

**Town of Hamburg Planning Board
July 11, 1990
Actions Taken**

American Oxygen - South Park Avenue - Mark Hartman	Approved as presented. Letter reqd. from D.E.C.
Southland Rezoning South Park & Sowles Office & Conv. Store	Tabled until August 8th
Southtown's Christian Center Lakeview & Heltz Rd. - T.V. Tower	Tabled for further review of airport nearby
Colombo Subdivision North Creek Rd. Mr. Colombo & B. Kagel	Preliminary approved
Durham Rd. Subdivision Durham Rd. - B. Hogan	Set for Public Hearing August 8th, 1990
Oxford Heights Southwestern Blvd. Townhouse Units	Public Hearing Aug. 8th
C. Perison 4 unit apt. complex Lorán Avenue	Tabled - Drainage problem
Woodledge Dev. J. Cellura - North Creek & Southwestern Blvd.	Public Hearing July 25th 8:00 p.m. Legal opinion reqd. from Town Attorney
Off Track Betting - Revised site plan Woodlawn	Approved as presented
Abbott Pines Subdivision Fran Igoe, P. O'Neill	Public Hearing Aug. 8th
BJ'S Wholesale Club Milestrip Rd.	Letter to be sent asking for Landscaping plan on 30' buffer strip.
Mobile Home Ordinance	Revisions made. Members to review.
Havenwood Subdivision Southwestern Blvd. New Name: Foster Brooks Estates	To be developed by West Seneca developer, Mr. Mango

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TOWN CLERK'S OFFICE
HAMBURG, N.Y.

**Town of Hamburg Planning Board
Minutes, July 11, 1990**

The Town of Hamburg Planning Board met in regular session on Wednesday, July 11, 1990 in Room 7 of Hamburg Town Hall at 7:30 p.m. Those attending included: Chairman Richard Crandall, Vice-Chairman Elgin Cary, Secretary G. Koenig, Steve Strnad, Sandy Carnevale. Others attending included: George McKnight, Sheryl Bower, Rick Lardo, Bob Pietrocarlo, Attorney Dan Gorman, and Terry Dubey, Stenographer.

Excused: D. Gaughan, D. Phillips

Minutes of the meeting of June 27, 1990 were approved on motion by Mr. Cary, seconded by Mr. Carnevale. Carried.

Executive Session: American Oxygen - Revised Site Plan - M. Hartman, South Park Avenue. - Mr. Hartman appeared before the Planning Board with a revised site plan for American Oxygen on South Park Avenue. This included lengthening the back addition for one more van in the garage. The showroom has been made smaller. Applicant was advised that a letter is required for the Dept. of Env. Conservation indicating that the site plan has been revised and thus requiring an amended permit. Mr. Hartman responded that he plans to do that as soon as his revisions have been completed with the Town. Comments are:

Planning--J. Dietz of D.E.C. has requested revision for amended permit.

Bldg. Inspection--The plan was revised on 7-5-90. It shows an existing downspout adjacent to the driveway for the existing building. However, it does not show where it leads. It must be connected to the south to the swale, and either drain east or west. The plan also shows a downspout at the proposed prime addition at the front of the building. It appears to drain on to the blacktop. This is not permitted. It must go to the front ditch. The downspout in the back corner of the new proposed frame garage, approximately 30 x 37', goes to a splash block. This is not permitted. This must drain to the rear. There should be a swale along the southerly side of the driveway to drain either east or west.

Engineering--1. The splash block in the northwest corner is not acceptable. We suggest the southwest corner downspout be directed to the north and then both downspouts outlet at the back corner.
2. Specify S.D.R. 35 P.V.C. pipe. 3. We have the State Highway permit.

Letter from Scranton Fire Co.--This letter is to clear up some confusion regarding the American Oxygen Building on S. Park Avenue. I was present at the hearing for the proposed use of the property. At that time, I made the **Suggestion** that the owners

American Oxygen (Continued)

consider the installation of a sprinkler system for added protection for their property. This is not a requirement of the N.Y. State Uniform Building Construction code, or any Town ordinance that I am aware of. R. Mueller, 2nd Asst. Fire Chief Scranton Fire Co.

Motion was made by Mr. Koenig, seconded by Mr. Cary to approve the submission as presented and a requirement of the letter to the Dept. of Env. Consv. Carried.

Southland Rezoning Petition - Store and offices for South Park at Sowles. Request is from R-2 to C-1. This rezoning application was referred from the Town Board meeting. Applicant was not present. Board members are to do an on site inspection and look at the intersection. Motion was made by Mr. Koenig, seconded by Mr. Cary to **Table** until the applicant can be present at August 8th meeting.

Havenwood Subdivision - Mr. D. Mango - Change to West Seneca Victorian Spring Dev. Corp. Southwestern Blvd.

Mr. D. Mango appeared before the Planning Board on an information session on property that was to be developed by B. Schifferle with regard to Havenwood Subdivision on Southwestern Blvd. The proposal is for 100 unit, townhouses, to be built in Victorian style. The units will utilize 1250 s.f. have 2 bedrooms and fireplaces, in the \$70,000 to \$80,000 price range. The front portion requires a rezoning from R-2 to R-3. The development will be called Foster Brooks Estates. Board responded favorably towards the proposal and advised applicant to proceed with rezoning on the front portion.

Southtown's Christian Center - Special Use Permit - T.V. Antenna

Secretary G. Koenig read the following Legal Notice for the Special Use Permit:

**LEGAL NOTICE
SPECIAL USE PERMIT
TOWN OF HAMBURG
PLANNING BOARD**

Pursuant to Section 29-196.3 of the Zoning Ordinance, notice is hereby given that the Planning Board will hold a Public Hearing on July 11th at 8:00 p.m. for a T.V. Antenna for the Southtown's Christian Center (Channel 39) located at Southwestern Blvd. and Lakeview Road.

Public Hearing will be held in the Planning Board Room 7 in Hamburg Town Hall, S-6100 South Park Avenue, Hamburg, N.Y.

DATED: June 22, 1990

**TOWN OF HAMBURG
PLANNING BOARD
RICHARD CRANDALL,
CHAIRMAN**

GERARD KOENIG, SECRETARY

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Chairman Crandall declared the hearing open:

Mr. Smardz appeared on behalf of the Southtown's Christian Center for a T. V. antenna and tower to be located on Southwestern Blvd. near Heltz Rd. It is their intention to erect a 146' tower and mount the antenna, for their religious programming. Application has been made to F.A.A. & the F.C.C. Comments were received as follows:

Engineering--1. A state road cut permit is required. A paving detail is required. The building site should be drawn at a larger scale. Will there be water service and septic system for the site.

Bldg. Inspection--This 17.75 acres of land is zoned C-2. Part of it may be in the wetlands. This should be shown on the plans. It is referred to on the wetlands map as ED-17. I need to know the proposed height of the antenna, as it should be set back from the property line. At least the distance of the height, 29-161-C(4). I know there is a proposed bldg. on the site. The construction of this antenna should not interfere with any new proposed future construction.

Planning--The necessary permits have been obtained from the FCC and FAA. The proposed tower location will be less than the required distance to the closest property line.

Conservation--In their part II of the E.A.F. the Conservation Board states: The application denotes that FAA approval has been received and this board is curious to learn of any conditions associated with the approval. Although the tower is not in the direct flight path of the Lakeview airport, it is very close to it. For this reason, item 17, part 2 of the Assessment Form is checked "yes" on the assumption of a potential risk to the small planes using the Lakeview Airport. There are no other matters that would significantly affect the environment. **Duke Spittler, Chairman**

Mr. Crandall asked if the tower could be placed far enough away so as not to interfere with any future development, especially on height. The tower will be located way in the back in the corner of the parcel. There is a small maintenance building on premise, which will not be occupied. This is a large piece of land that has been leveled when the State D.O.T. did remedial work on the road and is 770' back. They are also in the process of acquiring another parcel south of their property. The tower position has been moved to a 150' from the property line. A distance measurement should be indicated on the site plan.

Mr. Crandall opened the discussion to the public. Mr. R. Walsh, owner of the Lakeview Airport spoke in opposition to the application. The proposal could be a hazard to the airport which is presently active. We conduct instructions and we have some

T.V. Tower Southwestern Blvd. (Continued)

new and young pilots which could directly cause a fatal accident. The tower should be someplace else. There is a possibility of interference between the airport and the station with the tower. I would like to have the matter tabled in order to clarify if this would be compatible with the surrounding area. Mr. Smardz stated that the tower was approved by the F.A.A. and they have a time frame to contend with. A copy of their form of approval was presented with the application.

Mr. Walsh noted that if there is any type of guidance wire at the airport it could give a faulty reading on the instruments as a pilot approaches the airport. Mr. Al Comfort, instructor at the airport noted that this could be a potential hazard. The Airport Owners and Pilots Assoc. does not favor towers around an airport. This tower will be in the airport's traffic pattern, which means that the small planes will be passing over the top of it and the possibility exists that a young, inexperienced pilot could run into the guy wires or the tower itself. This could be a catastrophe. We would like to have the matter Tabled until the Airport owners and Pilots Assoc. can investigate the matter.

Mr. Bob Blank, a resident of Lakeview and a licensed pilot noted that he has used the airport since the late 1960's. The Lakeview airport is not an easy airport to land on, as it runs north and south and the winds go in the opposite direction. I feel that this would be a potential hazard. I was part owner of an aircraft and if a pilot loses power, he must search for a flat surface to land on. I think consideration should be given to an airport that has existed there for 50 years.

Mr. Dan Ganey, noted that his father owned land near there for many years. We have been residents of Hamburg since 1946. I have seen planes come in and the airport has been in existence for many years. Consideration should be given to the traffic pattern of planes coming and going. To put an antenna near there will be in the way of the guide path. This tower would be a hindrance to the airport.

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

Motion was made by Mr. Strnad, seconded by Mr. Koenig to **Table** this matter until an investigation is conducted as to whether this tower would be a potential hazard. Carried.

Colombo Subdivision -North Creek and Heltz Rd.

Secretary G. Koenig read the following Legal Notice on Colombo Subdivision:

Colombo Subdivision (Continued)

**LEGAL NOTICE
TOWN OF HAMBURG
SUBDIVISION HEARING
COLOMBO**

Notice is hereby given that the Planning Board for the Town of Hamburg will hold a Public Hearing at Hamburg Town Hall, S-6100 South Park Avenue for the purpose of approving Colombo Subdivision on July 11th at 8:15 p.m.

Certificate of Complete Record Search, County of Erie, against all that plot of land situated in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number thirty-six (36), Township nine (9), Range eight (8) of the Holland Land Company's Survey, being more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of said Lot Number thirty-six (36), distant two thousand three hundred ninety-nine and forty-three hundredths (2399.43) feet westerly as measured along said southerly line of Lot Number thirty-six (36) from the southeasterly corner thereof, said point of beginning being the southwesterly corner of lands conveyed to Herbert M. Ebel and Helen M. Ebel and recorded in the Erie County Clerk's Office in Liber 2881 of Deeds at page 222; thence northerly along the westerly line of lands so conveyed, a distance of six hundred twenty and forty-five hundredths (620.45) feet to the northwesterly corner of lands so conveyed; thence easterly, parallel with the southerly line of Lot Number thirty-six (36), a distance of eighty-two and fifty hundredths (82.50) feet to a point in the easterly line of lands conveyed to Carl M. Williamson and Caroline E. Williamson and recorded in the Erie County Clerk's Office in Liber 4538 of Deeds at page 553; thence northerly along the easterly line of lands so con-

veyed, a distance of three thousand one hundred sixty-one and thirty-five hundredths (3161.35) feet to the south-easterly corner of lands conveyed to Emma A. Miller and recorded in the Erie County Clerk's Office in Liber 2959 of Deeds at page 343; thence westerly and along the southerly line of lands so conveyed, a distance of six hundred fifty-four and thirteen hundredths (654.13) feet to the westerly line of lands conveyed to Williamson as aforesaid and the easterly line of lands now or formerly owned by Robert B. Cogle (see deed recorded in the Erie County Clerk's Office in Liber 35 of Deeds at page 148); thence southerly along said westerly line of Williamson, a distance of one thousand nine hundred forty-five and sixty-seven hundredths (1945.67) feet to a point; thence easterly, parallel with the southerly line of Lot Number thirty-six (36), a distance of two hundred three (203) feet to a point; thence southerly, parallel with the westerly line of lands conveyed to Williamson as aforesaid, a distance of one thousand seven hundred sixteen and sixty-five hundredths (1716.65) feet to the southerly line of Lot Number thirty-six (36); thence easterly along the southerly line of Lot Number thirty-six (36), a distance of three hundred eighty and eleven hundredths (380.11) feet to the point or place of beginning.

EXCEPTING AND RESERVING therefrom premises described as Parcel 563, Map 552, that part of Heltz Road relocation described in the Erie County Clerk's Office in Liber 6032 of Deeds at pages 11 and 60.

DATED: June 28, 1990

**TOWN OF HAMBURG
PLANNING BOARD
RICHARD CRANDALL,
CHAIRMAN
GERARD KOENIG,
SECRETARY**

Colombo Subdivision (Continued)

Chairman Crandall declared the Public Hearing open. Bobbie Kagel and Mr. Colombo appeared on behalf of the subdivision. This is a 36 acre parcel, and Mr. Colombo would like to subdivide a 2.9 acre parcel which is for sale. Chairman Crandall asked 3 times if anyone else wished to be heard on this application. Hearing no further comments the hearing was declared closed. Engineering had no comments.

Motion was made by Mr. Koenig, seconded by Mr. Carnevale to approve the Colombo Subdivision preliminary and waive the filing of the map cover. Carried.

Durham Road Subdivision - (B. Hogan) - 14 lot subdivision

Carol Guinane of Nussbaumer & Clarke presented a cluster concept and preliminary sketch for a proposed 14 lot subdivision to be located off Durham Road. This is a 4.9 acre parcel which has been divided with 2 acres of land to be dedicated for passive recreation. Comments from departments are as follows:

Planning - S. Bower, Asst. Planner - 1. The plan conforms to Section 29-165 of the regulations governing cluster housing. 2. More than 50% of the parcel is allocated as recreational area. 3. The recreational area should be labeled "passive." 4. This design shows a great improvement in layout. 5. It may be requested, where feasible, that the lot sizes be increased.

Engineering--1.2 Specify public, passive or private for the recreation area. 2.2. The owners of the adjacent parcels are to be shown. 3.2 The building setback line is to be shown. 4.2 The zoning requirements are to be shown. 5.2 The name of the owner is to be shown. 6.2 A topo map is required. 7.2 Utility plans for the site will be reviewed after plot approvals are obtained.

Ms. Guinane noted that she can increase sub-lots 1-7 to a 150' in depth, as well as an increase in S.L. 9. On S.L. 10-12 we can take a little more space off the recreation area. Lot lines on S.L. 1-7 are perpendicular to Durham Road.

Bldg. Inspection - Parcel is zoned R-1. This proposed 14 lot subdivision does not conform to the 90' requirement with the exception of s.l. 1 and 13. S.L. 1 is 102' wide at the 35' setback and 13 is 97 feet at the 35' setback. All the other lots do not conform as to setback or size of lot. Sewers are available and water is available.

It was noted that the Building Inspection Dept. does not consider this a cluster development. A question was also raised as to the recreation area, should it be dedicated to the town or kept private? That issue is yet to be resolved. Sub lots 13 and 14 are to be kept separate, but part of the same ownership. Approximately

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Durham (Continued)

62% is for plots and 48% for recreation area.

Motion was made by Mr. Carnevale, seconded by Mr. Cary to set a public hearing for August 8th at 8:00 p.m. Applicant was advised that there is a \$100 subdivision fee for public hearing as well as \$5.00 per lot. Carried.

Oxford Heights Townhouse Development

Judy Schmidt and B. Tuyn of Pratt & Huth appeared before the Planning Board on their townhouse development which is to be located on Southwestern Blvd. near Beth El. Comments from departments are as follows:

Planning - S. Bower - 1. Areas to be landscaped and wooded areas to be left intact should be shown on the plan.

2(a). If the Planning Board agrees that the front yard requirement of 35' can be met by including a portion of either a common driveway or a private street, as part of the calculation, then this plan conforms to S-29-166(f) 1

2b. Many of the groupings do not meet the required 35' setback between a grouping and a private street. 3. To enable measurements to be taken to ensure a spacing of at least 20' is provided between buildings unencumbered by walls, fences or other structures, it is requested that the location of the required (unless waived by the Planning Board S-29-166K), wall, fence or dense hedge enclosing the patio living areas, along with any other structure that is to be attached to the building be shown, at the very least on the floor plan. This request is made to ensure that if necessary a fire truck or other emergency vehicle will be able to pass between any two buildings. 4. S29-166(F)3, states, "rear yard, no rear yard shall have a depth of less than 20'.

Traffic Safety-The board feels that one entrance/exit for a project of this size may be problematic.

Engineering--3.2 Several of the lots are located on the drainage easement granted to the thruway. This should be reviewed by the thruway. This is their easement and their determination if patio decks or "imaginary lines" as described by Mr. Tuyn in his 7-12-90 letter are acceptable to the authority. 4.2 The State should approve the drive cut prior to plat approval. 6.2 The centerline radius of all curves should not be less than 150'. Show the radius on the plan and revise as necessary. Town codes 29-166(G)(J) and 29-164 are applicable. Our concerns are those previously expressed for mobile home park roads by the resident and fire chiefs. It is our opinion that more than two units on a drive make the drive a street. If C.I.D. has to pick up along it and it will be used by moving vans and delivery trucks it is a street.

7.2 All street names are to be approved by this office. 8.2 We remind the board that in a previous Townhouse project, the

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final plat submitted by the developer did not match the preliminary plot approved. A lot of time was required to re-review and the applicant had to reappear before the Board. If the applicant plans to alter code requirements, the plat should not be approved.

A special meeting is needed to address the Engineering concerns. Also, the Conservation Board has requested that a 40' dedication along the open space corridor of the Thruway be considered.

Motion was made by Mr. Koenig, seconded by Mr. Cary to set a Public Hearing for August 8th, 1990. Carried.

C. Perison - 4 Unit Apartment Complex - Loran Avenue

Asst. Planner Sheryl Bower noted that Mr. Perison asked to be removed from this evening's meeting as he is having problems with the engineering portion on the drainage issue and has requested to be on at a later date. In the meantime, residents of Loran Avenue appeared in opposition to the units.

Residents stated that this is a very old neighborhood with drainage problems and are not in favor of the 4 unit building to be next to them. One neighbor expressed concern that his back yard will be facing a parking lot and he has done extensive remodeling to his home and does not want to face an apartment house parking lot.

Mrs. Shanks, adjacent neighbor, stated also that they have small children in the area and a deaf child as well.

Mrs. Wojtanik expressed concern of her children playing in the area and traffic and drainage concerns.

Motion was made by Mr. Koenig, seconded by Mr. Strnad to Table this matter. Carried.

Woodledge Development - Planned Unit Development for Townhouses, and accessory buildings - North Creek Rd. & Southwestern Blvd.

Mr. Joseph Cellura appeared before the Planning Board for approval of his Planned Unit Development located on North Creek and Southwestern Blvd. Comments from departments are as follows:

Conservation - This board has reviewed the Environment Assessment signed by C. Cheilman, P. E. dated 6-21-90 and Part II has been completed by Duke Spittler. The following comments are presented for your serious consideration: 1. In Part B, #25 it is noted that a variance is requested. If this pertains to the required setback from the top of the bank of 18 Mile Creek, this Board is definitely opposed to such a variance even being considered. On the Cliffside Village site plan, it is noted that Building C-21 is within 10 ft. of the top of the bank; another structure just

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Woodledge Dev. (Continued)

south of C-21 is within twenty (20) ft. of the bank; another structure adjacent to Rt. 20 is within one (1) ft. +/- from the top of the bank. To further support our opinion the Green Space/Fee Committee has gone on record favoring a return to the 100 ft. setback as was originally suggested by the Conservation Board, with no opportunity for a variance.

It is our understanding that the previously granted variance has expired, and it should be noted that this variance was granted even though the Conservation Board had submitted strong opposition in writing. In Item A 12, the applicant checked No to any unique cliffs or land forms. This Board considers the entire gorge and banks of 18 Mile Creek as unusual and the plan as presented shows a definite encroachment on the cliffs.

2. The Title sheet indicates the boundaries of ownership with the exception of the line along 18 Mile Creek. Should title extend over the bank and include any portion of the creek bottom, we strongly recommend that such lands be dedicated to the Town. The Town already owns a parcel of creek bottom at the base of the closed-off portion of Versailles Rd. and an ultimate tie-in with this parcel would be most desirable.

3. The 2010 Master Plan shows Hemlock Creek as part of the planned linear corridor/green space. The Conservation Board recommends that this waterway remains undisturbed, and that any portion of this creek including a 50 ft. setback from the top of its bank, that falls within the project area, be dedicated to the Town. Refer to site plan entitled "Woodledge/Cliffside Village." Dedication of the above lands is preferred in lieu of cash.

This same site plan also shows a pond/dam that apparently extends beyond the designated property line. Is additional acquisition contemplated. This falls within the corridor mentioned above for dedication. Has a permit been issued by D.E.C. and the Corps of Engineers? As mentioned above, The Conservation Board requests that Hemlock Creek remain in its natural state.

Duke Spittler

Planning--1. The variances on the townhouses located along the top of the bank of Eighteen Mile Creek have expired. There are now newly proposed buildings which are too close to the top of the bank. 2. The townhouse units should be numbered consecutively. 3. All proposed buildings should be labeled for use. 4. Any lands to be dedicated to the Town must be indicated on the plan.

Engineering--1. All utilities will be reviewed and approved by this office after plat approval is granted. 2. There are several curves with centerline radius less than the 150' minimum (Section 31-18E). On Hornbeam, the curve is 50' and on Edgecliffe there is no curve at all. 3. Street intersections shall be at right angles (Section 31-18H). Chestnut at Woodledge and Nuthatch at Spruce are laid out poorly. 4. All street names are to be approved by this office and fire control. 5. If all roads in the project are to be

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private they should be labeled as such. All parcels fronting on a private road must be part of a maintenance association, including the commercial buildings. 6. All parcels are to be numbered consecutively starting with #1.

7. The lot fronting on Rt. 20 is in a bad location. It should be eliminated or have access on the interior road. 8. The names of the adjacent owners are to be shown. 9. The name of the owner is to be shown. 10. The northern line of the site is in the 100 year flood plain of the National Flood Insurance Program. Show the limits on the plan.

Letter from George Grasser dated 6-30-90

As you are aware, efforts by J. Cellura to develop the Woodledge-Cliffside site on North Creek Road are intensifying and a substantial amount of engineering and planning work has been completed within the last 45 days. It has come to Mr. Cellura's attention that an individual at the Planning Board has discovered that the many variances granted to permit the above reference development have expired and now wants them renewed before the project can go forward, thus creating lengthy and unnecessary delay at this point in time. The variances granted in 1987 ceased to be a requirement when the PUD form was elected and as such are irrelevant; the fact that they have expired does not represent any impediment to construction at this time.

We are aware that 37 variances were granted in 1987 for construction of some 23 townhouses on the south side of North Creek Rd. However, these variances were required to be extended every six months to keep them effective, a requirement that was unacceptable to potential lenders on the project. Accordingly, the developer sought and obtained a rezoning to permit the entire site to be developed as a planned unit development thus eliminating the need for renewing of the variances every 6 months. We ask that the proper notice confirming this be given to the appropriate Town officials and Planning Board members so that the issue does not arise again in the future. **George Grasser, Atty.**

The proposal includes a revision to the original layout where the Cliffside Restaurant is located. Two non-residential facilities are also a part of the development. The request for a P.U.D. was granted by the Town Board. The letter of explanation has been submitted by G. Grasser, Attorney for the applicant. It was brought out that according to Section 29-10, (3) (d) of the code, the 18 Mile Creek is in a Conservation area and no building can be located less than 60 feet from the top of the bank. The question was raised as to legality as to whether the Zoning Board could grant a variance, or whether the Planning Board could give permission for the site.

At the present time, there are a couple of structures that will be 8-10' from the bank. Mr. Strnad noted that the Green Space Committee forwarded a recommendation to the Town Board that a

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Woodledge (Continued)

structure should be 100' away from the bank. Mr. Crandall noted that a resolution is not sufficient, but rather a zoning amendment change to the ordinance is required. In this case, Mr. Cellura would be bound to the 60' requirement but not the 100'. The buildings in question are C-20, C-21, which is the Cliffside Country Inn and the Tree top spa. A legal decision must be made as to the validity of the variances having been granted and the P.U.D. interpretation that it can be waived. The issue of segmentation was also raised by the Conservation Board.

Chairman Crandall pointed out that all buildings on top of the bank are to be held in abeyance until the legal issue is resolved. A determination must be made as to whether the 60' setback applies as it relates to the code or whether the Planning Board can deviate from this procedure & , are the variances legal under a P.U.D. Due to the nature of the language in the Conservation section did the Zoning Board have the power to grant variances, and are they still in affect with the creation of a P.U.D. A public hearing can be held on part of the development with the exception of the buildings outlined above.

Motion was made by Mr. Koenig, seconded by Mr. Carnevale to set a Public Hearing on the entire development for July 25th at 8:00 p.m. Carried. Also, a legal interpretation from the Town Attorney should be available for that hearing

Issues to be resolved by the Town Atty. The new reqmt. of 100' should be confirmed. 2. A determination is required as to whether the 60' requirement applies to this development. 3. Are the former variances legal and can they be carried over. 4. The issue of segmentation was also raised.

Mr. Strnad noted that last year he sat on the Hamburg Future Advisory Panel and it was stressed to save the bank of 18 mile creek. I am not opposed to the project but agree with the Conservation Board.

Mr. Spittler noted that on a dedication ownership must be delineated and indicated on the plat.

Off Track Betting - Revised Site Plan - Woodlawn

Mr. K. Marquis of Krehbiel Assoc. appeared before the Plng. Bd. with a revised site plan for Off-Track Betting, located in Woodlawn. The applicant has been to the Zoning Board of Appeals and got the necessary variances to move the project along. The Woodlawn Revitalization Corp. is in favor of the revised site plan. Engineering has no comments. Planning noted that the 6' fence perpendicular to 4th Ave. must be reduced to 4' & labeled on the plan.

Motion was made by Mr. Carnevale, seconded by Mr. Strnad to approve the site plan as presented. Carried.

Abbott Pines Subdivision - Mel Johnson, developer, Fran Igoe & Paul O'Neill

Messrs. Fran Igoe, Paul O'Neill and Mel Johnson appeared before the Planning Board on behalf of their 51 sub lot subdivision which is located off Lillydale. A report of the staking and on-site inspection is the subject at hand. Mr. Spittler noted that as a result of the walk thru, they noticed another pot hole that had about 8" of standing water in it. He did not stake the other marsh area. Staking is to be resolved with the Conservation Board Chairman, Duke Spittler. Also, application should be made with the Corps of Engineers with respect to the wet section.

Motion was made by Mr. Cary, seconded by Mr. Carnevale to set up a Public Hearing for August 8th. Carried.

Ravenwood North Project - Still on hold pending outcome of using Maple and Martin Rd. with the Village of Blasdell.

Traffic Safety- The board is concerned about heavy truck traffic in a residential area. It is suggested that the Planning Board request the input of the New York State Dept. of Transportation, the Town Engineer, Supt. Dick Smith, and representatives of the Village of Blasdell in the decision making process.

BJ'S Wholesale Price Club. Mr. Cary noted that the entire buffer strip that was to be preserved has been completely bulldozed even before the site plan was signed. Mr. Crandall noted that a letter should be sent to them requesting a landscaping plan for that entire 30' buffered area. Letter from **Traffic Safety** as follows: When the Traffic Safety board first reviewed the plans we withheld comment and suggested that the NYSDOT be notified for input. We were unaware that the Planning Board intended to give final approval of this project at the last meeting. In fact, we were still awaiting some notification that the State had offered input, so as to have a reference point from which to work from. As a result there were no comments from our Board before you when the Planning Board acted. Therefore, I would like to present the following comments for consideration: 1. Unless an accessory road and proper curbing is installed, motorists entering the BJ's Plaza will be using parking area as a thoroughfare, which creates the potential for shoppers who are leaving backing out into oncoming traffic. 2. If BJ's and Toys R Us are to be connected, it should be by an accessory road which provides for a safer, more efficient flow. Hopefully, the adoption of 1 and 2 would prevent the cut through problems that we have seen at other area shopping centers. 3. Has the State committed to a traffic signal in the area? Has the State commented upon the Benderson contracted Traffic study? 4. With the proposed project of this magnitude for the north side of Milestrip, the Traffic Safety Board feels that the three driveway scheme on the south side could now be a problem, in the sense that motorists will consistently use the "service" roads. Perhaps a larger main entrance and proper curbing and accessory

(BJ's Continued)

roads would eliminate the need for so many driveways in an area which will be experiencing increased traffic levels.

Other Matters:

1. Revised mobile home ordinance has been completed. Members to review and get back to G. McKnight.
2. Letter received from Eaglecrest Homeowners dated June 29th with respect to Section 30A-8 of the ordinance, (Mobile Homes).
3. Letter from Concerned Residents of Roundtree with respect to special meeting which was held on July 9, 1990, on Mobile Home Ord.
4. Letter from D.O. T. on BJ's Plaza on Milestrip Rd. (attached)
5. Letter from Frank Parlato agreeing to an easement for public access in Hidden Hollow. This will be done when the map cover is filed.

Motion to adjourn was made by Mr. Koenig, seconded by Mr. Cary. Carried. Meeting adjourned at midnite.

Respectfully submitted,

G. Koenig, Secretary

Next Meeting
July 25, 1990