

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

Town of Hamburg Planning Board Meeting
August 22, 1990 - Actions Taken

SEP 13 10 03 AM '90

Durham Road Subdivision - Tabled ~~until~~ next meeting - Executive Session

Jan Panzetta - Tip Top - Abbott Rd. - To convert barn into apartment - Referred to Zoning Board of Appeals

Berkley Square - Brian Maslowsky - Big Tree - Town Board to accept D.E.I.S. and start clock for review process under SEQR.

Rezoning - Slater - Clark Street - On future agenda scheduled for Sept. 26th. Craft shop and residence.

Rezoning - Windshire Estates - On future agenda.
September 12, 1990

McKinley Mall Outparcel - Benderson Project - Pier I and Restaurant Favorable recommendation to be sent to Town Board for approval.

Car Wash - Big Tree & St. Francis - Received letters from State D.O.T. No action taken.

Cocina Subdivision - 2 lot subdivision approved.

Emerald Green Townhouse Proposal - E. Burke - Tabled for determination of Town Attorney whether supplemental E.I.S. is required. Matter tabled until October 10th.

Rezoning Petition of Richard Mathews for 19 acres on south side of Big Tree - Chesapeake Bay Colony - Tabled - Review of Consv. Bd. input on linear trails and 100 year flood plain.

Rezoning Petition of Mr. Haber - R. Bugaj -- McKinley at Highland for Office Complex. Favorable recommendation to be sent to the Town Board. Single user for office complex.

Seidler Subdivision - 3 lot subdivision on Sowles at Winterway - Approved.

Woodledge Development - J. Cellura for P.U.D. on S. Western & North Creek - Tabled for Consv. Bd. input & response to comments as well as Engineering changes.

Berkley Square - Town House, Office Complex and Retail Shops Big Tree Rd. D.E.I. S. To be accepted by Town Board and begin review process under SEQR.

**Town of Hamburg
Planning Board Minutes
August 22, 1990**

The Town of Hamburg Planning Board met in regular session on Wednesday, August 22, 1990 at 7:30 p.m. in Room 7. Those attending included: Vice-Chairman Elgin Cary, Secretary Gerard Koenig, David Phillips, Sandy Carnevale. Others attending included: G. McKnight, S. Bower, D. Spittler, P. Steele, R. Lardo, B. Pietrocarlo, Attorney D. Gorman, and Terry Dubey, Stenographer. D. Gaughan

Excused: R. Crandall, S. Strnad

Minutes of the meeting of July 25th and August 8th were approved as amended by Mr. Phillips, seconded by Mr. Carnevale. Carried.

Executive Session:

1. Decision is in from Town Attorney, John Michalek, on Durham Road Subdivision. It reads as follows: I am in receipt of your memo dated August 10 concerning the above-captioned matter and have reviewed the maps and plans as well as having a meeting with Mr. Hogan. It is the position of the Town Attorney that the proposal for the cluster development is within the specifications of 29-165B. Specifically, that the acreage if rounded off would comply with the 5 acre specification. It is suggested that the 10 acre specification elsewhere in the section regulations be corrected. I also concur that the entire property be considered one development under the cluster development. If you require any further information, please do not hesitate to contact me. John Michalek.

Memo from Planning Director in response to comments made at Public Hearing. G. McKnight.

~~I would like to address some of the points raised at the Public Hearing on this proposed subdivision. I have attached a map of the area most directly affected by the proposed subdivision for reference:~~ **Comment:** Don't want small lots that are contrary to existing development in the area. **Response:** Of the 122 homes in proximity to the proposed subdivision, 25 of them meet the R-1 zoning requirements and 62 units are 60 feet or less. **Comment:** The proposed development will devalue present homes in the area. **Response:** Even a starter home will cost \$80,000 in today's market. Of the 122 homes in proximity to the proposed subdivision, 8 of them have a value in excess of \$80,000 and only 2 of the 8 are worth more than \$90,000 while 52 units have a value of less than \$60,000.

3. The proposed subdivision will increase drainage problems. After preliminary subdivision approval is given, the engineering plans will be prepared which will include storm drainage. The Town Engineer will review the plans to insure that storm drainage is no worse than it is now and the attempt will be to improve it.

Hogan Subdivision Continued:

Comment: This cannot be a cluster development because it is less than five acres. **Response:** The Town Attorney has stated that it is acceptable to treat this proposal as a cluster subdivision.

Comment: There are severe traffic problems at the intersection of Durham & Camp Rds. **Response:** This is true. However, the addition of 14 dwelling units will not greatly add to the existing problem.

Clustering--The use of clustering in a development has two primary objectives. 1. To build units in close proximity to each other in order to save on the linear footage of infrastructure (roads, sewers and water). (2) to locate units in such a manner so as to preserve/protect something that the governmental unit does not want lost through development.

It was noted that the Hamburg Sun did not publish the items in Executive Session. However, ~~a notice was sent to Paul Howe of the Locksley Park Taxpayers~~, who was made aware that a decision would be made this evening.

Motion was made by Mr. Phillips to Deny and seconded by Mr. Carnevale, who stated that there has been no access provided. Ms. Carol Guinane, Engineer for Nussbaumer explained that a 15' easement has been provided on the map for access to the passive recreation area. Mr. Carnevale withdrew his second. Mr. Phillips stated that he does not feel this is a true cluster, as some of the units are on the other side, and there is no interior road. Mr. Cary responded that this is an unusual piece of property. This is the most logical development of the property.

~~Mr. Paul Howe of Locksley Park stated that they have not had a chance to address their concerns and that he did not understand why Mr. Hogan was allowed to talk to the Town Attorney and they did not.~~ It was noted that Mr. Hogan made an appointment with the Town Attorney's office as he has a considerable investment in this property. Mr. Howe responded that a petition with 131 signatures was presented in opposition to this proposal.

Engineering - Memo stated no comments.

Motion was made by Mr. Koenig to approve the preliminary as a legal opinion was received from the Town Attorney that this is a cluster; the smaller sized lots are arranged so as to keep the wooded areas for the green space; the proposal is within the character of the neighborhood. Died for lack of a second.

Motion was made by Mr. Gaughan, seconded by Mr. Phillips to **Table** so that it is advertised in the Hamburg Sun. This decision will be made at the Sept. 12th Executive Session. Carried.

Jan Panzetta - Tip Top Beauty Shop - Abbott Road

Mrs. Jan Panzetta came into the Planning Department with a

Jan Panzetta (Continued)

request to convert a barn on her property into an apartment. However, this does not meet the square footage requirement of 900 s.f. Therefore a denial is in order as well as an appearance before the Zoning Board of Appeals.

Motion was made by Mr. Phillips, seconded by Mr. Gaughan to reject the site plan as presented and go to the Zoning Board of Appeals. Carried.

Berkley Square D.E.I.S.

Mr. McKnight noted that the Draft Environmental Impact Statement has been submitted by Brian Maslowsky for the Berkley Square project. The Town Board is to accept the statement, if they feel things are in order, the review process can then commence. George McKnight is to contact Supervisor Quinn and proceed.

Rezoning for Slater & Windshire Estates. Referred to the Planning Board from the Town Board. Both items will be reviewed in the following agendas.

McKinley Mall Out - Parcel - Benderson Project.

Mr. Dave DePaolo of Benderson appeared before the Planning Board on the modification for the Pier I and restaurant which is to be located on the out-parcel of the McKinley Mall. Engineering and Building Inspection have been satisfied. Building Inspection would like one more handicap spot located on the drawing.

Motion was made by Mr. Gaughan, seconded by Mr. Phillips to forward a favorable recommendation for approval by the Town Board ~~for the Pier I and restaurant to be located on an out-parcel of the~~ McKinley Mall. Carried.

Car Wash - Big Tree & St. Francis

Letter was received from the State D.O. T. dated August 14th, 1990 stating that the hydraulics Engineer approved the design for the Car Wash at St. Francis and Big Tree Roads. (Signed by J. W. Domagala). Also, a memo was received as follows from the same office: I have completed a review of the drainage for the subject permit. It is acceptable as shown on the attached plans. Another memo was received from V. Fininzio, Regional Permit Eng. The attached plans dated July 12, 1990 have been reviewed by this office, and were found to comply with Departmental Regulations as shown. J. W. Domagala.

Cocina Subdivision -2 lot Subdivision off Coachman's Lane.

Secretary Koenig read the following Legal Notice:

Planning Board Minutes, Page 4, 8-22-90
Cocina Subdivision (Continued)

Vice-Chairman Cary declared the hearing open: Mr. Cocina appeared on behalf of his subdivision. Comments from departments are as follows:

Building Inspection--This is zoned R-1, S.L. has an existing house and attached garage located on the parcel. Sublot 2, the proposed lot, meets the requirements of the R-1 zoning and a house can be placed on this lot easily as sewer is available.

Engineering - Plat for 2793 Amsdell Rd. The plan for the subject subdivision dated 7-23-90 and received 8-1-90 is acceptable to this office. We have no objections if the map cover requirements is waived in this case.

Vice-Chairman Cary asked 3 times if anyone wished to be heard for or against the subdivision. Hearing no further comments, hearing was declared closed. Motion was made by Mr. Gaughan, seconded by Mr. Phillips to approve the 2 lot subdivision, and waive the filing of a map cover. Carried. Also, a Notice of Determination for Non-significance can also be issued on the project as there are no environmental concerns.

LEGAL NOTICE
TOWN OF HAMBURG
SUBDIVISION HEARING
COCINA SUBDIVISION

Notice is hereby given that the Planning Board for the Town of Hamburg will hold a public hearing on August 22 at 8:00 p.m. for the purpose of approving Cocina Subdivision.

Being a parcel of land situated in the Town of Hamburg, County of Erie, and State of New York, Being part of Lot number thirty-four (34) Township nine (9), Range eight (8), being more particularly described as follows:

Commencing at a point on the east line of Coachman's Lane as shown on Map Cover number 2543 as recorded in the Erie County Clerk's Office, said point also being the northwest corner of Sublot 14 of said map cover.

Thence S89°01'15" E and along the north line of subplot 14, a distance of 41.89' feet;

Thence S00°58'45" W and parallel with the east line of said Coachman's Lane, a distance of 14.87' feet;

Thence S69°26'20" E and along the northerly line of map cover 2543, a distance of 120.34' feet;

Thence N00°58'45" E and along the west line of lands deeded to Bethlehem Steel Company, Liber. 6241 at Page 676, a distance of 150.00' feet;

Thence N83°23'20" W, a distance of 156.20' feet to the east line of the aforementioned Coachman's Lane;

Thence S00°58'45" W and along the east line of Coachman's Lane, a distance of 110.00' feet to the place of beginning.

Dated: Aug. 2, 1990

Richard Crandall, Chairman
8-9 Gerard Koenig, Secretary

Emerald Green Townhouses - E. Burke Development -

Mr. E. Burke was present before the Planning Board for a site plan review on the Emerald Green portion of the townhouses to be developed along with Brierwood Estates. Comments from departments are as follows:

Engineering

1. The proposed street name is to be approved by this office.
2. All sublots are to be numbered.
3. The owners of the adjacent parcels are to be identified on the plan.
4. The centerline of road radius off Cloverbank is to be a minimum of 150 feet (31-18E).
5. The original concept plan for the site shows a berm between the Cloverbank houses and the townhouses. In several places, in the D. E.I.S. buffers and berms are discussed and should be considered by the board.
6. Our office received a phone call from Mr. Donald Weiss of 2963 Cloverbank. He questioned the possibility of reduced flows and/or a sulfur flow from his well after construction of the units. We agree this may occur, but we do not have the expertise to properly evaluate the site or make a recommendation to the board. We suggest the developer hire experts or make other arrangements with the owners and report to the board prior to plot approval. Unless the board directs the developer to take special measures his Engineer will no doubt design the site utilities in the standard way and we will review and approve them as such.
7. Utilities for the site will be reviewed by this office after preliminary plot approval is given. Storm water detention will be required either near the site or in the quarry area.

Planning--1. Four of the townhouse groupings exceed the maximum 160' length requirement. 2. There are a total of 16 townhouse units which do not meet the minimum lot area of 2000 s. f. 3. The Emerald Green sublots should be numbered. 4. If there are other phases to Emerald Green they should be shown. 5. The conceptual layout shows a berm along the northern property line of Emerald Green, why has it been removed. 6. The walking trail with pocket parks and play area is a vital amenity of Saddlebrook Pointe. Are there any plans to incorporate similar amenities in the Emerald Green Development? Perhaps linking the separated phases together or providing a pedestrian access to the proposed lake area to the west? 7. The neighbors are very concerned about the severe drainage problems in this area, how will these problems be addressed? 8. Mr. Burke, had promised at the 9-16-88, Public Hearing on Brierwood that a written agreement to bear the responsibility for impairment of wells on neighboring properties would be drawn up, this has not happened.

Letter received from David Pettit, on Emerald Green Drainage Design
As discussed earlier, we feel that the proposed Emerald Green Townhouse Development will not create any additional drainage problems for the residents directly north of the project site along Cloverbank Road. The project site for the proposed Emerald Green Development is presently poorly drained with no positive outlet for

Emerald Green (Continued)

the storm water which naturally drains to this area. The proposed development will include rear yard drainage and an enclosed storm sewer system which will collect and carry the storm water west to the undeveloped quarry area for detention. The storm sewer system, presently under design, for the Sawgrass Court Subdivision will be sized to accommodate the storm water from the Emerald Green development. It is our opinion that the Emerald Green project will be an improvement to the present drainage problems if constructed in accordance with an approved set of design plans. David Pettit

Attorney Giacalone, representing 91 individuals who signed a petition appeared in opposition to the Emerald Green Townhouses. The petition reads as follows: We, the undersigned residents and property owners of the Town of Hamburg, do hereby express our strong opposition to the construction of the Emerald Green Townhouse Development to the south of Cloverbank Road. We are opposed to the location of any townhouses within the Brierwood Village Estates adjacent to pre-existing R-1 zoning. Furthermore, we demand that the Town of Hamburg require the developer to prepare a comprehensive environmental impact study to determine the impact of any new construction on drainage, traffic, and the existing water wells, and the need for green space, recreation areas, and buffer zones within the Brierwood development.

On the issue of the wells, Mr. Burke responded that sample testing of the wells was done in the beginning of the project and some have since been retested, namely the resident at 2926 Cloverbank, 2662 Cloverbank, 2663, and 2670 Cloverbank. No admittance was gained on Mr. Weiss's property as there was no one home, and the well was shut off. Empire Soils was hired to do the sampling and results will be available shortly. Mr. Koerner is experiencing difficulty with his well. Mr. Burke had guaranteed that ~~there would be no impairment of the wells.~~ However, that guarantee was never in writing. The Engineering Dept. is to receive the test results as well.

Comments were also available from the Conservation Board--Lee Rockwood did the review. The Conservation Advisory Board requests that the Planning Board, the designated Lead Agency for the Brierwood Estates, P.U.D., consider requiring a Supplemental Environmental Impact Statement be done before the Brierwood (Phase 2 and 2"A", and 3) and Saddlebrook projects progress. We believe that a supplemental EIS would be the most straight forward and proper way to do this, but in any case a single, combined EIS should be done for Brierwood (all phases) and Saddlebrook.

The Brierwood Estates development plan described in the Environmental Impact Statement in 1988 has changed significantly in several ways. All of these changes are changes made by the developer. Briefly, the Brierwood project is not being carried out according to the plans reviewed in the EIS; adjacent Saddlebrook property has now been added but was not covered by the original

Emerald Green (Continued)

EIS; and upon information and belief the Brierwood golf course is being or will be up for sale. Since the golf course was a critical and integral part of the original EIS, its removal from the project would certainly require the EIS to be redone or supplemented because these changes may result in a significant environmental effect. A supplemental EIS is recommended for the following reasons: 1. Land in the Saddlebrook area was acquired by the developer after the EIS was completed and with added land, it should be looked at as an integral part of the whole development. Reviewing it as an integral part of the whole development would be necessary to avoid segmentation as described in the State Environmental Quality Review, Environmental Conservation Law, Section 8-0113, 617.3 (K)(1) and consider the cumulative environmental effects of new actions. 2. The number and type of dwelling units, the density and the land area to be developed have all been changed. At the July 25, 1990 Planning Board meeting, the developer stated that the number of units were to be 566 instead of the 944 dwelling units written on Page 1 of the Draft Environmental Impact Statement, Aug. 1988, prepared by Tallamy, Van Kuren, & Gertis Assoc. The density was also reported to be changed as well as a reported increase in land area to be developed. The types of housing units in Phase 3 were changed from a mix of 128 single family, 124 duplexes, 184 townhouses and 120 garden apartments to a different combination with a majority of single family homes. Phase 3 as described in the Aug. 1988 Draft EIS had a total of 554 dwelling units, the largest number in the entire P.U.D.

3. The potential of the loss of the golf course as open space as well as loss of animal habitat are concerns. These concerns are based on other golf course developments in other locations in the U.S. that were significantly altered after the construction of ~~dwelling units around the course was completed and the golf course~~ was sold and then, the course itself was developed, resulting in no open space, no animal habitat, no recreation area. Since the developer stated at the July 25, 1990 Planning Board meeting that there would be no donation of open space and the golf course would be considered the open space, would the developer guarantee the future long term presence of the golf course with an agreement of a deed covenant to preserve the golf course if it were to be sold at some future time? If not, the potential for no open space, as well as no provision for animal habitat exists.

4. The golf course comprises approximately 40% of the project and is referred to on P. 5 of the E.I.S., Upon completion of this site it is intended that approximately 175 acres will remain in its present state as a 18 hole golf course. " On p. 27, in the mitigation section of the EIS, the overall impact on the flora and fauna will be serious because of the removal of habitat from the site." The removal of the vegetation mentioned in the previous pages would cause a real loss of animals, not merely a displacement. Most vertebrate populations are usually at or near

Emerald Green (Continued)

the carrying capacity of the habitats where they live. Therefore, when their habitats are removed from one area, they are usually not able to travel to other adjacent or nearby similar habitats because they are already occupied to capacity. "

Of the 390.47 acres included in this Impact Statement, 175 acres more or less will remain intact as a golf course providing sanctuary to some of the displaced species. If the potential for sale of the golf course exists without a deed covenant restricting any future golf course development, then the potential for loss of the mitigation method for animal loss and animal habitat also exists.

5. There were specific references to problems to conforming with originally approved concepts on P. 12, July 25, 1990 Planning Board minutes, Chairman Crandall noted that he still has a problem with the development as it does not pertain to the original concept that was approved.

6. A tremendous amount of fill has been dumped throughout the quarry area, the site of the 544 dwelling units originally planned and studied in the 1988 E.I.S. and the type of fill, its source and its contents have not been addressed in an E.I.S.
Lee Rockwood - Conservation.

Councilman Cavalcoli noted that Emerald Green should be specifically identified as Phase I and II or east and west so that that there is no confusion.

Attorney Giacalone noted that he is representing 91 people and is shocked about the little information that has been provided on drainage. ~~He stated that when he called the Engineer's office on Friday, no information was available and yet approval is being considered without computations. A response given was that the Engineering Department is equipped to handle problems on storm drainage and storm detention.~~

Mr. McKnight also informed the residents that this project is being treated as a subdivision. Detailed engineering drawings are required after preliminary approval is given. That is the time when all the issues are addressed.

The issue that more townhouses were added was also discussed. Initially, in the impact statement, it showed townhouses on one side. In this drawing, there are townhouses on both sides of the road.

Attorney Giacalone also stated that an easement will be required from W.N.E.D. However, the station will not allow any disruption of the copper strapping that is underground, nor will they allow culverts or additional drainage flow on their property.

Emerald Green (Continued)

In the SEQR process, all environmental impacts are to be evaluated before a decision is made by the lead agency.

Councilman Cavalcoli stated that he concurs with the Conservation Board that the Planning Board should consider a supplemental impact statement. There should be an addendum added showing the changes.

Mr. Burke responded that there have been no significant changes in the project and that he has lowered density as opposed to increasing it.

In conclusion, the Conservation Board letter is to be submitted to the Town Attorney's office for a legal opinion as to whether an additional Environmental Impact Statement is to be done. It was also suggested that more time be set aside to discuss all the issues relating to Emerald Green.

Motion was made by Mr. Gaughan, seconded by Mr. Phillips to **Table** the issue of the E.I.S. and Emerald Green until October 10th, pending an opinion from the Town Attorney's office.

Rezoning Petition of Richard Mathews for 19.6 acres on the south side of Big Tree - From C-2 to N-C Chesapeake Bay Colony.

Mr. Richard Mathews appeared before the Planning Board on a rezoning petition for 19 acres of land located on the south side of Big Tree including 3449 Big Tree and 3461 Big Tree and St. Francis from C-2 to N-C. The proposal is for a mixture of duplex/townhouses, a convenience retail area, and professional office use. They are present for a recommendation on the rezoning. ~~Mr. Mathews went to the Dept. of Env. Conservation since the parcel~~ is located in the 100 year flood plain. Comments were available from the Conservation Board which are as follows:

Section A--site description Item #3--Applicant lists predominant soil as "topsoil". According to the Town of Hamburg Soil Inventory there are 2 types of soil present--canadice silt loam, and Remsen silt clay loam. Both are hydric soil. on Item 3A--applicant claims 50% of site is well-drained, 30% moderately well-drained, and 20% poorly drained. The soil inventory shows this entire area having poor drainage with slow soil permeability. In fact, this area is part of the Foster Brook flood plain. Item #8--applicant lists depth of water table at 20+ ft. The soil inventory shows the seasonal water table reaching the surface in some areas and lying 6-18 inches below the surface in others, the presence of cattails in small isolated areas attest to this.

Section B--Project Description--Item 5 applicant claims no mature forest or important vegetation will be removed. Foster Brook, as it passes through the northease quadrant is lined with

Chesapeake Bay Rezoning (Continued)

mature vegetation that provides an excellent buffer and ideal environment for small wildlife. According to the project description most of this would be removed.

Section "C" - Zoning & Planning Information. Item #6-- Applicant claims this project is consistent with recommended uses in adopted local land use plans. Actually, the 2010 master plan calls for most of this area to be open space/recreation with some "General Commercial" space toward the southeast. Furthermore, the area around Foster Brook (N.E. Section) is crossed by a proposed trailway on the master plan (as this area is part of a green linear corridor). It should be noted that Part 2 of the E.A.F. was completed by the applicant and should have been reviewed by a Conservation Advisory Board member. Therefore, 2 sets of marks appear on this form; the red markings represent the opinion of this reviewer.

This project requires revision due to the following: It is located on a poorly drained, 100 year flood plain and involves significant density. It is in conflict with the 2010 master plan which calls for open space and a linear trailway through one section of this plot. It calls for a zoning change (C-2 to N-C) that will conflict with the 2010 master plan. It does not provide for the preservation of a green corridor around Foster Brook (an area known to be of significant value to aquatic and terrestrial species. It will result in a type of "spot zoning" appearance where the present property owners will be bordered by commercial and retail enterprises. If any development occurs in this area, it is strongly recommended that the Town take steps to preserve the immediate banks of Foster/Brook. Dedication of an area of at least 50 feet on each bank would ensure this. Jay Piersanti - Conservation

Motion was made to approve Chesapeake Bay rezoning petition, by Mr. Phillips, seconded by Mr. Carnevale. Vote: Yes: E. Cary, D. Phillips, S. Carnevale: No: D. Gaughan, G. Koenig. Motion died for lack of support.

Motion was made by Mr. Phillips, seconded by Mr. Gaughan to **Table** any recommendation. The Conservation Board has noted that this is a poorly drained area, the proposal is in conflict with the green space and linear trail system. Areas in the 100 year flood plain should be identified. Carried.

Rezoning Petition of Mr. Haber - McKinley & Highland - from R-2 to C-3.

Messrs. Jay Pohlman, Atty., Haber & Ron Bugaj appeared on behalf of the proposed rezoning to be located at McKinley and Highland Parkway for office use. In December of 1988, the rezoning was denied for another use of C-1. This parcel is adjacent to Busy Beaver and with heavy traffic around the mall, it is dubious that the parcel will ever be used for a single family home. The proposal is for a single floor, one story office building with

Rezoning Petition of Mr. Haber - McKinley & Highland -Continued

10,000 s.f. The C-3 zoning would be compatible to the zoning on the east side of McKinley Parkway. This would be an appropriate transition next to a residential neighborhood. There will be no entrances on to Highland. Parking will be limited to 23 employees, and hours are from nine to five.

Motion was made by Mr. Carnevale, seconded by Mr. Koenig to forward a favorable recommendation to the Town Board on this rezoning from R-2 to C-3 for the following reasons:

1. The proposed rezoning will be adjacent to commercial property and will be more compatible with the commercial area.
2. This office will act as a buffer from a heavier use versus a residential use.
3. This is a good transitional change between zones, from commercial to residential. Carried.

Seidler Subdivision - 3910 Sowles Road

Attorney Dan Gorman abstained from the discussion as this is his firm's client.

Secretary Koenig read the following Legal Notice:

LEGAL NOTICE
TOWN OF HAMBURG
SEIDLER SUBDIVISION

Notice is hereby given that the Planning Board for the Town of Hamburg will hold a Public Hearing on August 22nd at 8:15 p.m. for the purpose of approving Seidler Subdivision.

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 6 of Township 9, and Range 8, of the Holland Land Company's Survey and bound and described as follows:

Beginning at the Southwest corner of lands conveyed to Fitzner as recorded in the Erie County Clerk's Office in Liber 6662 of Deeds at Page 363; THENCE Northerly on a line parallel with the West line of Lot 6, a distance of 393.71 feet, to a point; THENCE Easterly at an interior angle of 89°07'13", and on a line parallel with the North line of Sowles Farm, a distance of 100.0 feet to the West line of Subdivision Lot 2, per the Map filed in the Erie County Clerk's Office under Map Cover 2362; THENCE Southerly and along the West line of Subdivision

Lot 2, a distance of 47.35 feet to the Southwest corner of said S.L. 2, and the Northwest corner of Subdivision Lot 1; THENCE Southeasterly, and along the Northerly line of said Subdivision Lot 1, a distance of 140.31 feet to the Westerly line of Winterway Lane; THENCE Southwesterly at an interior angle of 90° along the Westerly line of Winterway Lane, a distance of 200.40 feet to the Southwest corner of Subdivision Lot 1; THENCE Southerly, on a line parallel to the West line of Lot 6, a distance of 102.69 feet to the Northerly line of lands conveyed to the New York State Thruway for highway purposes as filed in the Erie County Clerk's Office in Liber 5509 of Deeds at Page 453; THENCE Southwesterly and along the Northerly line of said lands to the New York State Thruway, a distance of 101.05 feet to the point or place of beginning, containing 1.13 acres of land more or less.

Dated: Aug. 3, 1990

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

Seidler Subdivision (Continued)

The hearing was declared open: Mr. Siedler appeared on behalf of his 1.3 acre subdivision which is to be divided into 2 sub-lots on Sowles Road. Comments were received as follows:

Conservation--The review was completed by Lee Rockwood who notes that the proposal conforms to the master plan, it is not in a wetland, and Erie County Sewer District has the capacity to take care of new tap in's.

Engineering--Has no comments nor is there a problem if the map cover is waived.

Planning--Lot #1 does not meet the R-2 zoning requirements for lot size and is landlocked. If one of the adjoining neighbor's plans on purchasing it, this should be indicated.

Building Inspection--This is zoned R-2. Existing Sublot 1 on Map Cover 2362 was never built upon. Sublot 2 map cover 2362 house number S-4944 was constructed. The new proposed S.L. 1 would become land locked. S.L. 3 has a house on it.

Vice-Chairman Cary asked 3 times if anyone wished to speak for or against the subdivision. Hearing no further comments, the hearing was declared closed.

Motion was made by Mr. Koenig, seconded by Mr. Phillips to approve the 3 lot subdivision, waive the filing of the map cover, and issue a Notice of Determination of non-significance and a negative declaration that this proposal will not have an adverse affect on the environment. Carried.

(Abstained ~~D. Gaughan~~)

Woodledge Development - North Creek Rd. & Southwestern Blvd.

Mr. Brian Ginter appeared before the Planning Board on the proposed Woodledge planned unit development which is to be located on Southwestern Blvd. & North Creek Rd. The applicant has agreed to move all structures back to the 60' requirement. Comments from departments are as follows:

Engineering--1.3 We do not agree with the explanation provided by the Engineer on 7-11-90. 2.3 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. 3.3 Street intersections shall be at right angles (Section 31-18H). Chestnut at Woodledge and Nuthatch do not meet the code. 4.3 All street names are to be approved by this office and fire control and are subject to revision. 5.3 All commercial buildings must have access to public roads,

Woodledge (Continued)

or be part of the maintenance association. 6.3 All utilities for the site will be reviewed by this office after preliminary plot approval is given. 7.3 The lot fronting on Rt. 20 is in a bad location. It should be eliminated or have access on the interior road. 8.3 The names of the adjacent owners are to be shown. 9.3 The name of the owner is to be shown. 10.3. The northern line of the site is in the 100 year flood plain of the National Flood Ins. Program. Show the limits on the plan. 11.3 It should be specified that the commercial buildings will require site plan review in the future. They are not part of the preliminary plot approval. 12.3 If any land is to be deeded to the Town, it is to be specified on the plan.

Planning--We have no comments at this time.

Building Inspection--The 60' setback from the top of the high bank has been shown on the plan. To determine the parking for the restaurant, I need to know the seating capacity. I need square footage of the proposed specialty shops and Tree Top spa to determine parking spaces. This is a heavily wooded area. Trees should be retained where possible. Phasing must also be indicated on the site plan.

Conservation--It has come to our attention that the developer of this project is opposed to public access along Hemlock Creek, which is designated on the master plan as an open space corridor. His stated preference is to maintain the corridor as open space for the exclusive use of the future residents of the project.

To insure the fulfillment of this stated preference, this Board ~~recommends that a landscape easement be granted to the Town of Hamburg, containing at least the following conditions:~~ 1. The term of the easement is perpetuity. 2. The area shown on the plan as open space for the future residents be legally described and included in the easement. 3. Within the described area in the easement, all trees and other vegetation will be permitted to succeed in natural order, and removal of such vegetation will be prohibited. 4. Construction of any type, including signs and billboards, and any disturbance of the existing terrain will be prohibited. 5. To supplement natural succession, the planting of trees, shrubs and other vegetation will be permitted.

In response to the Conservation letter, it is as follows: It is the intention of Woodledge Development Corp. to maintain an openspace area along Hemlock Creek. Currently, there is a home located at the corner of North Creek Rd. and Versailles Road; the only yard area is along Hemlock Creek. This area is not conducive to public access as there is no place on the corner of North Creek & Versailles to park. Also, public access would remove the only yard area at 1982 North Creek Rd.

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As per items 1-5 recommending a landscape easement to be granted to the Town of Hamburg, this is not something that Woodledge intends to do. The developer of this project has provided great concessions in granting a corridor of 60 feet off the cliff at Cliffside, planning a project density which is half the density allowed under the PUD zoning, and including planned areas of space to be open to the public. Woodledge Development Corp. is also willing to deed lowlands along the 18 mile creek for a continuation of the corridor green belt in exchange for the per lot recreation fee. In addition, Woodledge is willing to donate \$100 at the closing of each townhouse to be dedicated to the preservation of the old Versailles Road Bridge and the walking trail at the base of Hemlock Falls.

In response to J. Lauchert's memo, the following is offered: The seating capacity of the Edgecliff Restaurant has not been determined at this phase. We are aware of the ratio of spaces per person requirement and do intend to comply. Current estimated seating capacity is 64-84. Proposed specialty shops will consist of 1,000 s.f. per shop. Four shops are currently planned. Square footage of the shops will total 4,000. The capacity and size of the Treetops Spa have not been determined at this phase and will be subject to market conditions at Phase III, which we anticipate to be in 3-4 years, available in 1993-94. At this time, we estimate the size of the Treetops Spa building to be 5,000 s.f.

Mr. Rick Lardo stated that Traffic Safety still has the same concerns as Engineering on many points. No changes have been made on the drawings and the curve is still 90 degrees which is a hazard. The curves need to be corrected. Design changes are necessary.

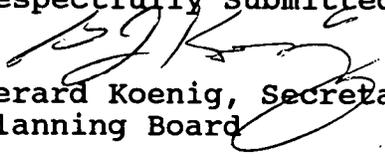
~~A question was raised with respect to the commercial development and whether this would be part of the association. The shops would be privately owned and they would be participating members of the association. They would also have the same rights as members of the association.~~

There was opposition from the neighbors, namely Mrs. Wozniak, Mrs. Linda Petrus that the drawing indicates that Mr. Cellura owns this property, but in essence he does not. Mrs. Wozniak noted that there were 200 people against this development and raised concerns on traffic and drainage. Mr. Spittler pointed out that a landscape easement should be designated on the site plan.

Motion was made by Mr. Phillips, seconded by Mr. Gaughan to **Table** for review of Conservation Board input and Engineering changes. Carried.

Motion was made by Mr. Phillips, seconded by Mr. Gaughan to adjourn the meeting. Carried. Meeting adjourned at midnite.

Respectfully Submitted,


Gerard Koenig, Secretary
Planning Board