

**Town of Hamburg
Planning Board Actions
July 25, 1990**

Brierwood Green Space--During Executive Session, it was decided by the Board that an overall plan for each area should be drawn as well as a colored map.

Mobile Home Ordinance--Input received from B. Dinardo of Eaglecrest Homeowners. Revisions to be made and finalized.

2 lot Subdivision for K. Palmer - Sowles Rd.--Need a survey with a seal for each parcel. Item to be placed on agenda for August 8th.

Woodledge Development - Input required from Dept. of Env. & Planning and Department of Env. Conservation. Planning Board members need to review 2 options as presented by developer.

Club Park Avenue - Tricia Pascale - South Park Ave.
Tabled to review original layout and landscaping plan acceptable to Planning Dept.

Woods at Versailles - Preliminary subdivision approval granted.

Meinke Muffler & Brake Shop - Southwestern Blvd. - Approval granted pending approval from Dept. of Env. & Planning on ZR-1 form.

Camp Road Car Wash - Big Tree Rd. - Tabled pending input from State Dept. of Transportation on traffic pattern around intersection and circle.

Oxford Heights--Planning Board agrees to cluster concept; minimum setback of not less than 25', 50' radius on driveway & 100' on pavement; & a berm with pine trees to be placed along Thruway area, and drainage plan acceptable to Thruway Authority. **Public Hearing set for August 8th.**

Saddlebrook Point--new drawing submitted with increase of 3 townhouse units. To be reviewed by departments. Letter to be sent to Mr. Burke asking that a public park be dedicated for public access around the lake area. Also, that there be no increase in density, that concept is not to change.

Christine Villa Crusis--4934 Southwestern Blvd. Applicant to remove carousels from front portion of lawn area and put in back. Site plan to be drawn up in future.

Innovative Homes - Approved subject to Engineering requests on drainage, and sidewalks.

Matthews Rezoning - Distributed to Planning Board members for review and recommendation on August 22nd meeting.

**Town of Hamburg Planning Board Minutes
July 25, 1990**

The Town of Hamburg Planning Board met in regular session on Wednesday, July 25th at 7:30 p.m. Those attending included: Chairman Richard Crandall, Vice-Chairman Elgin Cary, Secretary Gerard Koenig, Dennis Gaughan, David Phillips, Steve Strnad, Sandy Carnevale. Others attending included: George McKnight, Sheryl Bower, Rick Lardo, Bob Pietrocarlo, Lee Rockwood, Pat Steele, Attorney Dan Gorman, and Terry Dubey, Stenographer.

Minutes of the meeting of July 13 were approved on motion by Mr. Phillips, seconded by Mr. Carnevale. Carried.

Executive Session - Green Space for Brierwood Development

A review was made into the Environmental Impact Statement for Brierwood which indicates that a layout of the development did show undeveloped areas. There are statements in the text that each section is to be addressed at each review time. The Planning Board needs to look at an overall plan. There were open areas on the original drawing. In terms of specific open space requirements, nothing has been approved. Mr. Burke originally spoke of biking and jogging trails as a form of recreation. No green space has been dedicated. The golf course is a commercial enterprise. Mr. Phillips pointed out that at the July 2nd meeting, he asked to see an overall plan.

Mobile Home Ordinance--Letter has been received from the Eaglecrest Homeowners Assoc. with input to be incorporated into the ordinance. Also, the Engineering Department indicated the following: We propose that Section 30A-7(C-2) design standards be modified to include the design (layout) standards from Section 31-18 of the Subdivision regulations. The use of these standards will assure proper ingress and egress for emergency vehicles, moving and delivery trucks, trash pickup and mobile home setup.

The street lighting requirement in the same paragraph should be numbered separately and expanded. If you want separate fixtures and standards not controlled by the individual units, then specify street light fixtures and not house lamp and pole. **G. Kapsiak, Engineering & R. Lardo**

BJ'S Wholesale Price Club--Letter received from D. DePaulo that he will submit a landscaping plan for the buffer that was torn down along the Toy's R Us section and the price club.

Innovative Homes--Mr. Benedetti has changed the duplexes for two lots instead of 4. The Planning Board did not re-approve the 2 lots. A request has been made to waive the map cover requirement. The Engineering Dept. has made the following requests: 1. A drainage plan is to be prepared acceptable to the Eng. Dept. 2. The developer is required to obtain a Public Improvement Permit for the drainage facilities. 3. That building

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permits not be issued until the drainage facilities be completed and accepted by the Town Board. 4. That the houses face on Big Tree Rd. and that sidewalks be installed along Big Tree Rd. for the two lots. G.Kapsiak, R. Lardo.

Motion was made by Mr. Phillips, seconded by Mr. Gaughan to approve the revision on Innovative Homes for a 2 lot development instead of a 4, and incorporate changes as requested by the Engineering Department memo dated 7-20-90 and waive the requirement of filing a map cover. Carried.

Request of Shaw & Shaw for Mr. Palmer on a 2 lot subdivision on Sowles Rd.

The Planning Board received a request for Mr. Palmer to approve lots that were separated without going thru the subdivision process and waive a map cover. Board feeling is that the applicant should go thru the subdivision process, prepare a legal description and hold a public hearing. A sealed survey should be submitted and applicant is to be placed on a future agenda.

Public Hearing - Woodledge Development - J. Cellura

Secretary Koenig read the following Legal Notice:

Page 28 - The Sun - Thursday, July 19, 1990

**LEGAL NOTICE
TOWN OF HAMBURG
SUBDIVISION HEARING
WOODLEDGE DEV. P.U.D.**

Notice is hereby given that the Planning Board for the Town of Hamburg will hold a public hearing on July 25, 1990 at 8 p.m., for the purpose of approving Woodledge Development Planned Unit Development.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York being part of Lot 43, Township 9, Range 8 of the Holland Land Company's Survey and being bounded and described as follows:

BEGINNING at the point of intersection of the center line of North Creek Road (66 feet wide) and the west line of Southwestern Boulevard (100 feet wide); running thence southerly along the west line of Southwestern Boulevard, along a curve to the right having a radius of 1196.28 feet, a measured distance of 350.67 feet to a point of tangency; thence continuing along the east line of Southwestern Boulevard 270.86 feet to the top of the high bank of Eighteen Mile Creek; thence northwesterly along the top of the high bank of Eighteen Mile Creek to the center line of Versailles Road (49.5 feet wide); thence northerly along the center line of Versailles Road 170.75 feet (189.5 feet more or less record) to the southwest corner of lands described in deed to Edwin Johnson and Janice Johnson recorded in the Erie County Clerk's Office in

Liber 9589 of Deeds at page 23; thence north 77° 08' 48" east along the south line of said lands described in deed recorded in Liber 9589 of Deeds at page 23 a distance of 110.88 feet more or less to the center of Hemlock Creek; thence northerly along the center of

Hemlock Creek 204.8 feet more or less to the southeast corner of lands described in deed to James Eberhardt and Clara Eberhardt recorded in the Erie County Clerk's Office in Liber 6492 of Deeds at page 11; thence northerly along the center of Hemlock Creek and along the east line of lands so described in deed recorded in Liber 6492 of Deeds at page 11 a distance of 261.4 feet more or less to the northeast corner of such lands; thence north 70° 47' 58" west along the north line of lands so described in deed recorded in Liber 6492 of Deeds at page 11 a distance of 92.78 feet to the northwest corner of said lands, which point is also the northeast corner of lands described in deed to Edward Patton and Margaret Patton recorded in the Erie County Clerk's Office in Liber 7052 of Deeds at page 423 and the southeast corner of lands described in deed to Paul Sandberg and Laurie Sandberg recorded in the Erie County Clerk's Office in Liber 9164 of Deeds at page 656; thence north 47° 12' 03" east partially along the east line of said lands described in Liber 9164 of Deeds at page 656 and partially along the east line of lands described in deed to Albert Fierle recorded in the Erie County Clerk's Office in Liber 4688 of Deeds at page 450 a distance of 602.07 feet (596.70 feet record) to the southwest corner of lands described in deed to Walter Kustra and Mary Anne Kustra recorded in the Erie County Clerk's Office in Liber 8970 of Deeds at page 154; thence south 39° 12' 53" east along the south line of lands so described in deed recorded in Liber 8970 of Deeds at page 154 a distance of 1006.55 feet (1009.60 feet record) to the west line of Southwestern Boulevard; thence southerly along the west line of Southwestern Boulevard 466.43 feet to a point of tangency; thence southerly continuing along the west line of Southwestern Boulevard, along a curve bearing to the left and having a radius of 1196.28 feet a distance of 200.99 feet to the center line of North Creek Road at the point or place of beginning.

The inclusion of that portion of the above described lands lying within the bounds of North Creek Road is subject to the abandonment of North Creek Road by the County of Erie.

RICHARD CRANDALL,
CHAIRMAN
GERARD KOENIG,
SECRETARY

Planning Board Minutes, Page 4, 7-25-90 (Woodledge)

Chairman Crandall declared the Public Hearing open: Mr. Cellura spoke on behalf of the Woodledge development which is to consist of townhouses and some commercial buildings for Cliffside which is located near North Creek and Southwestern Blvd. Communications were received as follows:

Conservation Board:The Conservation Board reminds the Planning Board not to approve the plan in phases (or segments). SEQR Law Section 617.3(k)(1) Considering only a part or segment of an action is contrary to the intent of SEQR. If a lead agency believes that circumstances warrant a segmented review, it must clearly state in its determination of significance and any subsequent E.I.S. the supporting reasons and must demonstrate that such review is clearly no less protective of the environment. Related actions should be identified and discussed to the fullest extent possible.

If any new variance is granted, the Zoning Board of Appeals, in granting that variance will be making a decision that is subject to SEQR. The area to be dedicated to the Town at the base of the cliff has been described by the developer in the form of a legal description and we strongly urge that the dedication of these lands be completed before final approval of the property. Since the portion of the project that encroaches upon Hemlock Creek is planned to be open to the public (based on Mr. Brian Ginter's statement on July 18, 1990) this board recommends that, prior to final approval of the project, the developer grant an easement to the Town, for public access, to the entire area of the "park" described on the two attached sheets, supplied by the developer. (See attachment).

Letter received from L.W.R.P.--Impact assessment--Any activity that substantially degrades water quality, increases temperature or turbidity, reduces flows, or alters water depths in 18 Mile Creek could adversely impact on the fisheries resources of this area. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) could result in significant impairment of the habitat. Existing woodlands bordering 18 Mile Creek and its tributaries should be maintained to provide bank cover, soil stabilization, and buffer areas. Policy 25B Protect and enhance the scenic qualities of the 18 mile creek gorge.

Engineering--The following are review comments on a plan dated 6-14-90 and received on 6-15-90. These comments were provided to the Planning Dept. on 6-27-90 to be forwarded to the design engineer. We have not seen a revised plan since 6-15-90. At the July 11 meeting, Mr. Cellura provided lengthy explanations dated 7-11-90 to our comments from his engineer Mr. Chelleman. We disagree with those explanations and are disappointed that he and other engineers are using the 3 week lead time to create sugar coated answers and

**Woodledge Continued:
(Engineering)**

not revise the plans. 2.2. 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 a right angle and no curve. 3.2 Street intersections shall be at right angles (Section 31-18H). Chestnut at Woodledge and Nuthatch do not meet the code. 4.2 All street names are to be approved by this office and fire control and are subject to revision. 5.2 All roads in the project are to be private and should be labeled as such. All parcels fronting on a private road must be part of a maintenance association, including the commercial buildings. 6.2 All parcels are to be numbered consecutively starting with number one (1). 7.2. The lot fronting on Rt. 20 is in a bad location. It should be eliminated or have access on the interior road. 8.2 The names of the adjacent owners are to be shown. 9.2. The name of the owner is to be shown. 10.2 The northern line of the site is in the 100 yr. flood plain of the National Flood Insurance Program. Show the limits on the plan. 11.2. It should be specified that the commercial buildings will require site plan review in the future.

Building Inspection: This revised plan shows townhouses. Please be aware that it is zoned Planned Unit Development. Plans show proposed buildings and existing buildings. Some buildings are not marked. We would appreciate if you would tell us what those are. Some of the townhouse dimensions say 6 or 10 feet front setback. Make sure you understand what this is about. **Jack Lauchert**

Letter from G. Grabowski 5883 Shoreham Drive - Lakeview

I am writing in reference to the Woodledge P.U.D. on North Creek Rd. I feel that the 18 mile creek bank, and the creek itself is one of the most scenic areas in Hamburg, and as such should be developed with single homes. The aesthetic beauty should be retained, and not be developed with stores and restaurants mixed in the development. I am a homeowner in the town and feel that the P.U.D. on North Creek would increase urban sprawl that seems to be spreading throughout the Town. I feel this project would be most unattractive and a step in the wrong direction.

Letter from M. Walter 1918 North Creek Rd.

I wish to voice my discontent with the proposed building of townhouses within less than the legal setback at the top bank of 18 mile creek. Development of this area has not been approached properly. They are detracting the natural country look of the area. This was the reason we chose to move to Lakeview 6 years ago. We would prefer single family homes on large lots. Please do not ruin the country atmosphere enjoyed by so many. I sincerely hope the prospect of increased tax revenue will not over-shadow what our area has strived to maintain.

Mr. Earl Newman of North Creek road spoke in opposition to the proposal. Mrs. Lynn Lango of Southwestern questioned whether the

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Woodledge Continued

variances that were granted were legal. The Town Attorney has upheld that the sanctity of the 60' requirement does not have to be adhered to if a variance is granted by the Zoning Board of Appeals. They have the power to vary the ordinance.

Lee Rockwood of the Conservation Board stressed that the easement for public access along the 18 mile creek should be in writing. The green corridor must be maintained.

Mr. Newman asked if the town house units would be built out or if the model would be a spec unit? He cited the instance whereby one home was built and was not sold for over two years. Mr. Cellura explained that this would be a built order with the first phase of 4 units.

Mr. R. Haines of 2157 North Creek asked about the 37 variances that were granted 2 years prior. It was noted by Mr. Cary that the variances have expired and have no bearing now on this new proposal.

Mr. Cellura presented some alternate options which are: Option I--eliminate unit C-94, drop away from the cliff within 60'. C-96, 97-98, leave commercial as is on existing plan--D101 Treetops Spa, D-100 Edgecliff Rest & Tavern--D-99 Edgecliff Country Inn. Deed green belt to Town in exchange for recreation fee per lot area along the low bank of 18 mile creek. Public access to common areas.

Option II--Eliminate unit C-94, drop away from the cliff within 60', C-96, 97, 98; eliminate commercial units, D-101, D-100, D-99, in place of D-101, 60' away from cliff in area where 6 parking spaces currently are located a three unit townhouse; green space in place of D-100, no structure to be built in and place a patio courtyard. Eliminate D-99 and parking area no structure proposed leave green. No public access to site other than D-102 commercial. Private Homeowners Community. Deed green belt to town in exchange for recreation fee per lot along the low bank of 18 mile creek. (See attached letter from C. Chellman.)

Mrs. Marge Guenther, member of the Hamburg Future Development Board, noted concern on building closer than the 60' setback requirement along 18 mile creek. The 60' requirement must be maintained.

Mr. Paul Guenther of South Creek Rd. noted concerns originally stated in the environmental assessment, that at the time of the rezoning, this was considered an unlisted action and did not meet the thresh-hold of a Type I action. However, since then, there have been commercial structures added. Shouldn't this then be considered as a Type I action? Chairman Crandall noted that this will have to be investigated.

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Woodledge Continued:

It was noted that the units will start from \$128,000 to \$158,000 with no restriction on price. The 33 units will be in the 1800 s.f. range.

Mr. Newman stated that the neighborhood is concerned about the development as they do not want to see areas bulldozed and then left.

It was noted that the Dept. of Environmental Consv. and Department of Environment and Planning from the County would like input into the project.

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

Motion was made by Mr. Phillips, seconded by Mr. Strnad to **Table** for revised drawings, & to evaluate the options that have been presented. Carried. Item to be on August 22nd agenda.

Body Tan - Tricia Pascale - South Park Avenue

Ms. Tricia Pascale appeared before the Planning Board on revisions that were requested from a prior meeting on the Body Tan, Club Park Avenue, which is located on South Park Avenue. Comments are as follows:

Engineering--1.2 The site plan for this site was approved previously in March of 1989. During the review process in 1989 both neighbors requested that the existing natural buffer not be disturbed. The plan was approved with 10 foot buffer intact and "with some type of low plantings in front between the properties." The present plan shows asphalt within 4 and 6 feet of the property line. We made a field check of the existing site and found the pavement installed within one foot of the property line. **3.2** The proposed plan would eliminate 4 spaces in front because of the drives and add 8 in back. The net gain is 4 spaces. **4.2** Delineators should be placed around the drive or other measures taken to keep people off of the septic system. **Gerard M. Kapsiak--R. Lardo.**

Conservation Board--Where a commercial area abuts a residential, there is a requirement that the non-resident provide a buffer between the two. The natural area on each side was to be left in tact.

Ms. Pascal noted that the one property owner removed the trees himself. On the other side, the buffer was removed because of the drainage swale.

Building Inspection--This existing 1 story concrete block building

Club Park Avenue (Continued)

is in need of more parking spaces. The proposed 8 spaces at the rear of the building are the only logical place to construct these parking spaces. Therefore, a proposed 12 foot one-way drive on the north side as well as the south side is required. The driveway would go completely around the existing septic tank drain area. The building at this location is difficult because of improper planning. The building should have been moved to the west, where there is a larger front yard so the parking area could have been in the front as the property slopes to the west. Attached is a temporary Certificate of Occupancy which has expired. We are making some progress with the owner to conform to the requirements. (Also included letters from June 19, & 6-13-90.

Planning--1. The parking lot, entrance and exit must be screened from adjacent lots. The proposed & existing landscaping should be shown on the plan. If a rear building entrance is not to be provided, there should be a raised sidewalk along the side of the bldg. to the front entrance. The driveways should be placed as close to the bldg. as possible to allow for a buffer to be planted. The parking spaces in the existing lot should be shown.

Chairman Crandall noted that the drawing he has in front of him is not the same one that was originally approved. It was suggested that an acceptable buffer be worked out thru the Planning Dept. Neighbors are also to be contacted.

Motion was made by Mr. Gaughan, seconded by Mr. Phillips to work out the layout and landscape plan thru the Planning Dept. Carried. Matter was tabled.

Woods at Versailles - Versailles Plank Road - Lakeview

Mr. Dana Warmum appeared before the Planning Board on the proposed Woods at Versailles Subdivision. Comments are as follows: **Engineering--1.** This plan was revised without changing the date or adding a revision block. We require one of these methods be implemented. 2. Written access permission should be obtained from Erie County prior to plot approval. 3. The street names have not been approved by this office and Fire Control and are subject to possible revision. 4. The topo map supplied indicates the project is in the Town of Amherst. Revise or relocate.

Chairman Crandall pointed out that the matter was tabled from the last meeting because of the number of drives along Versailles Plank with the duplexes. A conversation was held with the County Public Works Department and they have expressed no concern about that issue. Also, there is no improvement planned for the Versailles Plank road. Mr. Warmum noted that the pavement will be widened and country curbs will be set in place at his expense. There has been 14-15% of open space dedicated and labeled as such. Mrs. Rockwood stated that the active or passive recreation area should be deeded and identified on the plot plan. This will be so noted with the Engineering Dept. to be sure that the item is

Woods at Versailles (Continued)
addressed.

Motion was made by Mr. Koenig, seconded by Mr. Carnevale to grant preliminary approval for the subdivision. Carried. Opposed: D. Phillips, and D. Gaughan.

Meineke Muffler & Brake - Southwestern Blvd.

Messrs. C. Lehsten, J. Berger, and K. Wilson appeared before the Planning Board on a proposed muffler and brake shop which is to be located on Southwestern Blvd. near the Perkins driveway. Comments are as follows:

Building Inspection: Property is zoned C-2. Under 29-119-C, 3 parking spaces are required per bay. There will be 6 bays, therefore requiring 18 spaces, one of which should be designated for handicapped parking. The front setback for the parking violates 29-129B-1, which requires 35' unless approved by the Zoning Board of Appeals. All rounded curbs should be poured in place. The edge of pavement should be protected by curbs. There is no receiver for storm water in the parking lot. They should be shown on the plans to assure proper drainage of the site. The location of the proposed detached sign should be shown. A road cut permit is required by the New York State D.O.T. Location of parking lot lighting and landscaping plans must be available.

Planning--1. 18 parking spaces (3 per bay) are required, only seven are shown. If the proposed stone area is to be used for parking, it must be paved.

Engineering--1. These comments were supplied to the Design Engineer on 7-13-90. 2. A state road cut permit is required. 3. The culvert along Rt. 20 is to be extended. 4. A swale should be provided along the west property line and south of the rear parking area. 5. Curbing should be installed along the entrance way. 6. Show the roof downspout piped to outlet in front. 7. The stone area at the rear of the building is to be paved.

Motion was made by Mr. Gaughan, seconded by Mr. Phillips to approve the site plan contingent upon all modifications being met, and contingent upon Erie County input. Carried.

Camp Road Car Wash - St. Francis Drive and Big Tree

Mr. John Klocke appeared before the Planning Board on the proposed car wash to be located on St. Francis and Big Tree at the Circle in Athol Springs. Mr. Klocke noted that he has been in contact with Becky Anderson of the D.E.C. with respect to being in a flood plain. With respect to the response of the State D.O.T., Mr. Klocke has also been in contact with Karl Stadler and it was noted that this proposal is acceptable to them.

The Conservation Board noted concern that this would be in the

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Car Wash at St. Francis & Big Tree (Continued)

100 yr. flood plain, that the project is in conflict with the 2010 master plan, and that the area is poorly drained. There is also concern that the car wash would impose a traffic hazard especially at the circle. Soil is poor.

Mrs. Ciesla, resident on Big Tree stated that she is concerned about the project as there is a senior citizen facility nearby and there is a great deal of traffic generated by St. Francis when there are football games or other sporting events.

Engineering--We have not seen a revised plan since the 6-27-90 meeting. The following are review comments on a plan not dated and received on 6-15-90. 2.2 Access to the site must be approved by the State before Board approval. 3.2 One drive to St. Francis should be eliminated. 5.2 Curbing is to be provided around the site perimeter & entrance. 6.2 Sewer service is to be provided by an 8" mainline extension along St. Francis Drive from Old Big Tree Rd.

Bldg. Insp. - Property is in the flood plain, A-1. Provisions have been made for 11 spaces which is adequate; one should be designated for handicapped. Location of existing fire hydrant adjacent should be designated on site plan. This lot is overgrown and trees and stumps must be removed from the Town of Hamburg. No direct burial of stumps is allowed. This is the location of 3 existing billboards (Letter was incorporated into last meeting).

Motion was made by Mr. Gaughan, seconded by Mr. Strnad to **Table** until there is some input from the State Dept. of Transportation on the traffic patterns in that area. Carried.

Oxford Heights Townhouse Development - Southwestern Blvd.

Messrs. D. Trent and C. Krumm and Judy Schmidt appeared before the Planning Board on the Oxford Heights Townhouse development which is to be located on Southwestern Blvd. Comments are as follows:

Engineering--We have not received a revised plan since the last meeting. The following are review comments on a plan last revised 7-9-90 and received on 7-10-90. 3.3 We have not received a copy of the Thruway approval for use of their easement as discussed on 7-11-90. 4.3 The State should approve the drive cut prior to plat approval. 6.3 The centerline radius of all curves should not be less than 150'. Show the radius on the plan and revise as necessary. Town Codes 29-166G-J and 29-164 are applicable. 7.3 All street names are to be approved by this office. 9.3 The developer has requested a waiver of building setbacks, use of a different criteria for "driveways" and/or applying Section 281 of the State code. Utility installation and future maintenance will be difficult in the space left between the pavement and units. Site distances at intersections will be reduced considerably. At Pine Grove the owners cannot park in front of their garage without blocking the road and must stand in the road to open their car

Oxford Heights (Continued)

trunk. We are not in favor of any reduction of the required setbacks.

Bldg. Inspection--There are approximately 24 acres of property. There are many zoning violations since this is zoned R-3. There must be a proper setback from a private drive to permit parking in front of the dwelling units without interfering with the private road. A minimum of 25 feet is required. Under 29-48, required yards, B(3), there must be 30 feet between bldgs. Under 29-48 D, the rear yard should be a minimum of 50 feet from any property line. Note: I only review bldg. plans that are stamped by a licensed architect or engineer licensed in the State of New York.

In summation, the Planning Board agreed to:

1. Planning Board agrees with the cluster concept.
2. There shall be a minimum setback of not less than 25', 50' radius on the driveways is required and 100' on pavement.
3. A berm will be provided with pine trees to be placed along the Thruway area;
4. A drainage plan shall be provided acceptable to the Thruway Authority.

Motion was made by Mr. Gaughan, seconded by Mr. Phillips to proceed to public hearing for August 8th. Carried.

Saddlebrook Point - Townhouse Units - E. Burke

Messrs. Patrick & Ed Burke and Jim Walsh appeared before the Planning Board on the section of Saddlebrook point on the townhouse units. At the last meeting, the developer was asked to bring in an overall plan showing where the open space was to be indicated on the plan. A rendering was brought in. However, it shows that there is no active or passive recreation areas that have been dedicated. The developer has not provided the open space as required by the Planning Board.

A memo was presented outlining the recreation areas that are nearby. This also included the golf course. Applicant was reminded that open space cannot be regarded as a public golf course. Also, the surrounding areas are recreation areas that are not owned and maintained by the developer. Comments were also received as follows:

Engineering: 3.3 Access to Amsdell Road is to be approved by the County prior to plot approval. 4.3 Show Devonshire Lane on the Plan. Do the roads conflict with the project? 14.2 The developer has shown three (3) **Exception Proposed Duplex**. These lots are to be reviewed by the board and a map cover filed in the future and it should be made clear, **Permits will not be issued**. 17.3 Units 34 and 35 are 15 to 16 feet from the edge of pavement. It will be near impossible to install and maintain utilities in this area. 15 feet does not allow a homeowner to park in his driveway and open

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Saddlebrook Pointe (Continued)-Engineering

the car's trunk without standing in the road. We recommend additional set back be required.

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

Planning--1. According to Section 29-166 Letter O, site plan specifications, of the Town of Hamburg Zoning code; (1) As part of the supplementary data required for the Planning Board review of a proposed townhouse development...a typical tentative plan showing front elevations of proposed townhouses and a typical tentative floor plan of a proposed townhouse prepared by a licensed architect, shall be submitted to the Planning Board.

2. From Section 29-1660 (2), the plan should also include the location of buildings in relation to property and lot lines; patio and service areas including garbage disposal areas; landscaping, walls or fences; driveways; all common facilities open space and walkways; and utilities...in addition lot size; square footage of each townhouse and its patio living area should be shown. 3. There are 210 units that do not meet the minimum lot area of 2000 s.f. 4. According to the Planning Board minutes of 11-16-88, a determination will be made for each phase of the Brierwood P.U.D. as to whether or not public active or passive recreation will be required. In the section titled: Responses to comments on the Impact Statement, of the D.E.I.S. a comment was delivered regarding the lack of public recreation and or open space. The response was as follows: The developer has said that in future phases that jogging and hiking trails will be designed through the wooded areas that are on site...Does the developer have any plans for these recreation areas at this time?

It was noted that the Planning Board waived the recreation requirement for the subdivision and asked for money in lieu of land only for the first phase.

Chairman Crandall noted that he still has a problem with the development as it does not pertain to the original concept that was approved. Mr. Phillips commented that Mr. Burke was to provide open space for each area and has not complied with that request. Mr. Strnad stated that he feels the project should be tabled as passive and active recreation has not been provided. Pat Steele of the Conservation Board noted the same concern.

Mrs. Pat Ahrens of Amsdell Road stated that she is opposed to

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Saddlebrook Continued

such density on such a small area.

Motion was made by Mr. Phillips, seconded by Mr. Strnad to Table until the developer prepares a plan for passive recreation to be dedicated by the developer as was originally stated in the Impact Statement.

Opposed: S. Carnevale, E. Cary, D. Gaughan, G. Koenig.
Motion defeated.

Mr. McKnight pointed out that the drawing that was presented this evening has 3 additional units. Therefore, every department needs to review the new drawing.

Motion was made by Mr. Gaughan, seconded by Mr. Carnevale to send a letter to Mr. Burke asking that a public park be dedicated for public access around the lake and quarry area. Also, that there be no increase in density and that the concept is not to change. Carried. Matter is Tabled.

Christine Villa Crusis--4393 Southwestern Blvd.

Mrs. Villa Crusis appeared before the Planning Board as she was cited by the Building Inspector for having carousels in her front yard. She stated that she does not sell these horses. Applicant was advised to remove the carousels from the front yard and put them in the back if this is the case. Site plan to be drawn up in future.

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

Respectfully submitted,


G. Koenig, Secretary

Next Meeting August 8, 1990
7:30 p.m.