

T. Clark

Town of Hamburg Planning Board  
Meeting - June 19, 1996  
Actions Taken

William Savage Subdivision Lakeview Road	Approved with 8 lots
H&H Wood Products 5600 Camp Road	Approved
Solid Gold 3746 Lake Shore Rd.	Approved
M.J. Peterson Rez. Petition From R-A to C-1	Tabled for further information.
Chesnabob Estates (Tasseff) East Eden Rd.	Public Hearing 7-17-96
Gargano Banquet Facility Southwestern Blvd.	Approved contingent upon Eng. & DOT approval
Hamburg Health Care Addition - 5775 Maelou Dr.	Approved.
Doherty Rezoning Petition R-A to R-2	No action taken
Cliff Ball Sign Request	Referred to Bldg. Insp.
Berkley Place Sub. Modification	Public Hearing 7-17-96
Mission Hill FEIS Mobile Home Park	Need 20 copies
Benderson - Highland McKinley Proposed Retail Center	Referred to ZBA
Benderson Rezoning Pet. of Storage Plus from C-2 to M-2	Favorable recommendation sent to the Town Board
Tiffany Meadows 81 s. lots - single family	Revisions required.

**Town of Hamburg Planning Board Meeting**  
**6-19-96**

The Town of Hamburg Planning Board met in regular session on Wednesday, June 19, 1996 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, Paul Eustace, Don Fitzpatrick, Sue Ganey, Dick Pohlman. Others attending included: Rick Lardo, Kurt Allen, Rich Whipple, Drew Reilly, and Terry Dubey, Stenographer. Excused: Don McKenna.

Minutes of the meeting of 5-15-96 were approved on motion by Ms. Ganey seconded by Mr. Pohlman. Carried.

**William Savage Subdivision - Lakeview Road**

This is a modification of a previously approved subdivision. Mr. Dave Pettit noted that this project was reviewed one year ago. Originally, the subdivision was approved for 9 lots, 5 on New Lakeview, and 4 that fronted on the Old Lakeview Rd., 3 were smaller and 1 large parcel. The applicant would like to keep the same concept, but will drop one lot fronting on Old Lakeview Rd. and in the process make the other lots bigger and deeper on New Lakeview Rd. We will then proceed and have a Map Cover Filed.

Chairman Crandall pointed out that this will reduce the development by one lot. This appears to be a better layout and the lots are bigger.

Motion was made by Mr. Phillips, seconded by Mr. Fitzpatrick to approve the Savage Subdivision with 8 lots as it appears to be in the best interests of the Town. Carried.

**Engineering Comments:** We have no objection to the modifications and extension of the Savage Sub. which was previously granted preliminary approval on 6-22-95. It should be noted that one subplot has been eliminated, and that all of the remaining proposed sublots have been made larger. All previous conditions of approval should still apply. **G. Kapsiak**

**H&H Wood Products - Camp Road**

Mr. Bill Heussler, president of H&H Wood Products appeared before the Planning Board with a revised site plan for their company located at 5600 Camp Road. Engineering has no problem with the project and is acceptable to their office. They are abandoning one overhead door for safety concerns. The corner landscaping will be taken out with landscaping to be located along the building. This is to be worked out with the Planning Dept.

Motion was made by Mr. Pohlman, seconded by Mr. Fitzpatrick to approve the site plan with the provision that the Planning Dept. be  
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consulted to work things out with landscaping. Negative Declaration can also be issued. Carried.

**Solid Gold - 3746 Lake Shore Road**

Mr. Richard Bemb and H. Martin appeared before the Planning Board on some proposed additions to the building located at 3746 Lake Shore Rd. The applicant presented letters from adjacent neighbors who are not opposed to the proposal. They are: BCG, Buffalo Computer Graphics located at 3741 Lake Shore and Mike Kobiolka of 3747 Lakeshore Rd. Engineering has no comments. They are changing the entranceway and the area by the cooler and kitchen.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to approve the additions for Solid Gold, and to issue a Negative Declaration. Carried. (opposed: P. Eustace)

**M.J. Peterson Rezoning Petition from R-A to C-1 Local Retail**

Mr. Dave Pettit appeared on behalf of this rezoning petition from R-A to C-1 located at Commerce Park. The applicant would like to continue with the type of development that presently exists in the park. There is a stub street to the north which would lead towards the Liberatore property for emergency access. Right now, we have the Thruway at 1 side and the Marrano Country Woods Sub. northwest and we don't have another location to tie into.

Comments are as follows: **Engineering:** 1. The site is in the Town of Hamburg's Master Sewer District. Adequate capacity is available to service the site, based on the 40,000 gpd anticipated flow. 2. The site is not in a water district. A Town water district formation or extension, or other appropriate agreement with the Erie County Water Authority, will be required to service the parcel. 3. Storm water detention will be required for development of the parcel. 4. There is a flood zone (Berrick's Creek) that crosses the parcel. 5. A wetlands delineation is required to be performed, in order to determine if any Federal wetlands are located within the site. The Town's Open Space Plan indicates that areas of high water table are present. 6. A proposed development plan should be submitted, showing the proposed road layout and location of a secondary means of access.

**Conservation Board - Dr. Andrie** - An inspection was made of this 45.88 acres tract on June 6, 1996. It is largely wooded with vegetation of varying age ranging from shrubbery thickets to low and medium height secondary forest to more mature forest. Trees in the taller forest sections and also in isolated places in lower forest attain 1 to 1.5' DBH with some individuals reaching over 2' in diameter. Beech, maple, hemlock, hickory and oak are some of the tree species present.

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M.J. Peterson Rezoning (Continued)

Soils in this area are fair in drainage with poor permeability and a high water table. They have potential hydric inclusions. This woodland was one of the locations included among important areas for preservation in the original Town open space assessment some years ago. It is also designated as a local wildlife habitat and management area in the current Town of Hamburg Open Space/Recreation Plan (1993). In this plan, such areas require "alternative design which provides meaningful habitat including wildlife corridors and habitat diversity." as well as maintenance of lower overall density in accordance with the zoning ordinance regulations and clustering in a manner which maintains natural habitat and provides for such wildlife corridor management. One of the Town's principal waterways, Berricks Creek, is a major component of this area flowing through its southwest portion.

The zoning change proposed for this area could result in the deterioration or destruction of the woodland and its associated diverse wildlife, depending on what type action might ensue. In accordance with the Town's Open Space/Recreation Plan, preservation of natural habitat and wildlife, particularly this area's woodland and especially its more mature trees, including the stream and its environs should be a major objective.

Chairman Crandall noted that he is not sure about the depth of the road and how it fits in with the master plan. Mr. Reilly responded that the big issue is the valuable woodland and environmental sensitivity. The Master Plan, although calling for commercial development along Camp Road would not have any problem with commercial in this area, is very specific about incorporating woodlands in sensitive areas in the open space plan. It will be difficult to develop the property on a full scale. That is why we want to see a sketch plan. We do not want to see a clear cutting of the site. Also, a traffic study was never done and should be now due to the fact that DOT will be upgrading that portion of Camp Road. It is very difficult in making left hand turns out of the present site.

Chairman Crandall noted that there are still many issues to be resolved before a recommendation can be made to the Town Board. A Traffic study must be done on this area and environmental issues mitigated

Motion was made by Mr. Phillips, seconded by Mr. Koenig to **Table** for further information. Carried.

**Chesnabob Estates (Tasseff Subdivision)**

Mr. Dave Pettit appeared on behalf of this subdivision. The subdivision name is subject to change. A revised drawing was presented showing 35 sub lots and a temporary turn around at the end of Chesnabob Terrace. Part of the objection from the Planning

Board was the removal of the stub street to the south that would have connected into the Beaubain development. We did incorporate comments that we received thru the rezoning application. We incorporated an acre for a recreation area. That is acceptable. The developer is willing to put in a concrete sidewalk for access from the Beaubain and Tasseff subdivisions. The applicant does own the remaining parcel in the rear and is agreeable to a cul de sac being constructed on that property. There will be no lots with access to East Eden Road.

Mr. Reilly noted that we have seen several sketches connecting Beaubain. We have discussed many ideas. There has been a loss in the curvature of the road on Chesnabob Terrace. The **Engineering Dept.** has the following comments: 1. The site is in Erie County Sewer Dist. No. 3 Sanitary sewer service is available to the site, and the County has stated that adequate sewer system capacity is available (per 3-20-96 correspondence). 2. The site is in the Southtonws Water District. Water service is available to the site. 3. Sublots 3 and 4 are to be labeled as "without" access to East Eden Road. (4) The subdivision and street name "Chesnabob" is considered to be an unusual name. Previous streets with unusual names have been a concern of the residents, post office, and fire control. We strongly suggest that another name be considered. (5) Chesnabob Terrace is proposed to be more than three (3) times the 500 feet maximum acceptable length for a permanent deadend street. A future roadway completing the required loop and secondary outlet is probably several years away, or it may never be built. We do not consider that this design is in the best interest of the residents or the Town. A paved roadway connection to Beaubain Drive using the 50 feet wide right-of-way previously reserved for such in Map Covers 1749 and 1830 should be required to be installed by the developer. This roadway was included as part of the concept plan approved by the Planning Board on 5-15-~~96~~, and is required by Sections 31-17(D), 31-22(H), and 31-23(A) of the Town subdivision regulations. Any contemplated variance from these requirements should be reviewed by and discussed with the Engineering Dept., Highway Dept., and Traffic Safety Advisory Board.

(6) There is a landscape berm area shown as part of the detention basin area. Detention ponds are normally dedicated to the Town. The Buildings and Grounds and Highway Depts. do not have sufficient manpower to maintain the basins, and should not be given the added responsibility of maintaining a landscaped berm. We suggest that the landscape area be eliminated, or an acceptable alternate maintenance agreement be made. (7) The proposed 1.13 acre active recreation area is proposed to be accessed by two long sidewalks. Previously approved recreation areas without visibility from the roadway have frequently been vandalized, and become a source of nuisance and other problems for adjacent residents and the Town. Under Section 31-21(b) of the Town code, the Planning Board may require that the developer install fences, grading, drainage facilities, topsoil and seeding of the area. We strongly

suggest that these requirements be required. The proposed sidewalk to the south is located within a parcel "reserved for future road subject to offer of cession to the Town of Hamburg" on Map Cover 1830. Legal counsel should determine if the installation of a sidewalk in this area is acceptable, and if the Beaubain Drive developer or his heirs are in agreement with the dedication of the parcel for a sidewalk. **G. Kapsiak**

Chairman Crandall noted that the new drawings should be submitted to Highway, Recreation, and Traffic Safety for another review. Also, Attorney McKenna is to research Item 7 of the Engineering Memo dated 6-18-96.

Motion was made by Mr. Phillips, seconded by Mr. Fitzpatrick to set a Public Hearing for July 17, 1996 at 7:30 p.m. and have the Planning Board Attorney research item 7 of the Engineering memo dated 6-18-96. Carried.

**Proposed Banquet Facility - J. Gargano - Southwestern Blvd.**

Mr. Joseph Gargano appeared before the Planning Board on a proposed banquet hall to be located on Southwestern Blvd. next to Uncle Joe's Restaurant. **Engineering** comments are as follows: The date that the plans were revised is to be shown in the plan revision block. 2. Additional clearing, stripping, and erosion control (CSEC) measures and associated construction details are required. 3. We will not approve these plans without New York State Dept. of Transportation review and approval of the work in their right-of-way. (4) Show the proposed sanitary sewer service lateral slope, elevations, and a profile view. Submit the plan to the Erie County Dept. of Environment and Planning (ECDEP) for review on behalf of the Southtowns Sewage Treatment Agency. (5) Specify curbing around all landscape islands, along both sides of the entrance driveway and the drive to the adjoining restaurant. (6) Provide a swale along the south property line. Include proposed swale grades. (7) Revise math errors in the drainage (pipe) system. 8. Provide pond drainage calculations for our review. Provide a detail drawing of the pond. (9) It is suggested that the design engineer make an appointment with this office to review the project plans.

Mr. Drew Reilly noted that a landscaping plan will be required. Also, the Building Inspector will need to conduct an occupancy rating review. Approximately 157 parking spaces will be required.

Mr. Bill Wolke of Southwestern Blvd. expressed concern about the additional traffic and safety and also inquired as to how the parking lot lights will be set. It was noted that lighting is to be pointed downward so as not to intrude on adjacent neighbors.

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

approve the site plan upon all Engineering items to be addressed, to resolve the parking requirements with the Building Inspection Dept., that a landscaping plan be provided satisfactory to the Planning Dept.; that area lighting be pointed downward so as not to intrude on adjacent neighbors and be reviewed by the Building Inspection Dept. Carried.

**St. Cyril and Methody Church - 4785 Lake Avenue**

This project will require an appearance at the Zoning Board level for the domes. A variance on the height is required. Application has been made to the Z.B.A. Comments from **Engineering** are as follows: 1. Provide a pavement section for the parking lot extension. 2. Specify storm pipe size, slope and material. Additional catch basins are required. A minimum 12" diameter pipe should be used. 3. Provide parking bumpers for southeasterly most parking spaces. 4. Show the location of the RPZ backflow preventer for the 6" watermain to the fire hydrant proposed at the rear of the building. The Erie County Water Authority must review and approve the fire service. Why are two separate fire connections to the 24" watermain proposed?

Motion was made by Mr. Pohlman, seconded by Ms. Ganey to forward a favorable recommendation to the ZBA for the dome and height variance. Carried.

**Hamburg Health Care Addition - 5775 Maelou Drive**

The request is for a 3 story, 1,000 s.f. addition to accommodate dining areas for each of the floors. The proposed renovation will not exceed the present height of the facility. The only question that arose dealt with the dumpsters; that they have a concrete pad and be enclosed. Comments from **Engineering** are as follows: 1. There are several garbage dumpsters near the proposed storage building. Will they be relocated? They should be set on a concrete pad and enclosed with a fence.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to issue a Negative Declaration for the project; approve the addition for Hamburg Health Care; that concrete pads and enclosures be provided for all dumpsters, present and future. Carried.

**Thomas Doherty Rezoning Petition - Townhouse Units - Versailles Rd. from R-A to R-2.**

No action was taken on this rezoning petition. Applicant is to provide 8 copies of the sketch showing what is proposed.

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

**Cliff Ball - Request for a sign - Big Tree Rd.**

Mr. Cliff Ball appeared before the Planning Board for a sign request to be located on his residence on Big Tree Road. The sign is necessary to establish hours for pickup. Mr. Ball has operated Ball Cap Co. from his home for the last 33 years. It is a seasonal operation as he resides in Florida during the winter months. The proposed sign would be under 25 s.f. Matter was referred to Kurt Allen, Building Inspector for issuance of a sign.

**Berkley Place Modification**

Mr. Dave Pettit appeared before the Planning Board with a request for a change in Berkley Square. There are a series of buildings that contain individually owned units. The original 5 buildings were not changed. They would like these buildings included as condos. A Public hearing will be required. Motion was made by Mr. Koenig, seconded by Mr. Phillips to schedule the hearing for the modification. Carried.

**Mission Hill FEIS**

Attorney Richard Sullivan, Paul O'Neill, and Nelson Keem appeared before the Planning Board on the proposed Mission Hill mobile-home park. The Planning Board was given a copy of the draft of the FEIS. Comments were received from Richard Crandall and Jerry Koenig. At the present time, Mr. Reilly is waiting for a letter from the New York State Dept. of Transportation relative to this matter. Item is to be scheduled again for the July 17th meeting. (Paul O'Neill to provide 20 copies to the Planning Dept.) Comments have been received from R. Crandall, J. Koenig, Engineering, DOT letter attached.

**Benderson Project - McKinley Highland Retail Center - Zoned C-2**

Mr. Robert Alonzo appeared before the Planning Board for a proposed 10,000 retail building to be located on McKinley near Highland. Variances will be required for the front yard setback. The code requires 35', they have 31.49', therefore requiring a variance of 3.51'. Also, they are short on 6 parking spaces. It was noted that the landscape plan has not been submitted. **Engineering** comments are as follows: 1. The date of the plan revision is to be entered in the box provided on the plans. 2. Note on the plan that McKinley Pkwy. is a County Highway. We will not approve these plans without County Highway Dept. review and approval of the work within their right-of-way. 3. Note on the plan that Brompton Drive (East Highland Pkwy.) is a Town highway, and that a Town highway permit is required. 4. All storm pipes are to have a minimum of two (2) feet of cover over the top of the pipe. Revise as necessary. 5. The sanitary sewer service is to be reviewed and approved by ECSD #3. We will not approve these plans without their plan approval letter. 6. On

Dwg. No. C-2, it appears that the finished floor elevation should be 695.65 (instead of 95.65 shown).

Motion was made by Mr. Phillips, seconded by Mr. Fitzpatrick to forward the proposal to the Zoning Board with a favorable recommendation. Carried.

**Benderson Rezoning Petition for Storage Plus and Site Plan Review for Hydro Air**

The Town of Hamburg Planning Board has received a request for a rezoning of the Storage Plus facility to go from C-2, General Commercial to M-2, Light Industrial to accommodate Hydro Air, which is presently in the Ravenwood Industrial Park. They need a larger facility.

Mr. Alonzo noted that Mr. Nate Benderson and Harold Halpern, Attorney are also present. Basically, Hydro Air is looking at our building as it fits their needs for two reasons: 1. We have the dock facilities for shipping and receiving in the rear, and 2. We have an entrance which they need to accommodate one truck per week which pulls into the bay for unloading to then begin the manufacturing process. The material is cut, and stored, put on line, to various modes. It is then completed for packaging and shipping and shipped out. They ship and receive from the loading dock. In addition to accommodate any trucks that might appear, it may vary from 0 to 6 vehicles per day that may leave the premises. The eastern most driveway is being labeled as a service entrance. The islands are designed to make an easy route for trucks to the other driveway. We have rearranged the front of the parking lot, which is large. We have tried to landscape with the number of trees to make it into a park-like setting. The rear portion of the building is elevated and the area in back is isolated from the golf course and lands to the west. The restaurant is vacant and up for sale.

Hydro-Air is in the growth mode and this facility will give the applicant everything they need for their immediate process, Their processes have gone from a liquid painting to a dry-coat painting. Any air emissions are eliminated. They have the required permits from DEC. They have approval from the Erie County Water Authority for the industrial waste discharge. The place will be inspected for them. Hydro Air meets the criteria for this business. The building in front will have the door, 4'x4' windows to hide the office area.

We originally stored boats at the Storage Plus. We are attempting to convert the building. Perhaps Hydro Air may occupy the entire building.

Chairman Crandall toured the existing plant with Supervisor Hoak and Councilwoman Hochul one week ago. That tour was the

result of a discussion where I indicated concern that whatever goes in, would be compatible with the original intent of M-2 and would not have any adverse affect on the surrounding area. They are presently located on the edge of Ravenwood south. Right adjacent, is an apartment complex (high rent). The noisiest piece of equipment they have is a compressor. The door was open when this compressor was going and the first thing I saw was the compressor. You cannot hear the noise 10 feet away. There is no adverse sound to the apartments. As far as any fumes, they have a liquid type paint set up. They are purchasing a brand new \$600,000.00 paint process which is a dry paint application. DEC approval will have to approve the exhaust and monitor them in order to keep their permit. As far as traffic, the traffic on Camp Rd. will not be any different from what they have in the park. They are going to create 2 new lines as part of the expansion, which will increase the number of employees by 20. This process is light industrial and that is what we intended there originally.

Rich Whipple and I went over to the existing building on Camp Rd. and was pleased to see the condition in the back. The entire east side has a berm the height of the building. There is the same thing in the back. This will buffer sound and conceal the building. Even if there is additional residential development to the south, it will buffer it properly.

Mr. Koenig asked about the illegality of the rezoning. Response given was that this is being reviewed by the Town Attorney.

Mr. Crandall noted that we have a valid rezoning request before us and that is what we are acting on. As far as the legal aspect, that is up to the Town Attorney. We are looking at a recommendation for rezoning.

Mr. Victor Liberatore noted that he purchased a piece of property on Southwestern Blvd., which was the old Century warehouse. Prior to the purchase, I called the Town and was told that the property was zoned C-2. At that point I purchased the property as it was zoned light industrial. I spoke to you, Mr. Crandall, to determine the zoning. Your answer was, there is no obligation for rezoning and we would not entertain a rezoning. The way it is going tonight. You are going in favor of it.

Mr. Crandall: Yes I am. Mr. Liberatore: Very disappointing because of the fact that I have been in this Town all these years and when I called in December, I was told by the Town, there is no other building around where I am that is light industrial. I was told by you again, the C-2 is for retail purposes. You stated to me over the phone (when I was in Pittsburg,) we don't have an application here and do not anticipate entertaining an application because it is C-2.

I bought a piece of property with the intention that I was going to be there with light industry. I checked out the Gold Circle building was C-2. (Mr. Phillips--it still is). Mr. Liberatore: Then why are you people entertaining the notion to rezone it? Mr. Phillips: Because the owner asked.

Mr. Liberatore noted that he was told that this application would not be entertained.

Mr. Crandall: Responded--you did call me and I told you what the present zoning was and that we had not received a rezoning request at that time.

Mr. Liberatore: You also said to me, you would not entertain a request for rezoning. I had my Attorney send you a letter.

Mr. Crandall: There is no way that I could possibly tell you that we would not entertain a rezoning. That is against the law.

Mr. Liberatore: I spent 6 months doing homework from the day that I would buy that building. Whatever goes on tonight, I would like a copy of all the documentation because I will do whatever I have to. I was misled by this body.

Mr. Phillips stated that Mr. Liberatore, you are out of order.

Mr. Liberatore: I am a taxpayer and I have been in this place to find out before I purchased the property. Every piece of property that I purchased, before I purchased, I went to find out exactly what I had to go thru and what my competition is. This property of Storage Plus was for that use. It is zoned C-2.

Mr. Phillips: It still is C-2 today.

Mr. Liberatore: What is the zoning? Is there anything that you will entertain to change? I was told that this would not be entertained for light industry.

Mr. Crandall: I never said that.

Mr. Liberatore: I want everyone to know that I am against this and will do whatever I have to do.

Mr. Crandall: I did not indicate that we would not consider a rezoning. I did indicate that we had not received an application for a rezoning at the time that Mr. Liberatore called me. The rezoning request was filed May 31st.

Mr. Liberatore: I was told when I called that this was a misrepresentation as far as the zoning was concerned was C-2. That the Town and the Supervisor were looking into the matter to see if this was supposed to be C-2. And when they could not get it done

the way they wanted, now they are coming in for the rezoning.

I was told that this was a mistake, that this was illegally rezoned.

Mr. Phillips responded that this is a matter for the Town Attorney to review.

Mr. Crandall noted that we are looking at a rezoning request from C-2 to M-2. If there is any improper rezoning, that is a matter for the Town Attorney. This is not our role. Also, Mr. Liberatore, you have not submitted anything to us as Benderson has, It is your prerogative to do so.

Mr. Liberatore: The reason I didn't submit anything is that I was talking to Hydro-Air first. I was told, we are going to get this rezoning, regardless of what we do. In my mind, there is something going on that I don't like and I will get to the bottom of it. I cannot come in to you. If I don't have something zoned right, I can't apply. I was told that the building was C-2 and it was not going to be considered for light industry.

Mr. Crandall: If you had something in front of us, I could be in favor of that too. Your property is not the only piece of property in the Town of Hamburg where this project could go in.

Mr. Liberatore: You people gave Benderson the idea to go out and have Storage Plus. Who gave the approval to change to Storage Plus? Everytime I tried to do something, I was told to come before the Planning Board.

Mr. Crandall reported that the Planning Board gave approval for Storage Plus.

Mr. Liberatore: Then why would you want to change it 3 months later again? Response: Because they changed their minds, and they own the property.

Chairman Crandall noted that we have covered everything about the existing company and the property. Now, it is up to the Planning Board to make a recommendation to rezone it or not to the Town Board.

Mr. Gary Jabczynski. This property was rezoned back in '95 for West Herr. What was the problem? Was it asbestos? Mr. Crandall responded that we heard a rumor to that affect, but no first hand knowledge was given if that caused the problem. We do not know. Only Benderson or West Herr Ford could answer that question.

Mr. Reilly noted that if that were the case, the asbestos would have to be removed properly. There are a lot of buildings that have it.

In closing, the following recommendation was made: Motion was made by Mr. Phillips, seconded by Mr. Koenig to forward a favorable recommendation on the rezoning petition of Benderson Development to the Town Board from C-2, General Commercial, to M-2, Light Industrial.

1. This property was originally zoned M-2, Light Industrial in 1994 and should be returned to M-2.
2. This is an effective use of a vacant facility.
3. The proposal will be an improvement to the area.
4. The applicant has agreed to landscaping in the front portion of the building which will be an enhancement to Camp Road.
5. The proposed use does comply with the master plan and is compatible with the surrounding area. Carried.

**Engineering Comments:** We have reviewed the site plan for the project dated 6-7-96, and require that 6" curbs be placed around the proposed landscape islands in the parking lot.

**Tiffany Meadows - Patrick Development - 44 acre parcel for single family dwellings.**

Mr. Kevin Curry, appeared on behalf of Patrick Development on a proposed 81 single family subdivision located off Holly Place. **Engineering** comments are as follows: 1. The Highway Supt. has requested that cul-de-sacs not be approved when other acceptable alternatives are available. Three cul-de-sacs are not considered to be acceptable. 2. One of the three permanent deadend cul-de-sac streets is 200 feet longer than the 500 feet maximum acceptable length. 3. Storm water detention facilities will be required for the site. The proposed pond location shown on the plan is not acceptable. The parcel is to be deeded to the Town with road access. 4. How will the private sanitary sewer line to St. Bernadette's church and the gas line crossing the site be addressed? Sublot 4 does not appear to be buildable due to these utility easements. 5. The approval of the Town of Orchard Park and the Erie County Highway Dept. (South Abbott Rd.) will be required for the project. 6. There is a large undeveloped parcel of land south of this site. A right-of-way for future street access to this adjoining property should be considered. 7. The half cul-de-sac (bubble) on the road curve is not acceptable. Revise as necessary.

Mr. James Lyon presented the following petition in opposition. We the undersigned residents of Holly Place and Meadow Lane are strongly opposed to a new street connecting the proposed subdivision on Abbott Road to the foot of Holly Place next to the Town playground. The increased traffic will double or triple the current traffic in this neighborhood, based on the number of homes proposed. We are concerned about this increased traffic outletting next to a Town playground which is heavily used by children, and

the increased risk to the children's safety. The increased traffic will change the character of our neighborhood from a quiet u-shaped neighborhood used mainly by residents coming and going to their homes, to a thorough-fare connecting the new subdivision to the Town. This will significantly affect our quality of life. One of the primary reasons we bought a house here is the quiet neighborhood and this proposed street would erase that. There are alternative subdivision layouts the developer could consider which would yield a comparable number of lots without emptying onto the foot of Holly Place. We strongly urge the Planning Board to require the developer to consider an alternative street layout that would not empty onto the foot of Holly Place. (Singed by 41 residents).

Motion was made by Mr. Pohlman, seconded by Mr. Fitzpatrick to revise the drawing and reduce the cul-de-sac between S.L. 40-39; that there be an elimination of the elbow near lots 70-71-72, and that this board is concerned about addressing the potential traffic problems as it relates to the playground. Carried.

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

Respectfully submitted,

*Gerard Koenig*  
Gerard Koenig, Secretary  
Planning Board

Next Meeting: Work Session 7-3-96 - 7:30 p.m.