

Town of Hamburg Planning Board
Meeting - July 15, 1998
Actions Taken

Thornapple Subdivision
9 sub lots - single family
dwellings - P. Doherty

Preliminary approved

Berkley Square Modifications

Letter received & filed

Brierwood Senior Housing
E. Burke Developer

SDEIS rejected.

FILED IN THE
TOWN CLERK'S OFFICE
HAMBURG, N.Y.

AUG 20 7 05 AM '98

TOWN CLERK _____

**Town of Hamburg
Planning Board Meeting
July 15, 1998**

The Town of Hamburg Planning Board met for a regular session on July 15th, 1998 at 7:30 p.m. in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Secretary Gerard Koenig, Sue Ganey, Dick Pohlman, Paul Eustace, Don Fitzpatrick. Others attending included: Attorney Don McKenna, Drew Reilly, Wendy Salvati, and Terry Dubey, Stenographer.

Excused: David Phillips

**Public Hearing - Thornapple Subdivision - Versailles Rd. 9 lots-
Pat Doherty.**

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
PLANNING BOARD
LEGAL NOTICE
THORNAPPLE (9 LOT)
SUBDIVISION**

NEAR VERSAILLES ROAD

Notice is hereby given that the Planning Board will conduct a Public Hearing on the Thornapple Subdivision on Wednesday, July 15th, 1998 at 7:30 p.m. in the Public Meeting Room of Hamburg Town Hall:

All that Tract or Parcel of Land being part of Lot 42, Township 9, Range 8 of the Holland Land Company's Survey in the Town of Hamburg, County of Erie, State of New York and being further described as follows:

Beginning at a point in the southwesterly corner of lands conveyed to Thomas P. Doherty by Liber 9538 of Deeds at Page 240 recorded in the Erie County Clerk's Office, said point also being in the center line of Versailles Road; thence northwesterly at a right angle from the center line of Versailles Road along the southwesterly line of lands so conveyed to Thomas P. Doherty aforesaid a distance of 195.53' to a point, said point being in the southeasterly right of way bounds of land now or formerly of the Norfolk and Western Railroad; thence southwesterly along the said southeast-

erly right of way bounds of lands now or formerly of the Norfolk and Western Railroad; 24.90' to an angle point; thence continuing southwesterly along the said southeasterly right of way bounds of lands now or formerly of the Norfolk and Western Railroad at an interior angle of 176 degrees 34' 11" at a distance of 894.51' to the northeasterly corner of lands conveyed to James A. and Theodora J. Eberhardt by Liber 10888 of Deeds at page 7630 recorded in the Erie County Clerk's Office; thence southeasterly along the northeasterly line of lands conveyed to James A. and Theodora J. Eberhardt aforesaid at an interior angle of 85 degrees 52' 24" as measured from the last described course for a distance of 263.09 feet to the center line of Versailles Road; thence northeasterly along the center line of Versailles Road at a right angle as measured from the last described course for a distance of 911.47' to the point of beginning.

Subject to the rights of the public to and within the highway bounds of Versailles Road.

Dated: 7-2-98

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

Thornapple Subdivision (Continued)

Chairman Richard Crandall declared the hearing open.

Mr. Tom Doherty explained that he was present for a preliminary approval of a 9 lot subdivision known as Thornapple Subdivision located on Versailles Road. Two lots have existing dwelling units on them already. There is a 30' strip in the back that will remain forever wild. It was noted that Nussbaumer & Clarke delivered 10 topos instead of revised subdivision drawings. Sub lot #10 is to be eliminated. The green space in the back will be noted as a Conservation Easement. Ownership is shown for S.L. 8.

Mr. Reilly noted that every attempt should be made to preserve the 150' stand of trees between Sub lots 3-4-5. This should be written in as a deed restriction. Mr. Koenig asked what impact sidewalks will have on the subdivision. Response given was that some of the trees will be affected.

Mr. Doherty stated that there are no sidewalks on Versailles Road now and wondered if that requirement could be waived. Mr. Crandall responded that every attempt should be made to comply with the requirement. This matter is to be reviewed by the Engineering Dept. as to the suitability of sidewalks especially on the house which only has 8' in front of it.

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

Motion was made by Mr. Fitzpatrick, seconded by Mr. Koenig to approve the preliminary subject to Engineering comments and a review of the suitability of sidewalks; that a map cover is to be filed; that a Negative Declaration can be issued for the project and that all attempts should be made to preserve the trees on S.Lots 3-4-5 to the greatest extent possible, and should be written in as a deed restriction, and S.L. 10 is to be eliminated from the drawing. Carried.

Engineering Comments:

- (1) Public water is available to the site.
- (2) The parcel is not in a sewer district. Erie County Sewer District #2 could provide service to the site with a district extension or out-of-district customer agreement.
- (3) It is requested that the Planning Board determine if sidewalks are to be installed, or if the requirement is to be waived.
- (4) A map cover will be required for the subdivision.
- (5) Construction plans will be reviewed by this office after the Planning Board grants preliminary subdivision approval.

Berkley Square Modifications

At the last work session, Mr. Corbett had asked for modifications to the Berkley Square subdivision. Since that time, the following letter was sent in which reads as follows:

July 2, 1998

Berkley Square
1100 Atlas Circle
Lafayette, CO 80026

Town of Hamburg Engineering Dept.
Attn: Richard Lardo
S- 6100 South Park Ave.
Hamburg, N.Y. 14075

Dear Rick:

In a letter dated May 18, 1998 to the Planning Board, we requested a number of changes to the subdivision plan for 19 Villa Buildings located on Bayview Road.

Based on the Planning Board's review of our request on July 1, 1998, we will be completing the following work based on their comments:

1. We will be changing the trees along Bayview Road from pine trees to maple trees. It will take approximately 4 weeks for shipment and 2 additional weeks for planting.
2. The new dumpster location was approved. The dumpster has been installed as per Planning Board specifications.
3. Additional parking spaces at the end of Villa Building one and the garage unit across from this building were approved.
4. The islands will be required in the parking area. This will be ordered for installation ASAP with an anticipated completion time of between 4 to 6 weeks.
5. The sidewalk along Bayview Road is also required. We are also looking at between 4 to 6 weeks for completion of this item.

Yours truly'



Brian Maslowsky
Berkley Square

cc: Kurt Allen

Planning Board Meeting, 7-15-98, Page 4

Motion was made by Ms. Ganey, seconded by Mr. Eustace to receive and file the letter as agreed to in concert with the Planning Board's request. Carried.

Brierwood SEIS -

Chairman Crandall noted that the Planning Board has had time to review the last DEIS that was submitted on the Brierwood Senior Housing Project. Mr. Patrick Burke was present to hear the following prepared resolution:

Whereas, the Town of Hamburg Planning Department received an amended document titled "Draft Scope for DSEIS Brierwood Apartments (senior housing)" on June 23, 1998 and supplements to an appendix titled "DSEIS Supplemental Brierwood Impact Statement Brierwood Apartments (senior housing); and

Whereas, this amended DSEIS document replaces the document titled "Final Scope for SDEIS Brierwood Apartments (Senior Housing)" submitted to the Town on May 27, 1998; and

Whereas, the format and content of the amended DSEIS does not meet the requirements of Section 9 of 6 NYCRR Part 617 (The SEQRA regulations) or address certain items outlined in the Final Scope for the DSEIS Brierwood Apartments prepared by the Town of Hamburg on May 12, 1998, as outlined in the Town of Hamburg Planning Dept. memorandum to the Planning Board dated July 14, 1998 (copy attached).

Now, Therefore Be It Resolved, that the Town of Hamburg Planning Board hereby rejects the document submitted on June 23, 1998.

Motion was made by Mr. Koenig, seconded by Mr. Fitzpatrick to reject the DSEIS which was prepared on June 23, 1998. Carried. (See attached memo from the Planning Dept.)

Town of Hamburg Planning Department Memorandum

Date: July 14, 1998

To: Town of Hamburg Planning Board
From: Hamburg Planning Department/WENDEL

Subject: Review of the DSEIS for the Brierwood Senior Housing Complex

As requested, we have reviewed the above referenced document, which was submitted to the Town of Hamburg Planning Department on June 23, 1998. The following comments are offered with regard to the determination of completeness and adequacy.

General Comments

- A supplemental environmental impact statement (EIS) is subject to the full procedures of the 6 NYCRR Part 617 Regulations and, therefore, should meet the same format requirements established for the preparation of an EIS.
- The *Final Scope for the DSEIS* outlines five issues to be addressed. SEQRA requires that an EIS provide information sufficient to allow for public review and comment of an action. Therefore, these five issues must be discussed in a manner that provides the reader with a complete and concise understanding of each issue as it relates to the subject property, the PUD and the surrounding area.
- There is no date on the DSEIS document indicating when it was prepared and/or submitted to the Town.
- In numerous places, the DSEIS indicates that approval was issued on August 12, 1996 for the development of a senior citizen housing complex. The supporting documentation contained in Appendix 5 only states that the Town of Hamburg Planning Board approved a motion to advise the applicant to proceed with site plan review. As of that date, no site plan application or site plan had been submitted to the Town. Nowhere in this document does it indicate that a site plan application/site plan was officially approved. It is also noted that the site plan that was submitted in 1996 was for one large building, not 20 eight-unit apartment buildings.

Executive Summary

The executive summary of an EIS should accurately summarize the overall proposed action. As outlined in Section C.6 of Chapter 5 of the SEQR Handbook, the executive summary should briefly describe: the proposed action; significant beneficial and adverse impacts; mitigation measures proposed; alternatives considered in the report; issues of controversy (if any); and

matters to be decided, including a listing of each permit and approval. As written, the executive summary in the DSEIS is comprised mostly of the opinions of the preparer and does not meet these requirements.

Description of Proposed Action

As outlined in Section 617.9(b)(5) of the SEQRA Regulations and Section C.7 of Chapter 5 of the SEQR Handbook, the DSEIS should contain a concise description of the proposed action (in relation to the original PUD action as proposed in the 1988 EIS). As written, the subject document states that 160 units of senior housing are proposed within an approved PUD. There is no indication of total and site-specific property acreage, development density, unit breakdown (how many buildings with how many units per building), project timing and schedule, required permits and approval, etc. This general, descriptive information should be included in addition to the history and background of the project that is presently provided in the DSEIS document. The site plan that is contained in Appendix 6 should also be included in this section of the report.

With regard to timing and scheduling, it is apparent from reviewing the site plan that this development will be constructed in two phases. However, no discussion has been provided as to which phase will begin first, how many units will be constructed under each phase, whether the entire roadway system will be installed under the first phase, etc. Why is phasing being proposed and, for any reason, would the second phase not be undertaken as planned? Furthermore, will phasing in any way reduce potential impacts?

The Description of the Proposed Action section of the DSEIS also lacks a discussion of the purpose of the proposed action, the public need for the project, and the benefits to be derived therefrom. This information is required in accordance with the SEQRA regulations and is important. This information, which is presently located in Appendix 16 and must be derived the reading various portions of different letters contained therein, should be summarized in the project description section of the DSEIS.

Potentially Significant Adverse Impacts

Typically, an environmental impact statement contains a section that describes the environmental setting of the area to be affected by the proposed action. The provision of this information allows for a clearer understanding of potential impacts and alternative site uses or designs. The DSEIS does not contain this section. Therefore, as noted throughout the following discussion, some discussion of existing conditions should be included in the Potentially Significant Adverse Impacts section of the DSEIS to clarify how the study area may be impacted by the proposed action.

1. Traffic

The DSEIS should contain a summary of relevant information from the traffic impact study and other supporting documentation that addresses the items outlined in the *Final Scope for the DSEIS* (i.e., current traffic conditions, how much traffic would be generated by the proposed development under the three scenarios noted in the scoping document, and what impacts would be expected under each scenario). The reader should not be forced to read the entire traffic appendix (noted in the DSEIS as Appendices No. 7, 8 and

9) to reach the conclusions offered by the applicant. As outlined in Section C.44 of Chapter 5 of the SEQR Handbook, an appendix should supplement the narrative of the EIS and contain studies, information, correspondence and technical exhibits that support the narrative and/or were relied upon to prepare it. Furthermore, Section 617.9(b)(7) of the SEQRA regulations states that when an EIS incorporates all or portions of other documents by reference, it must briefly describe the document(s), summarize the applicable findings, and note the date of the reference.

The DSEIS should be written from a layman's perspective. The existing document, as written, assumes the reader has full knowledge of the site with regard to street layout and current and future traffic flow patterns and volumes. Furthermore, the DSEIS should outline site design decisions that are based on facts, as determined through the data contained in the appended studies and documentation, rather than the opinions of the preparer. This document is written more as a dissertation to the Planning Department and Planning Board. An EIS, however, is a document that is to be reviewed by the lead agency as well as other involved agencies and the public, who may not possess the familiarity of those parties who are more intimately involved with the action.

Four of the intersections identified for analysis in the scoping document were not addressed in the DSEIS. There is also no discussion of the issue of reduced reaction time for seniors or existing and projected internal traffic movements within the Brierwood community (all items requested in the scope). Although an appendix has been included to address some of these issues, narrative discussion in the DSEIS is required to detail the findings. These issues have been addressed in a letter from EMS Consulting to the Town of Hamburg, dated June 11, 1998 (Appendix 8a). This letter outlines the items that have been omitted from the study, and the information contained therein should be placed in the narrative of the DSEIS to address the missing scoping items.

2. Character of the Neighborhood/Community

The scoping document requested a discussion of the character of the community as it currently exists, with graphic depictions, as well as a discussion of the character of the community as it was originally envisioned (items B.1 and B.2 of the *Final Scope for the DSEIS*). The narrative discussion in the DSEIS focuses on addressing scoping items B.3 and B.4. Therefore, no background or existing conditions information has been provided. The content of the video that was submitted as a part of the appendix should be described in the narrative of the DSEIS to provide the community character information requested under the scope.

Here again, the DSEIS relies upon the appendix to address scoping items rather than summarizing this information in the narrative. To gain a better understanding of what the applicant is describing for scope items B.3 and B.4 in the DSEIS, it would be helpful if the graphic materials that have been placed in the appendices were relocated into the DSEIS document. Specifically, the site plan (Appendix 6), building elevations (Appendix 12), photographs and renderings (Appendix 15) would be more useful in the text to address items 1 through 4 in the scope. Otherwise, more summary explanation is required to provide the information requested.

3. Drainage

There is no background information detailing existing drainage conditions on the project site i.e., how the site presently drains in relation to surrounding land uses, how it may impact these lands, and how site development may alter these conditions. To this end, information from the original EIS, the January 27, 1992 drainage analysis (Appendix 18) and, more importantly, the January 9, 1998 letter to the Town of Hamburg from Nussbaumer and Clark, Inc. (Appendix 19) should be summarized in the DSEIS. The January 1998 document contains specific information regarding proposed site drainage. This document, however, is buried at the end of the drainage analysis documentation in the appendix. In addition, the inclusion of a summary map of the drainage areas would help greatly in depicting how and who will be affected by the drainage from this site.

This same comment applies to information regarding the intended design of the stormwater drainage system (see Item III.C.1. of the DSEIS). Although an actual drainage plan has not been prepared for submittal to the Town, the applicant should discuss the intended design in the DSEIS. By summarizing information contained in the appendices, the reader would be provided with a basic understanding of what is being proposed and how it relates to existing site conditions, the PUD, and other adjacent land uses.

As per item C.1 of the scoping document, the updated drainage study was to include any changes that have occurred since the 1992 study was prepared. Since that time, the Brierwood Estates and Pinegrove Park Townhouse developments have been constructed. The January 9, 1998 correspondence from Nussbaumer and Clark, Inc. (Appendix 19) does not discuss the drainage systems or conditions in these newly developed areas of the PUD, and does not include as-built drawings (why aren't these drawings available by now). The DSEIS indicates that the 1992 study and the 1998 update letter will show how the proposed development will "improve and minimize" stormwater runoff from the site that now flows westerly through a swale along the rear of the Pinegrove Park Townhouses. If this is the case, what is the current drainage situation in this area that requires improvement and minimization? As previously indicated, no existing conditions information is provided to answer this question.

The January 1998 letter states that the central portion of the proposed development will be drained to the northeast and be included in the proposed design of the Old Tyme Village Plaza or "whatever" future development is planned for the corner of Southwestern Blvd. and Rogers Road. A detention basin is proposed as a part of the future development at this location. Additional development on the subject property will also be drained to this proposed basin. Therefore, is the construction of this basin contingent upon the development of the corner property or will this basin be built along with the senior housing complex if the housing is developed first? It is not clear how this will all play out logistically.

Item C.3 in the scoping document requests an explanation of how the State Stormwater SPDES requirements affect the proposed project. The DSEIS states that the SPDES requirements will be followed. What are the requirements, and how will they be followed? The DSEIS goes on to state that Town Erosion Control requirements will also be adhered to. What are these requirements, and how will they be complied with?

4. Schools

A thorough review of the DSEIS indicates that this document addresses the study issues outlined for schools in the final scope. Therefore, there are no significant comments on this issue.

5. Open Space/Greenspace/Recreation

A thorough review of the DSEIS indicates that this document addresses the study issues outlined for Open Space/Greenspace/Recreation in the final scope. Aside from requiring that the narrative of the DSEIS be improved with a summary of certain information presently contained in the appendix, there are no significant comments on this issue.

Potential Mitigation

1. Traffic

To meet the requirements of the scoping document (III.A. items 1 to 4), a narrative explanation of what mitigation measures may be required, or why no measures are necessary, must be included. The DSEIS relies on directing the reader to the appendix. As previously noted, the findings of all supporting documentation must be summarized in the narrative of the report. Furthermore, referring to a NYSDOT letter and a letter from a golf course groundskeeper does not substantiate "no impacts". Mitigation methods must be discussed.

2. Character of the Neighborhood/Community

The information requested in the scope regarding proposed deed restrictions, by-laws and homeowners' association regulations has not been included in the DSEIS, and the appendices referred to for this information are not applicable. Over all, the applicant has superficially complied with the scoping requirements for Mitigation Analysis, but more detailed discussion is needed.

3. Drainage

The DSEIS indicates that a review of the drainage studies contained in the appendix "will show how the proposed development will improve and minimize the stormwater runoff from the site". This information should be detailed in the drainage impacts mitigation section of the DSEIS, rather than referring the reader to the January 9, 1998 letter and other drainage analysis documentation in the appendix to draw such conclusions. The mitigative aspects of the intended drainage system design should be specifically outlined so the reader gains a thorough understanding of how adverse drainage impacts will be remedied.

The mitigation analysis for the drainage discussion indicates that no present mitigation is necessary. What about mitigation measures to address future impacts?

4. Schools

Mitigation measures for schools have not been discussed as requested in the scoping document. Specifically, the issue of the potential change of the proposed complex from senior citizen housing to general residential apartment units has not been addressed.

5. Open Space/Greenspace/Recreation

Mitigation measures, as requested under items E.1 through E.4 in the scoping document, for open space/greenspace/recreation have not been addressed.

Alternatives

The DSEIS briefly analyzes residential, commercial and no-build alternatives (as well as retail and industrial which were not requested in the scope). In accordance with Section 617.9(5)(v) of the SEQRA Regulations, each alternative should be described and evaluated at a level of detail sufficient to permit a comparative assessment of all of the alternatives discussed. As written, the discussion of alternatives in the DSEIS sets forth a weak comparison and should be improved. After all, the purpose of the alternatives discussion is to allow the reviewer to independently determine if the proposed action is, in fact, the best project with regard to environmental considerations (i.e., commercial development would generate more traffic, provide less green space, utilize more energy, etc., than senior citizen housing).

The DSEIS indicates that the irregular shape of the project site and the proximity to Southwestern Blvd. precludes the development of a single-family residential subdivision. We disagree with this finding. Although yield was not accurately calculated, it seems apparent that if this 10.5-acre site can accommodate 20 eight-unit apartment buildings (each measuring approximately 3,400 sq. ft. in area), and requisite parking and greenspace, it could be developed with at least 20 single-family homes. At the narrowest point, this site is approximately 250 feet wide. Fewer homes would have fewer overall impacts. Since the applicant chose to include this alternative in the DSEIS (and it is a reasonable alternative), it should be analyzed at face value, with a discussion of the costs and benefits of developing single-family housing as compared to a senior citizen complex.

Although requested in Sections III.B.1, III.E.1, and IV.A of the *Final Scope for the DSEIS*, the alternatives discussion in the DSEIS does not include an analysis of design and layout alternatives. We believe that layout and design alternatives are key discussion points of this project and must be included in the narrative of the DSEIS. Furthermore, although the DSEIS describes why the No-Build alternative is not a reasonable alternative, it does not evaluate what adverse or beneficial site changes are likely to occur in the reasonably foreseeable future in the absence of the proposed action (see Section 617.9(5)(v) of the SEQRA Regulations).

Other Matters:

1. Chairman Crandall announced that the Planning Federation will be conducting their seminar in Rochester in September. Members are to contact the Planning Office if interested. Sue Ganey expressed interest.

2. Hamburg Rejuvenation Event will be held at Oscar's on July 23rd. All are invited.

Motion was made by Ms. Ganey, seconded by Mr. Eustace to approve the minutes of the meeting of June 17th, 1998. Carried.

Motion was made to adjourn the meeting by Ms. Ganey, seconded by Mr. Eustace. Carried. Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Gerard Koenig
Gerard Koenig, Secretary
Planning Board

Next meeting: August 5th