

T. C.

Town of Hamburg Planning Board  
Actions Taken - August 21, 1996

4 Lot Subdivision  
Schoellkopf Estates  
Old Lakeshore Road

Approved Preliminary

North Creek Subdivision  
2 lots  
North Creek Road

Approved Preliminary

Stetler Subdivision  
Bonnie Lane  
2 lots

Referred to ZBA for  
variance and approval for  
preliminary is contingent  
on that approval.

Swanekamp 4 lot subdivision  
Salisbury  
Place

Approved contingent upon  
meeting Engineering Reqmts.

Brierwood Sr. Citizen  
Complex

Applicant to proceed

Pinelli Rezoning  
South Park Avenue from  
R-3 to N-C

Negative recommendation  
to be submitted to Town Board

V.F.W. Post  
South Park Ave.

Approved cont. upon Eng.  
Bldg. Insp.

Cracker Barrel Rest.  
Milestrip Rd.

Tabled

South Shore Country Club  
Proposed Dome  
Southwestern Blvd.

ZBA for interpretation

Brierwood Sports Complex  
Southwestern Blvd.

ZBA on height

McKinley Highland Retail  
Center  
McKinley Pkwy.

Approved Contingent upon  
Engineering

J. Busshart - Rezoning  
Petition from C-1 to C-2  
for Big Tree Garden Ctr.

To restrict automotive use

Norfolk & Southern  
Addition - Truck Maintenance  
Facility

Approved contingent upon Eng.

TOWN CLERK

SEP 15 9 38 AM '96

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

8

Town of Hamburg  
Planning Board Meeting  
August 21, 1996

The Planning Board met in regular session on Wednesday, August 21, 1996 at 7:30 p.m. Those attending included Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Sue Ganey, Dick Pohlman, Paul Eustace. Others attending included: Rick Lardo, Drew Reilly, Rich Whipple, Attorney Don McKenna and Terry Dubey, Stenographer. Excused: D. Fitzpatrick

Public Hearing Schoellkopf Estates - 4 Lots - Old Lakeshore Road.

Secretary Koenig read the Legal Notice of Public Hearing:

**LEGAL NOTICE  
TOWN OF HAMBURG  
PLANNING BOARD  
AUGUST 21, 1996**

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on the Schoellkopf Estates Subdivision (4 lots) located on the Old Lake Shore Road at 7:30 p.m. on August 21st in Room 7 of Hamburg Town Hall.

**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 No. 50, Township 9, Range 8 of the Holland Land Company's Survey, described as follows:

**BEGINNING** at a concrete monument on the northwesterly line of Lake Shore Road distant 329.19 feet, northeasterly of the northerly line of the lands now or formerly of the Idlewood Association said line being monumented by a stone marker designated C&R, No. 15; thence northwesterly at an interior angle of 94° 34', along the north line of Liber 4937, Page 1, passing thru 2 concrete monuments a distance of 624.00 feet to a concrete monument; thence continuing north-

westerly at an interior angle of 106° 29' along the northerly line of Liber 1295, Page 557, passing thru 2 concrete monuments a distance of 561.00 feet to the southwesterly line of lands now or formerly of David Oliver Smith; thence northeasterly at an interior angle of 90° 00' 00" a distance of 540.00 feet; thence northwesterly at an interior angle of 270° 00' 00" a distance of 195 feet more or less to the top of a high bank; distant 144 feet more or less southeasterly of the Lake Erie shoreline; thence northeasterly along the top of said bank a distance of 663 feet more or less to a point on the southwesterly line of Liber 539, page 148, said point being on the top of bank distant 114 feet more or less southeasterly of the Lake Erie Shoreline; thence southeasterly along the southwesterly line of Liber 539, Page 148 a distance of 981 feet more or less to the northwesterly line of Lake Shore Road; thence southwesterly along the northwesterly line of Lake Shore Road a distance of 598.16 feet to the point of beginning containing 30.46 acres of land. Subject to easements and rights-of-way of record. Dated: 8-9-96

Richard Crandall, Chairman  
Gerard Koenig, Secretary  
Planning Board

3-15

Chairman Crandall declared the hearing open:

**Schoellkopf Estates (Continued)**

Mr. Bill Arlow of Nussbaumer & Clarke appeared for Jake Schoellkopf, the applicant, on Schoellkopf Estates which is a subdividing of the estate into 4 lots. Comments from departments are as follows: **Conservation Board:** Please note that the proposed lot lines extend across the beach to the water edge of Lake Erie. Normally, title to lands abutting Lake Erie extend only to mean high water level, as determined periodically by the U. S. Corps of Engineers. The area between mean high and mean low (normally the beach) is a valuable natural resource that has been determined to be public domain. In the interest of maintaining the rights of the public to this valuable natural resource, the CAB recommends referral to legal counsel for interpretation.

Mr. Reilly noted that the deeds probably show this all the way to the lake, so the surveyor just showed what was on the deed. Although Duke is correct in the common wall that you can't own beach rights for the mean high versus mean low is public domain. This should not change the plan any. This is an existing parcel. Mr. Spittler noted that it is his opinion that this is public right of way and one cannot own the beach.

Attorney McKenna noted that this is an existing situation and is not a concern of the Planning Board.

The revised drawing is dated 8-15-96, labeling the sewer easement of existing homes, and has met all Engineering requirements. Attorney McKenna would like to review the easement agreements.

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

**Engineering:** Sewer & water lines are located within or along the frontage of the site. Map cover requirement may be waived.

Motion was made by Ms. Ganey, seconded by Mr. Phillips to approve the 4 lot subdivision for Schoellkopf Estates; issue a Negative Declaration, waive the filing of a map cover, and provide the easement agreements for the Planning Board Attorney to review. Carried.

**North Creek Subdivision**

Secretary Koenig read the following Legal Notice of Public Hearing:

**LEGAL NOTICE —  
TOWN OF HAMBURG  
PLANNING BOARD**

**NORTH CREEK SUBDIVISION**

Notice is hereby given that the Planning Board for the Town of Hamburg will hold a Public Hearing for a 2 lot subdivision known as North Creek Subdivision located on North Creek off Route 5 for J.F.S. Limited Partnership at 7:35 p.m. on August 21, 1996.

**SCHEDULE A**

**PARCEL I**

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lots Nos. 44 and 47, Township 9, Range 8 of the Holland Land Company's Survey, and bounded as follows:

**BEGINNING** at a point in the southeast line of the Athol Springs-Walden Cliffs Road (100 feet wide), also known as the Lake Shore Cut-Off, at its intersection with the northeast line of land conveyed to Charles R. Sallis and wife by deed recorded in Liber 4163 of Deeds at page 333; thence northeasterly along the southeast line of said Lake Shore Cut-Off about 2916 feet more or less to the intersection with the southwest line of land conveyed to Victor A. Doino and wife by deed recorded in Liber 4134 of Deeds at page 128; thence southeasterly at right angles and along the southwest line of land so conveyed 921.20 feet to the most southerly corner of land so conveyed; thence northeasterly parallel with the southeast line of said Lake Shore Cut-Off and along the southeast line of land so conveyed to Victor A. Doino and wife and continuing along the southeast line of land conveyed to John J. Sullivan and Thomas Lampses by deed recorded in Liber 4132 of Deeds at page 260 a total distance of 697.46 feet to its intersection with the southwest line of Lakeview Road; thence southeasterly along the southwest line of Lakeview Road about 1050 feet more or less to its intersection with the northwest line of land conveyed to Charles V. Nellany, Trustee by deed recorded in Liber 1019 of Deeds at page 574; thence southwesterly along the northwest line of land so conveyed about 1625 feet more or less to its intersection with the west line of Lot No. 44; thence northerly along the west line of Lot No. 44, being also the east line of Lot No. 47, about 605 feet more or less to a point distant 477 feet south of a G&R stone monument located on the east line of Lot No. 47 and designated as No. 23 on a Partition Map of the Catherine W. Myer Estate filed in Liber 799 of Deeds at page 117, the distance of 477 feet being shown on map filed in Erie County Clerk's Office in Liber 599 of Deeds at page 239, being a plat of P. Kinney farm as existed February 10,

in and to an oil and gas lease recorded in the Erie County Clerk's Office in Liber 7069 of Deeds at page 709.

**EXCEPTING AND RESERVING** therefrom lands conveyed to County of Erie by deed recorded in the Erie County Clerk's Office in Liber 7681 of Deeds at page 115 and deed to Thomas R. McMillen and Patricia L., his wife, by deed recorded in the Erie County Clerk's Office in Liber 8165 of Deeds at page 525.

**SUBJECT TO** the following encumbrances:

1. Easement to Niagara Mohawk Power Corporation recorded in the Erie County Clerk's Office in Liber 6982 of Deeds at page 1;

2. Restrictive covenants recited in a deed recorded in the Erie County Clerk's Office in Liber 1386 of Deeds at page 453.

**PARCEL II**

**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 Number forty-seven (47), Township nine (9), Range nine (9) of the Holland Land Company's Survey, also sometimes designated as Range eight (8) of the Holland Land Company's Survey, bounded and described as follows:

**BEGINNING** at a point on a line drawn parallel with the southeasterly line of Athol Springs-Walden Cliffs Road, commonly known as the Lake Shore Cut Off and hereafter called the Cut Off in this description (one hundred (100) feet wide) and nine hundred twenty-one and twenty hundredths (921.20) feet southeasterly therefrom measured at right angles thereto, which southeasterly therefrom measured at right angles thereto, which point is seven hundred forty-nine and eighty-five hundredths (749.85) feet northeasterly from the point of intersection of the northeasterly line of North Creek Road (forty-nine and fifty hundredths (49.50) feet wide) and said line drawn parallel to the Cut Off two hundred forty-nine and ninety-five hundredths (249.95) feet to a point; thence southwesterly at an interior angle of 23° 75' and along a line drawn at right angles to the northeasterly line of North Creek Road three hundred sixty-one and forty-four hundredths (361.44) feet; thence northwesterly at right angles to the last described line one hundred (100) feet; thence northeasterly at right angles to the last described line one hundred thirty-two and thirty-seven hundredths (132.37) feet to the point of beginning.  
Dated: 8-8-96

Richard Crandall, Chairman  
Gerard Koenig, Secretary  
8-15 Planning Board

North Creek Subdivision

Chairman Crandall declared the hearing open:

Mr. Bill Arlow of Nussbaumer & Clarke appeared on behalf of Jake Schoellkopf and the proposed 2 lot subdivision off North Creek Rd. The Zoning is R-E, Residential Estate. Comments from Engineering are as follows: 1. The subdivision has public sanitary sewer and water mains fronting the property along North Creek Road. 2. We have no objections if the map cover is waived.

Chairman Crandall stated that any future subdivision of this land should come before the Planning Board as there is a concern of segmentation.

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

**Eng. Comments:** The subdivision has public sanitary sewer and water mains fronting the property along North Creek Rd. Map cover can be waived.

Motion was made by Mr. Koenig, seconded by Mr. Pohlman to approve the preliminary for the 2 lot subdivision, issue a Negative Declaration, waive the filing of a map cover. Note to be added that any future development must have a site plan review of the entire parcel. Carried.

Stetler Subdivision - 3601 Bonnie Lane

Secretary Koenig read the following Legal Notice of Public Hearing:

**LEGAL NOTICE —  
TOWN OF HAMBURG  
PLANNING BOARD  
STETLER SUBDIVISION  
NEAR BONNIE LANE**

Notice is hereby given that the Planning Board for the Town of Hamburg will hold a Public Hearing for a 2 lot subdivision known as Stetler Subdivision off Gowanda State Rd. near Bonnie Lane for Janice Stetler at 7:40 p.m. on August 21, 1996.

**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 No. 9, Township 9, Range 8 of the Holland Land Company's Survey, described as follows:

**BEGINNING** at a point in the centerline of Gowanda State Road (formerly Water Valley — Eden Highway) distant 399.28 feet from the south line of Lot 9, as measured along said centerline; thence north 01°-48'-11" east, along said centerline, distant 105.02 feet to a point; thence south 88°-11'-49" east, along the southerly line of lands conveyed to John and Anna Fisher by Deed recorded in the Erie County Clerk's Office at Liber 4831 of Deeds at page 28, distant 144.6 feet to a point; thence north 01°-48'-11" east, along the easterly line of lands conveyed to John and Anna Fisher

east, along the southerly line of lands conveyed to Roger J. Raymond and wife by Deed recorded in the Erie County Clerk's Office at Liber 5934 of Deeds at page 545, distant 43.4 feet; thence north 01°-48'-11" east, along the easterly line of said lands conveyed to Roger J. Raymond and Wife, distant 84.09 feet to a point in the southerly line of Bonnie Lane; thence south 88°-11'-49" east, along the south line of Bonnie Lane, distant 56.75 feet to a point of curvature; thence easterly along the southerly line of Bonnie Lane, along a curve to the left, having a radius of 438.05 feet, and an arc distance of 147.81 feet to a point being the intersection of the west line of Sublot 3 of Map Cover 2169 filed in the Erie County Clerk's Office and the south line of Bonnie Lane; thence south 21°-11'-49" east, along the west line of said Sublot 3, distant 222.80 feet to a point in the north line of lands conveyed to Edward J. Eckhardt by Deed recorded in the Erie County Clerk's Office at Liber 1240 of Deeds at page 172; thence south 68°-53'-26" west, along said north line of lands of Eckhardt distant 274.72 feet to a point; thence north 88°-38'-59" west continuing along the said north line of Eckhardt, distant 223.79 feet to the point of beginning, containing 2.01 acres of land more or less.  
Dated: 8-8-96

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Chairman Crandall declared the hearing open. Bill Arlow and Mr. Stetler appeared before the Planning Board for the 2 lot subdivision located on Bonnie Lane. The subdivision leaves the existing parcel with a structure on it which does not have the required setback. Therefore, an appearance will be required at the Zoning Board level.

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

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to refer the matter to the Zoning Board of appeals for the variance of 30' on the side yard requirement for Lot 2 with a positive recommendation. The lots are large in size and meet other requirements. A negative declaration can be issued and approval of the preliminary is contingent upon Zoning Board approval. Carried.

**Tiffany Meadows - 81 Sub lots - off Abbott & Holly Place**

Applicant asked to be on the September session. Not yet ready with a preliminary. Motion was made by Mr. Phillips, seconded by Mr. Koenig to Table. Carried.

**Swanekamp 4 lot Subdivision - Salisbury Place**

Mr. George Swanekamp appeared on behalf of his 4 lot subdivision off Salisbury Place. Approval can be given provided that all Engineering concerns are addressed.

**Engineering:** 1. The site is not in a water district. A new water district, district extension, or out-of-district agreement will be required to serve the site. 2. A 180 feet long, 8" diameter waterline extension will be required across the full frontage of S.L. Nos 3 and 4. 3. In addition, the Erie County Health Dept. requires that approximately 500 feet of existing 4" watermain (between McKinley Pkwy. and 4563 Salisbury Place) be replaced with 8" diameter waterline, in order to provide adequate fire protection to the subdivision. The replacement of the 4" line will not be necessary if the proposed Draudt Sub. to the east is developed **prior** to the Swanekamp Subdivision. Under such conditions, Swanekamp would be able to receive required fire protection through an 8" mainline extension from Draudt's proposed water system. However, Mr. Draudt has not made any formal submittals to the Planning Board in this regard, and he does not have a definite time frame for proceeding with his subdivision development. 4. The site is in the Erie County Sewer Dist. No. 3 service area. Sanitary sewer service is available to the site. An extension will be required across the full frontage of S.L. 3 and 4. (5) S.L. 4 contains a ten (10) foot reserve strip to the adjacent property line. The reserve strip is to be eliminated and the road extended, in accordance with Section 31-17 of the Town code. 6. The map

cover requirement may be waived. It is noted that John Finster (Erie County Health Dept.) contacted our office on 8-13-96, following his conversation with Mr. Swanekamp's attorney. Mr. Finster informed us that his previously stated position (see Item 3) remains the same, and that he is not able to waive these requirements, temporarily or otherwise.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to grant preliminary approval on the Swanekamp 4 lot subdivision on Salisbury Place, contingent upon the developer's satisfactory completion of all requirements outlined in the Engineering Dept. memo of 7-15-96, as well as the one dated 8-19-96; and that the Map Cover requirement be waived upon satisfactory completion and acceptance of these requirements, following which lots can be sold and building permits issued; and that a Negative Declaration be issued for the project. Carried.

Mr. Swanekamp is to receive a copy of the motion as well as memos attached.

#### **Brierwood Senior Citizen Complex**

**Engineering Comments:** The above-referenced project will be issued a Southwestern Blvd. address. All references in the sketch plan to the private access road, "Glen Eagle Drive" are to be removed from the plans and associated submittals. We will review utility plans for the project when a site plan submittal is made. It is noted that we have not yet received a site plan for this project.

Motion was made by Mr. Pohlman, seconded by Ms. Ganey to advise the applicant that he can proceed with site plan review for the complex. Carried.

#### **Pinelli Rezoning - South Park Avenue**

Attorney Eric Doherty appeared before the Planning Board on a proposed rezoning petition for the Pinelli property located on South Park Avenue. Mr. Doherty noted that he needs the rezoning to better define what uses can be utilized besides what its present legal non-conforming use is now. They need the clarification for marketability purposes as it is unclear now.

Mr. Phillips asked if the zoning is changed to N-C, Neighborhood Commercial, of what benefit would this be to the Town. The Planning Board feels that R-3 in the area is the best use for the land. We do not wish to expand commercial uses beyond the railroad tracks.

The following recommendation was made to the Town Board:

Motion was made by Mr. Phillips, seconded by Mr. Koenig to forward a negative recommendation to the Town Board on the rezoning petition from R-3 to N-C for the following reasons: 1. This will be of no benefit to the Town of Hamburg. 2. The present code and the master plan call for residential in this area and there is no

reason to open it up to commercial development north of Quinby Drive at this time. Carried. (Hearing Sept. 9, 7:00 p.m. Town Board level).

**Engineering:** 1. Public sanitary sewer and water lines are located along the South Park Avenue frontage of the site. 2. Storm water detention will be required for development of the site.

**V.F.W. Post - South Park Avenue**

Mr. Bill Gugino, engineer for the project appeared on a revised site plan for the V.F.W. Post to be located on South Park Avenue. At the last meeting, the applicant was asked to explain what the club facility will be used for. It was explained that this club will be used for all veterans meetings, Senior Citizens, Little League, Boy Scouts, and possibly Bingo in the future. The construction road has been removed from the plan.

**Engineering:** 1. Include appropriate clearing, stripping, and erosion control notes and associated construction details. 2. The Landscape plan is to be approved by the Planning Dept. 3. Provide a detail drawing of the proposed detention pond. Provide drainage calculations for the pond. The Town requires that the post development 25 year storm runoff does not exceed the pre-development 10 year storm runoff for a 6 hr. storm event.

The issue of millings was discussed. Chairman Crandall noted that this is an item that should be determined by the Building Inspector & Eng. Dept. There is a policy of tightening up using this process as the Planning Board asks for paving at the time of site plan review. Once there is a waiver from the process it is impossible to get applicants to comply with the regulations once a site plan is signed.

Mrs. Cackovich of 4714 South Park Avenue noted that Bingo was never mentioned before and has some concerns about the project. The original site plan calls for all sewage to be pumped to the sewer line that runs along Route 20, since that time they have changed their plans to a septic system. This property is mainly fill that was taken from the renovation of South Park several years ago, bringing it up to almost 8 feet above the next property line. Water that will be coming off that property including anything from the septic system will run downhill. A septic system has been installed and it lies just below ground level. At the last meeting, it was stated that this water will run into a ditch that has been dug and maintained by the railroad. In the almost 40 years that I have lived here there never was such a ditch and currently there is non. It was also stated that the water can be diverted to the area that is on the other side of the tracks. At this time, the pipe that is running under the tracks is so deteriorated, that it could become hazardous to the railbed. On the other side is a nesting area for migrating waterfowl and adding

more water would need approval under the Federal Wetlands Law. This area also drains into Rush Creek. In the past and just this year, we have encountered flooding under the railroad underpass. Any excessive water run off could cause more problems. If there is damage caused by this flooding, who will be held responsible for damages incurred. The proposed change would make this building smaller with a capacity of just over 100 people. If that amount of people are exiting this property, it could become extremely dangerous as the town knows because just opposite is a curb cut that is in existence and was a proposed entrance for Berkley Square. I know the problems of entering and exiting my property when the fair is running or school is letting out.

It was pointed out that on the septic system, this was approved by the Erie County Health Dept. and must be designed according to their specifications.

Mr. Reilly noted that Traffic Safety asked for a turning lane. However, the cost for such a lane is prohibitive. There was also concern expressed about the appearance of the building. There should be some windows in the club and the fire code should state what type must be used.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the site plan contingent upon Building and Engineering approval as to the type of paving used; as well as all other Engineering reqmts; that there should be buffering between the parking lot and the residential area; that lighting installed should be turned downward so as not to interfere with residential properties; that there be further review of the appearance of the building by the Planning Board to meet fire code requirements; and that a Negative Declaration be issued for the project. Carried. (Need 5 revised copies of the drawing).

**Cracker Barrel Restaurant and Country Store - Milestrip Rd. at N.Y.S. Thruway.**

Messrs. Allan Brick and Ed McCrae of Cracker Barrel appeared before the Planning Board on a revised site plan for their facility to be located off Milestrip Rd. It was explained that 80% of the business deals with the restaurant and the other 20% is the gift shop. Applicant was asked if contact has been made with the Village of Blasdell, County Highway as there are concerns about the site lines in that area. Response given is that they have not as yet gone to these agencies for review.

**Engineering** Comments are as follows: The Town of Hamburg requires that the 25 year, 6 hr. post-development storm water discharge not exceed the 10 year, 6 hr. pre-development storm water discharge. Revise calculations as necessary. We have concerns over the proposed 18" pond outlet discharging to the 10" existing storm sewer. 2. The approval of the adjacent property owner is required to discharge storm water flows to the storm sewer system on their

property. We will not approve these plans without their review and written approval of the proposed discharge to the storm sewer within their property. 3. The approval of the Village of Blasdell is required for the proposed sanitary sewer improvements. We will not approve these plans without the review and approval of the Village of Blasdell. 4. The approval of the Newton Abbott Fire Department is required for fire protection at the site. The approval of the Village of Blasdell is required for water service to the site. We will not approve these plans without the review and approval of the Village of Blasdell and the Newton Abbott Fire Dept. 5. Provide waterline location, flow, pressure, and line size documentation for the existing watermain to be connected into for the proposed waterline extension to service the site. If the existing watermain is in a Town water district, an out-of-district customer agreement will be necessary to be approved by the Town Board. 6. Catch basin, sanitary sewer manhole, and trench details should be shown on the plans, in accordance with Town of Hamburg specifications. 7. The detention pond outlet pipe is to be connected directly to the existing 10" storm sewer. 8. Provide flow capacity documentation for the existing 10" storm pipe. 9. Extend the rip-rap stone over and around the 8" pond outlet pipe. 10. The outfall structure rim should be tilted 4 inches. 11. The pond outlet pipe size for the outfall structure is shown as both 24" and 18" on Sheet No. C-2. Revise as necessary.

Mr. Reilly noted that this project should be Tabled for 2 weeks pending input from the State D.O.T. and the Village of Blasdell, as well as Newton Abbott Fire Co.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to put the item on the September 4th agenda and advertise it as an official meeting for review. Carried.

#### **South Shore Country Club - Proposed Dome - Southwestern Blvd.**

Messrs. Bill Arlow of Nussbaumer, Warren Bookbinder and Ray Staple appeared before the Planning Board on a proposed 200' x 250' air support structure 60' in height, to be located along with the clubhouse on Southwestern Blvd. It is the intention of the developer to redo the clubhouse, enlarge the pro-shop and put in an upscale restaurant within the clubhouse. We would like the bubble to allow a 12 month operation and have more financial stability.

Mr. Pohlman noted that it would be more beneficial to the Town to have the bubble located further back from the intersection of Camp and Southwestern. This proposed structure will be sitting very close to the intersection. It would be more appropriate 300 yards back into the property for aesthetic reasons.

It was explained that relocating the dome structure to the site where the driving range is currently located would not be in the best interests of those using the facility. Location is

inappropriate because it does not provide for adequate restroom facilities for patrons. The one building in that area that may be used for this purpose has only a septic system serving the structure and it could not service the needs of the facility. Relocating the dome to the "golf driving range area" impedes access to the facility in the winter months. By locating the facility on the range area, users of the facility would be required to walk a greater distance in the winter months in an area that would not have protection from the elements. The number of users for this facility may be severely affected as a result. It is also not more acceptable for buffering and sight distances, rather the opposite may occur as it is placed in the middle of the golf course range.

The move suggested is approximately 100 yards from the South Shore proposed site located in the middle of the golf course green space. Issues of aesthetics, buffering and sight distances are not greatly reduced by this new proposed location. In fact, the clubhouse actually provides the best buffer and sight distance for this project. Its location directly in front of the dome actually diminishes its perceived aesthetic impact for those to travel along S. Western Blvd. In effect, the clubhouse ensures that the dome structure is more aesthetically pleasing along the S. Western Blvd. Overlay Dist. area.

Also at issue is whether the dome would qualify as a principal building or an accessory bldg. under the code. The issue then becomes whether the dome structure would qualify as the main building on this land. A definition for main building is not found in the code.

Attorney McKenna suggested that this is a matter of use and should go to the Zoning Board of Appeals for an interpretation. If the ZBA decides it is an accessory use, then they will have to apply for a variance on height.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to send a request to the Zoning Board for a legal interpretation for the Planning Board on the use of the proposed sports dome in the PUD area and what height requirements must be met. The issue is whether this is a primary versus an accessory building. Is it an allowable use in the PUD. Carried.

**Engineering Comments:** 1. Specify concrete or blacktop paving for the proposed access driveway. 2. Note on the plan that a Clearing, Stripping, and Erosion Control permit is required to be obtained from the Engineering Dept. Is the fill proposed to remain in place following the seasonal removal of the dome.

**Brierwood Sports Complex - Brierwood Plaza - Southwestern Blvd.**

Mr. Tony Battista presented renderings of what the proposed Tee Time Golf Dome would look like. The plaza property has been

slowly deteriorating since 1988. The proposed plan is for private recreation. They would like to take a project that is dying and make it a viable indoor soccer clinic and family theme park. There is a fitness center proposed (World Gym), dance studio plus a grocery store, theatre, self defense studio. At the present time, the dome would be used for an indoor golf arena and if the venture is successful, they would like to put up another air support structure behind K-Mart for the soccer clinic.

The indoor golf dome would be open for lessons, repairs of clubs, would include an astro-turf floor and a concession area. They would operate from 9:00 a.m. to 10:00 p.m. and on weekends, 8 a.m. to 11:00 p.m. There would be no sale of alcohol, but would just have vending machines. This would be a year-around permanent structure. They would also like to improve the parking lot and install different lighting. For the golf dome, they will need a variance in height as the proposed structure will be about 60' in height.

**Engineering:** The proposed 60 feet height of the structure exceeds the 35 feet maximum allowable under C-2 zoning. We have no other review comments.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to forward the application for variance on height to the Zoning Board of Appeals with no recommendation. Carried.

#### **McKinley Highland Retail Center - McKinley Parkway**

Mr. Bob Alonzo appeared before the Planning Board on a revised drawing for a retail building to be located on McKinley Parkway. It was noted that the 35' setback on McKinley will be maintained. They have reduced the size of the building in order to meet all specifications as required. Mr. Alonzo has met with the adjacent neighbor and will move the dumpster as far away from his property as possible. There will be arborvitae plantings and a board on board fence for screening. Application for the curb cut has been made to the County Highway but have not received any paper work as yet. One of the longer parking spaces is to be reduced in size from 36' to 20'.

Comments from **Engineering** are as follows: 1. Note on the plan that McKinley Parkway is a County highway. We will not approve these plans without Erie County Highway Dept. review and approval of the work within their right-of-way. 2. Note on the plan that Brompton Drive (East Highland Pkwy.) is a Town highway, and that a Town highway permit is required. 3. The sanitary sewer service is to be reviewed and approved by ECSD No. 3. We will not approve these plans without their plan approval letter. 4. On Dwg. No. C-2, it appears that the finished floor elevation should be 695.65 (instead of 95.65 shown). 5. The Brompton Drive driveway entrance apron is to be concrete and a minimum of 6 inches in thickness.

Revise as necessary. 6. The Landscape plan is to be approved by the Planning Board. 7. All storm sewer pipes are to have a minimum of two (2) feet of cover over the top of the pipe. Revise as necessary. 8. On Dwg. No. C-1, the building area is incorrectly shown in the site data and site coverage tables. 9. The adjacent parcel to the north along McKinley Pkwy. is zoned R-2 (not C-2 as shown). A 20 feet wide building setback is required along this property line by the Town zoning code.

Motion was made by Mr. Koenig, seconded by Mr. Pohlman to approve the change in the parking space from 36' to 20' and incorporate all Engineering changes as requested. Carried.

**Rezoning Petition of J. Busshart from C-1 to C-2 for Big Tree Gardens for property on Big Tree Road.**

Mr. J. Busshart appeared on behalf of his rezoning petition from C-1 to C-2 for the Big Tree Gardens property to be relocated to Big Tree. Mr. Bushart asked for a temporary facility. It was noted that the Big Tree Garden Center has been at the 7 corner location for 4 years and that this is not considered temporary. If there is a relocation of the business site plan review will require that all conditions are to be met including paving. It was noted that the site could be approved but prohibiting automotive uses. This is a deed restriction that could apply to this rezoning.

Motion was made by Mr. Koenig, seconded by Mr. Eustace to forward a recommendation to the Town Board that the zoning can be changed to C-2 but that certain restrictions are to be imposed against automotive uses per the current and proposed master plan. Carried.

**Norfolk and Southern Addition - Ravenwood North**

Mr. Chris Hogan appeared before the Planning Board on a proposed addition (4,000 s.f.) for a truck repair facility to be located on their property in Ravenwood North. The facility will be used to maintain their existing equipment. The issue of millings was again brought up which is to be determined by the Building Inspector as to whether this is acceptable or not.

**Engineering Comments:** 1. Show the proposed sanitary sewer and water service to the proposed building. 2. The sanitary sewer service to the building must also be approved by the Village of Bladell.

Motion was made by Mr. Pohlman, seconded by Ms. Ganey to approve the building and the additional parking with the provision that the material for the parking lot is to be worked out with the Building Inspection and Engineering, as well as all other Engineering concerns. Carried. We have been advised by the applicant that there will be no additional traffic. Negative Declaration is to be issued and the landscaping plan completed.

**Mission Hill Findings Issues.**

Since there was nothing concrete to discuss, Motion was made by Ms. Ganey, seconded by Mr. Eustace to Table. Carried.

Meeting adjourned at 11:45 p.m.

Respectfully submitted,

*Gerard Koenig*  
Gerard Koenig, Secretary  
Planning Board

Next Session: Sept., 4, 1996 - 7:30 p.m.