal, sand and gravel to vertical concrete storage bins that will be unloaded by gravity into tractor trailers and dump trucks. A locomotive house is also included. One thousand tons of material can be unloaded in a 2 hr. period. This method is being used as quarry's are meeting quite a bit of opposition these days and they are having difficulty in expanding their facilities. The quarry's are now 100 miles away. We are traveling to the Pennsylvania area to get quality aggregates for concrete work. We now have to bring in these products by rail in order to keep the costs down. We want to have enough storage on hand so that we have enough materials so that we can operate for a two week period.

Mr. Reilly responded that the area is zoned properly and there are no problems with setbacks. The only issue to be resolved is the railroad setback. This has to be approved by the railroad. The Planning Board will need a letter from the railroad in order to have a viable project. Mr. Riefler stated that there will also be a letter coming from the Erie County Industrial Dev. Agency as they control the rail right of way. Planning Board approval will be based on those approvals. There should also be a steady beacon on top of the transloading unit itself based on FAA requirements, since there are helicopters that go over the Riefler site.

Motion was made by Mr. Koenig, seconded by Mr. Eustace to approve the transloading facility subject to approval from the railroad as well as Engineering comments dated 6-16-98; that a Negative Declaration can be issued; and that a solid red light be placed on top of the building. Carried.

(See next page for Engineering comments).

TOWN OF HAMBURG

3-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111 • FAX (716) 649-4087



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Town Attorney
VINCENT J. SORRENTINO

Town Clerk
GEORGE DANYLUK

Supt. Of Highways
JAMES F. CONNOLLY

Receiver of Taxes
ROBERT A. MARS

Councilmen
D. MARK CAVALCOLI
KATHLEEN COURTNEY HOCHUL
JOAN A. KESNER
THOMAS J. QUATROCHE, JR.

TO : Planning Board
FROM: Engineering Dept.
DATE: 6/16/98
SUBJ: PLANNING BOARD 6/17/98 MEETING AGENDA
Rail Trans Loading Facility - 5690 Camp Rd. (Riefler Concrete)

The following are review comments on a site plan dated 6/10/98:

- (1) Submit the plan to Erie County Sewer District No. 3 (ECSD No. 3) for review and approval. We will not approve these plans without their review and approval.

All comments must be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

RJL/dhp

Burger King Restaurant - McKinley & Southwestern Blvd.

Messrs. Jim Busshart and Randy Wilcox of the Carroll Corp. appeared before the Planning Board with a proposed site plan for a Burger King to be located on Jim Busshart's Sheldon Rd. Development, on the southwest corner of the property. There will be one entrance in the front of the Swiss Chalet. This is an 86 seat restaurant with 10 employees and 45 parking spaces. The applicant is going to need a 20' variance for the parking setback along McKinley Parkway. Mr. Geis of Nussbaumer & Clarke stated that they shifted the driveway to match up with the Benderson project on McKinley. County Highway has also noted that they would be satisfied with a 30' opening as opposed to a 42'. Monument type signage will also be used at two locations. The dumpster was relocated due to the sewer and gas lines and will be enclosed in brick.

Mr. Randy Wilcox reviewed the samples of brick for the building. They have come up with a 3' darker shade of beige going to a lighter shade. The roof will be a slate gray with white siding and a gold border near the top of the building. There will be no neon signage. They would like to have the Burger King logo on all four sides.

Mr. Reilly stated that he would like to have a meeting with Tim Ellis, the County and the State on the 42' exit-entrance so that everyone agrees on the same thing.

Mr. Reilly noted that the proposed use is in the Southwestern Blvd. Overlay and the board is concerned about the architectural view of the building also.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to approve the Burger King Restaurant site plan subject to the State, County and Town okaying McKinley Parkway 42' exit-entrance; subject to the variances on McKinley setbacks, ground signs, and for the location of 4 signs on the building; subject to landscaping approval by the Planning Dept.; subject to the architectural agreement on the colors of the building; that the lower portion of the building will be a beige color as per samples submitted, and that the upper portion will be compatible off-white or beige with the rest of the building a Burger King standard color and design as per the drawing that was presented this evening; and subject to Engineering approval. Negative Declaration to be issued. Also, Dick Crandall will review the final architectural rendering and color selection. Carried. (See **Engineering Comments on next page.**)

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TO : Planning Board

FROM: Engineering Dept.

DATE: 6/16/98

SUBJ: PLANNING BOARD 6/17/98 MEETING AGENDA
Burger King - McKinley at Southwestern Blvd.

The following are review comments on plans dated May 1998 and last revised 6/10/98:

- (1) SHEET C-3
- Provide a copy of the Erie County Highway Department (ECHD) permit for work on their right-of-way. We will not approve the site plan prior to approval by the ECHD.
- (2) SHEET C-4.1
- A minimum of ten (10) inches of stone subbase is to be used.
- (3) SHEET C-5
- Include a profile view of the lateral. Submit the plan to Erie County Sewer District No. 3 (ECSD No.3) for review and approval. We will not approve these plans without their review and approval.
- Provide specific details for relocation of the fire hydrant along McKinley Parkway. Submit the plan to the Erie County Water Authority for review and approval. We will not approve these plans without their review and approval.
- (4) SHEET C-6
- The landscape plan is to be approved by the Planning Board.

All comments must be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.
Town Engineer


Richard J. Lardo
Principal Engineer

RJL/dhp

Richwood Acres - McKinley & Fairgrounds -

Mr. Bill Tynn of Pratt & Huth appeared before the Planning Board on the proposed Richwood Acres Subdivision, which is to be located on McKinley & Fairgrounds. The purpose of their appearance is to make a determination on the SEQR for the entire subdivision.

Engineering Comments are as follows:

SUBJ: PLANNING BOARD 6/17/98 MEETING AGENDA
Richwood Acres Subdivision
SEQR Determination - Water System Improvements

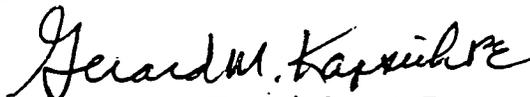
In regard to the water system improvements required as part of the development of the above-referenced subdivision, I met with the developer (Fred Donato) and Erie County Water Authority (ECWA) on 6/11/98. At this meeting, it was discussed that the developer is to provide the following improvements as part of his proposed Part 1 of the subdivision:

- Furnish and install approximately 900 linear feet of 8" waterline along Fairgrounds Road, from Quinby Drive to the Part 2 southerly subdivision access road. This is to replace the existing 6" substandard and deficient waterline along this portion of Fairgrounds Road.
- Installation of a check valve assembly and chamber at Quinby Drive and Fairgrounds Road (materials to be furnished by Town and ECWA).

The above improvements are to be constructed by no later than 3/1/99. I informed the developer that he will be able to proceed with obtaining his plan approvals, followed by infrastructure construction and home building. However, no Certificates of Occupancy will be issued until the above improvements have been completed and put into operation.

The above requirements were incorporated into a proposed agreement between the Town and the developer, which was sent to Mr. Donato on 6/12/98. However, he has not yet returned a signed agreement to us.

If there should be any questions or further information needs regarding this matter, please contact our office.


Gerard M. Kapsiak, P.E.
Town Engineer

GMK/dhp

Richwood Acres (Cont.)

Mr. Reilly stated that Mr. Donato came in and purchased the property. He modified the concept plan for the development of Part I along McKinley Parkway and Fairgrounds. It is up to the board to approve SEQR on the entire subdivision. We have held a Public Hearing on the subdivision. There are several issues that have to be resolved. The first issue is the water issue. There are concerns about water and water pressures in the area.

Mr. Lardo stated that the developer is going to install 900 ft. of 8 inch water line and the check valve assembly and the work is going to be completed by March 1st, 1999. The developer is prepared to do that work.

Mr. Tynn noted that the agreement is with the Water Authority themselves to do some improvements with the pump station. They need to increase the pressure. They have a check valve in place to restrict the flows on Fairgrounds. They do not wish to do this until Fairgrounds Rd. is improved. On the agreement the Water Authority has improved the pump station; the second part is that the Water Authority will provide the check valve itself. The Town will provide the other appurtenances that go with the check valve. The developer will install the check valve. The developer will install his portion of the water line from Quinby until he gets to the other road. The Town will build another portion. That is to be installed by March 1st 1999. We also need Health Dept. approval but that cannot be done until we have the SEQR completed.

Mr. Reilly stated that on the Recreation issue, we have received a letter from them stating that they will not require a tot lot as there will be one for Rush Creek. Therefore, we will ask for the \$600 fee in lieu of. The next issue was traffic and the median cut on to McKinley. The Town would like to see a signal on Fairgrounds and McKinley. However, the County does not support a signal. On the wetland issue, I asked Mr. Tynn to provide information. There is wetlands in the area and it is the intent of the developer to leave it the way it is. There is .59 acres involved. Any disturbance will require permitting from the Federal agency.

Mr. Tynn noted that a delineation was done by the previous applicant. At that time anything below 1 acre did not require notice to the Army Corps. Since that time, the threshold has been reduced to .3 of an acre. We do not anticipate any impact on this area. We are leaving the area in its natural state.

On Phase I, there was a detention basin proposed on the other side. The Town does not want to own and maintain 3 detention basins. Is there some way that this can be privately owned? Engineering is still investigating that avenue.

Conditional Negative Declaration for Richwood Acres

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to issue a Conditional Negative Declaration for Richwood Acres Sub.(entire subdivision). The conditions are as follows:

1. That the water line agreement between the developer, the Town and the County, to be in effect and completed:

2. That no tot lot will be required;

3. That there will be a right turn only exit on McKinley unless the median cut is approved by the County. It will be required and installed by the developer);

4. That the Federal wetlands delineation will be updated. Work will be conducted under a Nationwide permit and be minor in nature with the wetlands preserved to the maximum extent possible.

5. On the subject of drainage, there will be only 2 retention ponds, and an attempt will be made to be privately owned and maintained with a Town drainage easement.

6. That the areas where trees and buffers are to remain in their natural state, there will be an environmental easement for the Town.

7. Lot 85 (which contains some of the potential wetlands and has a mature stand of trees) should be preserved to the maximum extent possible. Options presented, but not limited to, the developer to meet this condition include:

.Town ownership (possibility of reduced greenspace fees).

.Conservation easement to be put in place preserving as much as possible of the land.

Mr. Lardo interjected that on the question, he does not like the condition on the drainage agreement. That did not come lightly. There have been many sessions held with the Town Attorney on this matter. For the board to say that it will be privately maintained, we would like to steer in that direction on the one; but the other one in the corner with access is more conventional. This will be a larger capacity pond. We might want to maintain it. This may not be acceptable.

Mr. Jay Pohlman, representing the residents, noted that on the new plantings in the proposed preservation of the existing tree line, we should reference the Plan, Job #97067 dated November 97 sketch plan, drawn by Pratt & Huth Associates. Carried.

Motion was made by Mr. Phillips, seconded by Mr. Koenig, to approve Phase I of the Richwood Acres Subdivision subject to review and revision of a back yard buffer by the Planning Dept. and that there be no open storm water detention pond on this part; and that all Engineering conditions be resolved. Carried.

The ENB SEQRA Notice Publication Form
Conditional Negative Declaration

Conditioned Negative Declaration
DEC Region #9 - Erie County

Project Title: Richwood Acres Subdivision
McKinley Parkway & Fairgrounds Rd. & Quinby
Hamburg, N. Y. 14075

Contact Person: Andrew C. Reilly, P. E. AICP
Town of Hamburg Planning Dept.
S-6100 South Park Avenue
Hamburg, New York 14075

Phone: 716-649-2023, Fax #: 648-0151

Project Location: Fairgrounds Rd. & Quinby

Description of Action: Development of an 85 + or - lots,
single family, detached, residential subdivision on 47 + or - acres
of land in the Town of Hamburg, N. Y.

Conditioned Negative Declaration: Conditions include:

1. That the water line agreement between the developer, the Town and the County, to be in effect and completed:
2. That no tot lot will be required.
3. That there will be a right turn only exit on McKinley unless the median cut is approved by the County. (Then it will be required and installed by the developer).
4. That the Federal wetlands delineation will be updated. Work will be conducted under a Nationwide permit and be minor in nature, with the wetlands preserved to the maximum extent possible.
5. On the subject of drainage, there will be only 2 retention ponds and an attempt will be made to make them privately owned and maintained with a Town drainage easement.
6. That the areas where trees and buffers are to remain in their natural state, there will be an environmental easement for the Town.
7. Lot 85 (which contains some of the potential wetlands and has a mature stand of trees) should be preserved to the maximum extent possible. Options presented, but not limited to, the developer to meet this condition include:
 - .Town ownership (possibility of reduced greenspace fees).
 - .Conservation easement to be put in place preserving as much as possible of the land.

Fax to: 518-371-7419 - Business Environment Publications,
Inc. 6 Sevilla Dr.
Clifton Park, N. Y. 12065-5013

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

Respectfully submitted,

Gerard Koenig, Secretary
Planning Board