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TOWN CLERK'S OFFICE  
HAMBURG, N.Y.

OCT 25 8 35 AM '98

Town of Hamburg Planning Board  
Meeting - September 16, 1998

TOWN CLERK \_\_\_\_\_

Kingsbury 3 lot Subdivision  
Old Lakeview Road  
Zoned R-A

Tabled for SEQRA review.

Doty 2 lot Subdivision  
near 5334 S. Western Blvd.

Preliminary approved.

Forbush 2 lot Subdivision  
Old Lakeview Rd.  
E. Burke - Developer

Preliminary approved.

Concept of Road House  
Grille & Tim Horton's  
McKinley & Milestrip

Tabled.

Rezoning Petition of  
Parkwoods - Planned  
Residential Development  
B. Reggentine - Developer

Tabled.

Hamburg Honda  
Camp Road  
Timothy Kowsky

Site plan waiver to be  
worked out with Planning &  
Engineering.

Priess Subdivision  
Boston State Rd.

Referred to ZBA with favorable  
recommendation.

Rezoning Petition - Iris  
Housing - Sowles Rd.  
From R-2 to R-3 for  
additional units

Favorable recommendation submitted  
to Town Board.

Town of Hamburg Planning Board  
Meeting - September 16, 1998

The Town of Hamburg Planning Board met in regular session on Wednesday, September 16th, 1998 at 7:30 p.m. in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Paul Eustace, Dick Pohlman, Don Fitzpatrick. Sue Ganey. Others attending included Drew Reilly, Wendy Salvati, Rick Lardo, and Terry Dubey, Stenographer. Excused: Don McKenna

Minutes of the meeting of 8-19-98 were approved on motion by Mr. Pohlman, seconded by Ms. Ganey. Carried.

**Kingsbury 3 lot Subdivision - Old Lakeview Road**

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG PLANNING BOARD - LEGAL NOTICE  
SEPTEMBER 16, 1998**

Notice is hereby given that the Planning Board of the Town of Hamburg will conduct a Public Hearing on Wednesday, September 16, 1998 at 7:30 p.m. in Room 7 of Hamburg Town Hall for the purpose of approving a 3 lot subdivision known as Kingsbury Subdivision located on Old Lakeview Road.

**THAT TRACTOR PARCEL OF LAND**, situate in the Town of Hamburg, County of Erie and State of New York, as a part of Lot 26, Township 9, Range 8 according to the Holland Land Company's Survey, bounded and described as follows: **BEGINNING** at the southwest corner of land deeded to Casper Klispie; thence south bounding upon Lot No. 32, One (1) chain Sixty-three (63) links to the northwest corner of lands deeded to Anna Maria Carp; thence south 43 degrees east 16 chains to a post; thence north 38 degrees east 11 chains to land deeded to Deyer Rush; thence north bounding thereon and on land deeded to Elizabeth Buxton 6 chains, 77 links to the southeast corner of land deeded to said Klispie; and thence southwesterly bounding thereon to the place of beginning, containing 15.66 acres, to be the same more

or less, excepting therefrom about one-half of an acre situate in the northeast corner of land above described on which is situated a school house.

**EXCEPTING** therefrom that portion of the above described premises conveyed to Henry B. Caudwell as sole trustee of School District Number 3 by Warranty Deed dated October 28, 1932 and recorded in the Erie County Clerk's Office in Liber 2209 of Deeds at page 539 on December 6th, 1932.

**ALSO EXCEPTING** that portion of the above described premises conveyed to Mrs. Pearl Murray by Deed dated May 25th, 1937 and recorded in the Erie County Clerk's Office in Liber 2672 of Deeds at page 20 on the 9th day of June, 1937.

**ALSO EXCEPTING** that portion of the above described premises heretofore conveyed to Damont Goodyear and Howard D. Goodyear by Deed recorded in Erie County Clerk's Office in Liber 3391 of Deeds at page 325 on the 9th day of June, 1943.

**ALSO EXCEPTING** that portion of the above described premises taken by the County of Erie for highway purposes.

Dated: 9-3-98

Richard Crandall, Chairman  
Gerard Koenig, Secretary  
Planning Board

9-10

Chairman Crandall declared the hearing open:

Attorney Jay Pohlman appeared on behalf of Mr. Kingsbury who is interested in building a single family dwelling on S.L. 1 of a

15 acre parcel on Old Lakeview Road. This is a unique piece of property between the road and the 18 Mile creek property. The applicant will maintain the trees and the views that are there and will blend in nicely with the existing single family homes in the area.

Chairman Crandall noted that the following comments have been made: **Planning:** There is a need to complete the SEQRA coordinated review. Preservation of trees is to be indicated as well as no further subdivision of land. To be resolved is the issue of the 18 Mile Creek Trail.

**Engineering Comments:** 1. Sanitary sewer service is not available to the site. 2. Public water service is available to the site. 3. We have no objection if the map cover requirement is waived.

Mr. Koenig stated that a turn around driveway should be incorporated on the drawing. Mr. Pohlman was in agreement to that condition and it will be so noted in the deed restriction. The Health Dept. has given the clearance on the perc tests for the 3 septic systems. We are waiting for the design from the County of Erie. It may be a regular septic system as opposed to the sand filter.

Chairman Crandall asked if anyone wished to be heard for or against the proposal?

Helen Demerly of 3028 Old Lakeview Road asked if the lot was undersized, about the natural drainage and wetlands. Response: This is an R-A zone requiring 2 acres of land, and the developer must comply with all regulations.

Mr. Pohlman responded that a topo was done and all information has been shown on the drawing. They have designed the necessary drainage in the front and we kept all development off the bluff in the back. We have not gone any deeper and will remain in its natural state.

Mr. Reilly noted that we have asked for a determination from the DEC. To date, we have not received any response from them and no action can be taken on this matter. The matter will be tabled to wait for comments. The State regulates wetlands. This is probably Federal wetlands and we normally do not get a response from the Federal government. However they will issue a point to the applicant that it is their responsibility to ensure that they are not building in Federal wetlands.

Hearing no further comments, the hearing was declared closed.

Motion was made by Mr. Koenig, seconded by Ms. Ganey to **Table**

until the next meeting so that the time frame for SEQR has been completed and there is the issue on the green space plan for the trail system along the creek. Carried. Abstained: D. Pohlman.

Doty 2 lot subdivision - located near 5334 Southwestern Blvd.

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG PLANNING BOARD - LEGAL NOTICE  
SEPTEMBER 16, 1998**

Notice is hereby given that the Planning Board of the Town of Hamburg will conduct a Public Hearing on Wednesday, September 16, 1998 at 7:35 p.m. in Room 7 of Hamburg Town Hall for the purpose of approving a 2 lot subdivision known as Doty Subdivision located near 5334 Southwestern Blvd.

Being all that tract or parcel of land located on the northerly side of Southwestern Boulevard and being part of Lot 21, Township 9, Range 8 of the Holland Land Company's Survey and further bounded and described as follows:

Beginning at the intersection of the northerly right-of-way line of Southwestern Boulevard (100' wide) with the west line of Lot 21;

thence northeast along the northerly right-of-way of Southwestern Boulevard and at an included angle with the west line of Lot 21 of 51°59' a distance of one hundred ten and eighty-six hundredths feet (110.86');

thence north and parallel with the west line of Lot 21 a distance of two hundred seventy and twenty-three hundredths feet (270.23') to a point on the south line of lands conveyed to Victor L. Dobay by Liber 2797 of Deeds at Page 271;

thence west along the south line of lands of Victor L. Dobay and parallel with the north line of lands conveyed to Gerhard Moddick by Liber 854 of Deeds at Page 20 a distance of eighty-seven and thirty-six hundredths feet (87.36') to a point on the west line of Lot 21;

thence south along the west line of Lot 21 and at an included angle with the last described line of 90°56' a distance of three hundred thirty-seven and eight hundredths feet (337.08') to the point of beginning and containing 0.61 acres more or less.

Being all that tract or parcel of land located on the northerly side of Southwestern Boulevard and being part of Lot 21, Township 9, Range 8 of the Holland Land Company's Survey and further bounded and described as follows:

Beginning at a point of the northerly right-of-way line of Southwestern Bou-

levard (110.86') northeast of the west line of Lot 21 as measured along the northerly right-of-way line of Southwestern Boulevard;

thence north at an angle with the northerly right-of-way of Southwestern Boulevard measured from the northeast to the north of 51°59' and parallel with the west line of Lot 21 a distance of two hundred seventy and twenty-three hundredths feet (270.23') to a point on the south line of lands conveyed to Victor L. Dobay by Liber 2797 of Deeds at Page 271;

thence east along the south line of lands of Victor L. Dobay and parallel with the north line of lands conveyed to Gerhard Moddick by Liber 854 of Deeds at Page 20 and at an included angle with the last described line of 90°56' a distance of three hundred fifty-three and five hundredths feet (353.05') to a point on the northerly right-of-way line of Southwestern Boulevard;

thence southwest along the northerly right-of-way line of Southwestern Boulevard and at an included angle of 37°05' a distance of four hundred forty-eight and eight hundredths feet (448.08') to the point of beginning and containing 1.09 acres more or less.

Dated: 9-3-98

Richard Crandall, Chairman  
Gerard Koenig, Secretary  
Planning Board

9-10

Chairman Crandall declared the hearing open:

Mr. & Mrs. Michael D'Amato appeared on behalf of Mr. Warren Doty who is on vacation on the 2 lot subdivision on Southwestern Blvd.

Comments from Departments are as follows: **Planning:** We will need an amended plan showing lot numbers and the title references are to be removed.

**Engineering:** 1. Sanitary sewer service is not available to the site. 2. Public water service is available to the site. 3. We have no objection to waiving the map cover requirement. 4. The proposed sublots should be numbered.

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

Motion was made by Mr. Fitzpatrick, seconded by Mr. Pohlman to approve the preliminary for the 2 lot subdivision, issue a Negative Declaration, and waive the filing of the map cover and amend the drawing showing the numbered lots. Carried.

**Forbush 2 Lot Subdivision - Old Lakeview Road.**

Secretary Koenig read the following Legal Notice of Public Hearing:

<p><b>TOWN OF HAMBURG PLANNING BOARD - LEGAL NOTICE</b>  <b>SEPTEMBER 16, 1998</b>          Notice is hereby given that the Planning Board of the Town of Hamburg will conduct a Public Hearing on Wednesday, September 16, 1998 at 7:40 p.m. in Room 7 of Hamburg Town Hall for the purpose of approving a 2 lot subdivision known as Forbush Subdivision located on Lakeview Road.          Beginning at the south bounds of New Lakeview Rd., (80' wide); thence westerly at an interior angle of 90°, 415.90 feet and along the said north bounds of</p>	<p>New Lakeshore Road as described in a deed recorded in the Erie County Clerk's Office, Liber 6087 of Deeds at Page 300; thence northerly at an interior angle of 90°, 1446.50 feet north to the south line of Lot #117; thence easterly at an interior angle of 90°, 415.90 feet along the south line of Lot #117; thence southerly at an interior angle of 90°, 1466.50 feet south to the beginning point.          Dated: 9-3-98</p>
<p>9-10</p>	<p>Richard Crandall, Chairman          Gerard Koenig, Secretary          Planning Board</p>

Mr. Patrick Burke appeared on behalf of the subdivision. Comments are as follows:

**Planning:** Need driveway turn-arounds.

**Engineering:** 1. Public sewer and water service are available to the site. 2. The rear portions of the proposed sublots appear to be located in the New York State Dept. of Consv. Wetland HB-2. The wetland boundary should be delineated on the plan. 3. We have no objections to waiving the map cover requirement.

**Forbush 2 lot Subdivision (Continued)**

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

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the preliminary subject to the Engineering letter on the Wetlands; issue a Negative Declaration; provide driveway turn-arounds, and waive the filing of the map cover. The applicant is to be put on record that there is a wetland in the area and that it is the responsibility of the applicant to have the delineation done so that there will be no infringement on the buffer prior to construction. Carried.

**Concept Plan for Roadhouse Grille and Tim Horton's - former Woodlawn Credit Union - McKinley & Milestrip**

Mr. Wayne Kwiatkowski and Attorney Phil Palladino of Ellicott Development appeared before the Planning Board on a concept plan for a proposed Road House Grille and Tim Horton's which is to be located at the Woodlawn Credit Union site on McKinley & Milestrip. The Road House Grille is a family style restaurant with a seating for 232 patrons and an additional 20 seats at the bar. This would employ 40-50 full time and part time employees with hours of operation from 11:00 a.m. to 10:00 p.m. Sunday thru Thursday, and from 11:00 a.m. to 11:00 p.m. on Friday and Saturday.

The Tim Horton Donut Shop would operate on a 24 hour basis. The restaurant portion would close at 10:00 p.m. with a drive thru available for the rest of the time. Sixty per cent of the business would be conducted from 6:00 a.m. to 10:00 a.m.

A new drawing was submitted. The original drawing was for a entrance to the Road House along McKinley Parkway. We have now re-oriented the building to have an entrance facing Milestrip Road to alleviate some of the traffic concerns. We have eliminated the center drive-thru lane and moved the curb cut further west by 227' away from the intersection. We have met with the County and discussed the relocation of the curb cut. We are also trying to purchase additional land but that will require a very lengthy process. The County owns the land and the State maintains it. In addition, we have added green space in the aisle way and have relocated the trash corrals and put them behind the building, we have parking for 119 spaces. We understand that based on the code, there are some issues that need to be resolved, namely the ground cover. Right now, our project is 82% of ground cover and the code calls for 75%. Also, there is the issue of the sale of alcohol beverages within 500' of a residential district. With the re-orienting of the building to the Milestrip side, our green space area is about 38%. We would like some direction on the project and it is imperative that we have the 2 tenants in order to make the

project economically feasible.

Chairman Crandall pointed out that the Planning Board has some concerns as to the traffic that will be generated by Tim Horton's and Road House. The number of buildings and the land coverage is also a concern. We understand that you have made an effort to address these concerns but they are far from being solved.

Mr. Phillips commented that he uses that site quite frequently and is afraid that with the donut shop and the restaurant it will make matters worse.

Mr. Koenig stated that the Traffic Safety Board is vehemently opposed and that left turns would be prohibited. Response was that the tenants would not be interested if that condition were imposed. Mr. Koenig then asked the applicant for a traffic study of that intersection.

Comments from departments: Planning: Two uses on the site is not acceptable. **Engineering:** 1. The Planning Board should consider requiring public sidewalk access to the site. 2. We will review the site plan when it is prepared in accordance with the site plan review checklist.

Motion was made by Mr. Phillips, seconded by Mr. Fitzpatrick to **Table** for the next work session. Carried.

**Rezoning Petition - Parkwood Planned Residential Development - North Creek Road.**

Mr. Bob Reggentine appeared before the Planning Board on a proposed 21 unit townhouse development to be located on a 42 acre parcel on North Creek Road. He stated that this is the fourth submittal that he has presented and has reduced the project from 85 units to 21. We are allowed 2 units per acre. The patio townhouse units would range from \$125,000 to \$185,000 for 1200 to 1800 s.f.. Concerns have been raised relative to the delineation. I have contacted DEC and they need an okay to proceed on the re-delineation.

Comments from departments are as follows: **Planning:** Issues to be resolved: Parking area, phasing, improvement to be dedicated to the Town, SEQRA/Wetland delineation. **Engineering:** A homeowners association will be required to be formally established for the project. 2. Erie County Sewer District No. 2 should be contacted to determine if there is sufficient available capacity in their system to service the site. 3. A waterline is located along North Creek Rd. fronting the site. The Erie County Water Authority should be contacted for pressure and flow information in the system, in order to determine if there is sufficient capacity to service the proposed development. 4. The proposed 600 feet long dead-end cul-de-sac exceeds the maximum street length of 500 feet

allowed by Town subdivision regulations. 5. Stormwater detention will be required to be provided. The proposed lake is at a higher elevation than the area to be developed. This will limit the lake's capability to provide adequate detention. 6. Are the two existing houses proposed to remain or be removed from the site? Add a notation accordingly. 7. The rezoning application (R-A to PRD) requests the rezoning of only 8.5 acres of the 42.5 acre total area. However, the Town Zoning Code requires that a minimum of 20 acres be designated for PRD, and that a maximum of one unit per two acres is allowed to be developed. Therefore, a maximum of 21 units is allowed for the 42.5 acre site. If the two existing houses are to remain, only 19 new townhouse units could be built.

Mr. Reggentine explained that they will be impacting on a little less than 7 acres of land. The rest will be preserved or can be used by the Town.

Chairman Crandall stated that this is the first step in the rezoning process. The final decision is made by the Town Board after a Public Hearing. What the Planning Board is required to do is make a recommendation and submit this to the Town Board.

Mr. Reilly noted that the description of the land is correct and with a PRD you rezone the entire property. The application should be modified to show all 42 acres.

On the issue of the biking and hiking trails, they would probably be owned and maintained by the homeowner's association. Mr. Reggentine stated that they are willing to work within the confines of what the Town wants. The Town noted that they would like a parking area for the use of the trails. The Town wants the trails to be available to Town residents.

Ms. Linda Cooper of 1675 North Creek Road spoke in opposition to the project. I have several issues of concern. The ownership is identified as North Creek Associates in the Environmental Assessment Form. I take issue with this. This gives the appearance that it is being developed by North Creek residents, when in fact this is a Williamsville project not a Hamburg project. The name of the owner is listed as John S. Vitrano, estate of Dan Ganey, and Regina Britton. We are entitled to know who North Creek Associates are and how they fit into the project. On the wetlands, and the information given to us that the DEC will handle the re-delineation. Mr. Spittler of the Conservation Board feels there are far more wetlands than what has been noted. I also come out with more than 50 acres. On poorly drained lands, they are very poor. What affect will this project have on neighboring properties. We have presented to you at a prior meeting the character of the road. At the present time, we have single family homes on very large properties. This project shows pencil lines showing one townhouse. I have never seen a homeowner's association that will assume responsibility for the rest of the property. You

# SCHWENDLER & DOLLOFF

ATTORNEYS AND COUNSELORS AT LAW

EDWARD J. SCHWENDLER, JR.  
PAUL W. DOLLOFF

September 14, 1998

604 BRISBANE BUILDING  
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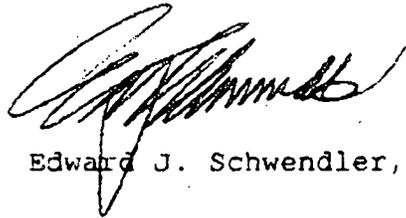
Hamburg Town Board  
Town Hall  
Hamburg, NY 14075

Re: SBL 193.00-4-36, North Creek Road

This letter is written on behalf of our clients, Sarah G. Killeen, Patricia Grenauer and M. James Ganey, owners of fractional interests in the above property. This will evidence that Robert C. Reggentine is authorized to act as their agent for Town matters relating to the above property.

Yours very truly,

SCHWENDLER & DOLLOFF



Edward J. Schwendler, Jr.

EJS:ls

NATURE SAVER™ FAX MEMO 01616		Date 9.16.98	# of pages 1
THIRD PLANNING		From CTM	
Co./Dept.		Co.	
Phone #		Phone #	
Fax # 632-0151		Fax # 632-8341	

are opening up 42 acres of important land to a failed homeowner's association. It doesn't always work out. If this is a Type I action according to SEQR, the project will require extensive review. You are changing the character and nature of our neighborhood.

Chairman Crandall responded that he will try to sum up the concerns. Regarding ownership, we have a letter from Schwendler & Dolloff, Attorneys (Edward Schwendler, Jr.) of 604 Brisbane Bldg. Buffalo which states: Re: SBL 193.00-4-36, North Creek Rd.

This letter is written on behalf of our clients, Sarah G. Killeen, Patricia Grenauer and M. James Ganey, owners of fractional interests in the above property. This will evidence that Robert C. Reggentine is authorized to act as their agent for town matters relating to the above property.

The letter gives the Planning Board authorization to review the matter. This has not as yet been reviewed by the Town Attorney. For now, the letter addresses that point. With respect to the rezoning of wetlands, We don't rezone wetlands. They are there regardless of what zone they are in. If the property is rezoned, the wetlands go with it. By virtue of rezoning, that doesn't change one bit the fact that they are wetlands and the same restrictions apply regardless of zoning.

Ms. Cooper noted that these are all new names and are listed as fractional owners of the property. What fraction do they own? Response: The Town Attorney will have to look at it. That aspect will be addressed with a review of the letter to our Legal Dept. Also, our recommendation will be made subject to the clarification of the letter.

Ms. Cooper questioned the re-delineation and the go ahead? How will that be done? Mr. Reilly responded that we cannot move forward on this until the wetland delineation is done. We have informed Mr. Reggentine as to this. I assume that Mr. Reggentine has contacted DEC. DEC does not need authorization from us. They need to go forward. It is also important that on a PRD, this is not a common rezoning. You make the statement that you would never rezone wetlands to a commercial zone. A PRD zone is a very different thing. The PRD zone includes things such as conservation areas, etc. It's a perfect tool for incorporating the other lands that are important to the town, by rezoning the land, They can be delineated that way, plus the Town wants to own this land. It will not be in a homeowner's association. It will be rezoned with a plan to include those conservation areas. We concentrate more on a site plan than we normally do in a rezoning because the rezoning is based upon the plan that's approved. It is not an open check book. It's the plan that is approved and exactly the way it is approved. If anyone wishes to change that in the future, they will have to go thru another rezoning process.

There will be a homeowner's association on the front of the property. With townhouse property, there must be lots. Secondly there is a road that services the lots. We would like to see that as a private road to be maintained by the homeowner's association. I do agree with you that past homeowner's associations have been poor tools. The State of New York has changed the requirements for a homeowner's association. They are much better now to make sure that the roads are forever maintained by a homeowner's association. The Town has also noted that the roads will be built to Town standards. If the association were to go bankrupt, we would have Town-built roads that the Town would maintain.

We cannot move forward until a delineation is done because of the rules written for PRD. The lot count is based on buildable property. Wetlands is not buildable property. If it turns out that there are twice as many wetlands on the parcel, the lot count would go in half, they would not be able to do this project. The PRD ordinance has strong language. These are important lands to the Town. Either the Town purchases the property, or a PRD can be developed so that much of it can be preserved. That's why the Town is entertaining this rezoning. We will do our job and resolve as many of the issues at hand until we change it and send it to the Town Board. This is the first PRD in the Town. We have had PUD's, but this is residential. There will never be commercial on this site.

Chairman Crandall noted that the Town wants to retain and maintain that natural land there and keep it from being developed and we also want to make it successful for the Town of Hamburg.

Ms. Cooper continued that if you would ask for a show of hands on this project, no one would want it. This is a very narrow road and the traffic pattern on North Creek is most difficult. Also, there will be a use of pesticides. This is a preservation area and is a concern to us as well as the ownership of the land.

Chairman Crandall noted that all we are doing this evening is discussing the rezoning to assist the Planning Board in making a recommendation. If the Town Board approves the rezoning, we then go into site plan review and the issues raised will be discussed. When you speak of traffic and the number of homes, this property could be developed and depending on the acreage as R-A, which is 1 house for 2 acres and subtracting out the wetland area. You will have the same number of houses and the same number of cars.

Mr. Reilly noted that the law is written that for PRD in this area that they could put no more units than under the present zoning. That is the purpose of the PRD. He is asking for a 10% density bonus if he does something unique. What he offered as unique was to build the bike paths and dedicate them to the Town. We have not agreed to that yet. That is something for the public and the Planning Board to make a decision on. The law is flexible enough to create something that is good and to protect what was

there. We like 2 acre density. Modern Planning says density is an important thing. This is supposed to meet the density of what is allowed. If he is to do road frontage lots, he can get 5-6 lots. If he runs a road back there on 2 acre lots, he should get 16-18 homes there. We have not started that yet as we need the wetlands delineation. If it is different, we have wasted time.

Mr. Reggentine is placing 21 homes on 8 acres, but there are 42 acres of land. You are speaking of density versus lot size. If you had a 100 acres of land and the land is 2 acre zoning, you could get 50 units on the parcel. Cluster development is that you take the 45 units and put it on a smaller piece of land. The density is the same for the whole thing but a much smaller lot. How do you maximize the preservation of property. The concept of neo-traditional planning is to preserve the land you want to preserve.

Mrs. Kathy Hochulmeir of North Creek Road noted that this is not in character with the neighborhood.

Mr. Reggentine pushed all the development off the road and put it in the back and left the trees and the homes in the front.

Mr. Jerry Jurek of 1664 North Creek Rd. spoke in opposition to the application & stated that he has lived on North Creek for 10 years. In that time he has gone thru 5 sump pumps. This project does not make sense. Also, we do not want a parking area and our property values will go down. Response: The drainage will be resolved according to our Engineering Dept.

Mr. Theresa Allen of 1592 North Creek Rd. spoke in opposition to the project. She stated that they do not want bike paths. We have just put up a barricade behind our home to keep out the dirt bikes. We do not wish to encourage people back there and near the railroad tracks. There is already a garbage area there. If a piece of this property is going to be turned over to the Town, and for that, Mr. Reggentine will get a 3 house bonus. Our bonus will be the paying of the taxes on the property. What is our bonus?

Mr. Crandall responded that Mr. Reggentine will subtract out the wetlands and he can develop every square inch of the land that is left.

Mr. Reilly responded that he is not getting the bonus for the dedication of land. He is getting a bonus for doing the extra things such as saving more land than what is required plus he is offering the bike path. The Town Board may determine that they do not want the bicycle path. It's up to them. Right now the bonus is the extra land and also pushing it off the road. This will cost him more money in the end.

Mr. Crandall noted that there are many communities that have bicycle paths that are most successful. The property is available to the Town and the taxpayers have a right to use it. Any improvement that the Town does for the overall benefit of its

citizens will cost some money.

Mr. Dave Durni of 1851 North Creek stated that we do not need this type of home. There are plenty of homes for sale on the market now. This to me looks like a permanent mobile home park.

Mr. Crandall responded that these units are not on the same scale as a mobile home park. They are much larger than that.

Mr. Doug Durni of North Creek spoke on the issue of traffic. At the present time, North Creek Rd. is used as a cut thru. There are also railroad tracks and the viaduct. The speed limit is 40 mph. However, cars go faster than that. I am also opposed to the bike paths.

Beverly Biette of 1647 North Creek noted that she is opposed to the change in zoning and has been a resident of North Creek for 14 years. The character of the neighborhood now is large lots with very nice homes. The proposed units are smaller homes on small lots. I happen to own 4 acres of land on North Creek. Buttermilk Falls is very close to us and that area is not built up yet. I do not feel this is a good idea.

Marie Colley of Basswood Drive noted concern of the traffic.

Al Wozniak of 1992 North Creek Rd noted that he is having difficulty turning into his driveway as cars are behind him and force him to drive fast.

Mr. Ken Hurst of North Creek noted that if someone wants to have a bike path, it should be put somewhere else and not in his back yard. There are also the railroad tracks to contend with.

Paula Jurek, adjacent neighbor, stated that if Mr. Reggentine wishes to build he should build the way we all did. We have large frontages. We bought this property because that is what we wanted. I am concerned about the safety issues, the bike paths, How can we stop this? I am opposed to the rezoning of the property. I am one house away from this property.

Mr. D. Nowak of North Creek Rd. noted that the character of Lakeview should be retained. This property has a wetland on it and should be left that way.

Mr. Brian Schmidt is a resident on North Creek for 2 years. He does not want this to become another Amherst. We chose the area because of the uniqueness of it.

Mr. Bruce Colley stated that bike paths should be located at the Nike site on Lakeview Road. That is where they belong. Chairman Crandall noted that he has been working for many years to

to develop bike paths. I want to see something develop like other Towns have. If this is the wrong place or time, we won't do it. The final decision will be based on our recommendation to the Town Board. When the Master Plan was drawn up, the primary emphasis was to try to retain the character of Lakeview.

Mr. Reilly noted that this area will look like Amherst in 10 years. I have shown this to 100 planners. This is what is wrong with our country. Without a PRD, this will look like Amherst. Amherst is the perfect example of what happened in WNY. On Maple Road, there was 2 acre zoning. People went up and down and put 2 acre lots. After that, half the residents moved from there because they wanted to be in the country. Then developers came and said you are wasting a lot of land. There is all this room in the back of the property. Then all the back property got developed--urban sprawl. People then said I am leaving Amherst. I am going to the next Town out. I came back to WNY and everyone is looking at Lakeview and saying it will be Amherst. I will put 2 acre lots along the way. Save the back land. I know 5 years from now the Town Board will say, let's rezone it and get more taxes. That's what happens. It's being preached all over the country. I came here with the idea of large lot zoning. I came to a community and said put 2 acre, 5 acre, 10 acre lots. It didn't stop suburban sprawl. It encouraged it. You don't want houses up and down the road with 2 acre lots. There is not one planner there who hasn't moved to one side. Two acre zoning you will lose it all. We are here to listen. This may not be the right place and time for this. There's very few pieces of land that meets the criteria for a PRD; that is 50% of the land has to be what the Town has determined to be important land. We are concerned that these lands will be developed. I have had the Town Board tell me to stop development on Lakeview Road. We can't. The zoning says put in 1 acre lots on the road and that's all anyone will do. I can't do anything than what the law allows. Now, you will scream the same thing about North Creek Road. Stop houses from going up and down the road. This is the only way to do that. When we attend seminars, we are told not to do 2 acre zoning. This is a difficult position. Four years ago, when the Town Board hired me, they said to stop, we don't want Lakeview to look like Amherst in 10 years. You may not agree with the techniques, but that will happen. Every developer is looking at Lakeview as the next Clarence, Lancaster, etc. You then pay the price. Then you say I'll go to Evans. We don't know how to stop it.

Mr. Brian Schmidt noted that we have concerns in the area as to the environmental standpoint. I would like to know if we can speak with the DEC as this development will impact on us. As far as the trails, there are natural trails along the creek already and I don't feel we need them anymore. The drainage is all part of the entire package.

Mr. Koenig noted that with 2 acre zoning you want this

developer to knock down all the trees. If he develops this as is in the R-A mode, he can build 18-20 homes. In order to do that he has to put in the road, and knock down trees. Is that what you want? On the land that is developable with 2 acre lots. This is not frontage. There is no control. None of you are experts at this. You do not understand what we are trying to do. The fact that there is a wetland there doesn't mean that a piece of that wetland can be on the back of someone's property. All it means it can't be disturbed.

Ms. Salvati, Planning Consultant, stated that Mr. Reggentine can go into this land and he can put 17 lots with 17 homes that will generate almost the same amount of traffic, same amount of garbage, the same amount of children and he can take down all the trees he wants and we cannot control that. This is what we are trying to make you understand. We hear everything you are saying and we are trying to keep him from doing that. The developer is willing to work with the Town to give up land and not go in and do what he has the right to do and we cannot stop him. The land is zoned for 2 acre zoning. The developer can go in and put in a street, build the homes.

The entire point is that the undeveloped acreage will belong to the Town. I lived in the area where Drew was talking about. I wish that the Town of Amherst would have made the developers look at this plan. It is now street after street of houses. If someone would have come in with this type of plan, there would still be woodlands there. There would still be a creek there. Now it is just homes. I am certified planner. I have looked at this plan, this is wonderful because what this man is offering to do is a good plan. We are trying to work out the positives and the negatives. Opposed to what he can rightfully do with this land, this is a good plan.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to **Table**. Carried. Abstained: S. Ganey.

**Hamburg Honda - Addition on Camp Road.**

Mr. Timothy Kowsky appeared before the Planning Board on a proposed Honda dealership and addition to be located at S5133 Camp Road. The proposed addition will be 20' x 44'. Comments from **Engineering** are as follows: 1. We could not locate a previously approved site plan for this location. 2. The public sidewalk and site access drive from Camp Rd. is to be shown. Only one access driveway to the site should be provided. 3. Note on the plan that a NYSDOT permit is required for work within the Camp Rd. right-of-way. We will not approve this plan without NYSDOT review and approval of the work on their right-of-way. 4. Show the location and size of all existing and proposed sanitary sewers, waterlines, drainage lines, and other utilities ( mains and service laterals). 5. The north side and rear portion of the site is not currently paved. Show the proposed pavement and lawn areas. Include a

6. Show the roof downspouts connected into the storm sewer. 7. Show site lighting locations.

**Planning:** Applicant needs to pursue abandonment of road. This will help with logistics of property. As per the Town Engineer, one driveway will also help. Needs to address Engineering issues.

Mr. Reilly noted that since this is an existing condition, perhaps a site plan waiver is in order. A suggestion was made to have the applicant meet with Engineering and Planning to resolve outstanding issues. Mr. Lardo also noted that an abandonment was once done on the property and Mr. Pearl rescinded it. Motion was made by Ms. Ganey, seconded by Mr. Fitzpatrick to Table. Carried.

**Priess Subdivision - Boston State Road.**

Mr. James Priess appeared before the Planning Board on a proposed subdivision to be located at 6651 Boston State Rd. This is an R-A zone and permission was once granted for this proposal back in 1990. However, nothing was ever completed and since that time, the variance has expired. An appearance in front of the Zoning Board will be required. Variances required are on lot area and lot width at the building setback line.

Comments from departments are as follows: **Planning:** Needs variance. Set public hearing if acceptable.

**Engineering:** 1. The proposed sublots should be numbered. 2. Carpenter Rd. is an accepted Town Highway. 3. Public sewer and water are available to the site. 4. The proposed lot size does not meeting zoning requirements.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to forward a favorable recommendation to the Zoning Board. Carried.

**Rezoning Petition of Iris Housing - from R-2 to R-3 for Multi-family residence.**

Ms. Rhonda Frederick of People Inc. and the engineer for the project appeared before the Planning Board on a proposed expansion of the senior citizen complex located on Sowles Road. This is a 5-1/2 acre parcel for four new buildings of 8 units each and 1 bldg. with 30 units. There will be 24 one bedroom units and 6, 2 bedroom. Comments from departments are as follows:

**Engineering:** 1. The site is located within existing sewer and water districts. 2. This parcel has been created from a larger parcel. Subdivision approval will be required. 3. Storm water detention will be required for the project. 4. Two (2) means of egress should be provided for the development. 5. Internal sidewalks should be provided for pedestrian access between

the proposed and existing areas of the site.

Chairman Crandall noted that he would like to see a secondary means of access on the complex for fire protection purposes.

The following recommendation is being made to the Town Board. Motion was made by Mr. Pohlman, seconded by Mr. Eustace based on the fact that the request is in conformance with surrounding property; this is a landlocked piece of land; this is in conformity with the environment and is logical to go from R-2 to R-3. Carried.

After reviewing the petition, Planning Board noted that a secondary means of egress should be considered as part of the rezoning approval.

(hearing is set for October 26th at 7:15 p.m.)

**Other Matters:**

1. SEQR Workshop is scheduled for October 6th. Interested are: R. Crandall, D. Phillips, S. Ganey, G. Koenig, Don Fitzpatrick. Cost is \$15 for two sessions, \$10 for one session.

2. Teleconference is set for October 7th at 4:00 p.m.

Motion was made by Ms. Ganey, seconded by Mr. Pohlman to adjourn the meeting. Carried. Meeting adjourned at 10:35 p.m.

Respectfully submitted,

*Gerard Koenig*  
Gerard Koenig, Secretary  
Planning Board

TO: Hamburg Town Planning Board

RE: New York Planning Federation 1998 Annual Institute  
September 15, 16, 1998  
Rochester, New York

Don Fitzpatrick and Sue Ganey attend workshops regarding the SEQR process. The program were called "Beyond the SEQR Basics" and Using "SEQR Effectively. The other workshops attended were "Cellular Sitings" a "Mock Public Hearing, An interactive Zoning Skit".

Jack Nasca, speaker, who is chief of he SEQR and Rulemaking section in the Division of Environmental Permits at NYS Department of Environmental Conservation. We covered how varies towns in New York handled cases concerning Big Box Stores and commercial areas that supported them but weren't conducive to the community. It was recommended to do Negative Declarations in the beginning of the process instead of the end but always giving substantial reasons. Reminding us to continue a good paper trail of support. Use Reasonable Judgements and maintain a record of logic. Set priorities.

Another workshop attended was on Cellular Sitings.. We walked away from this workshop feeling we had gained much insight to how to handle clients so the town would be the benefactor. We know now that we can and should asked for what we want and not be told what we have to do. It was very informative and useful.

The last program we attended was a mock hearing a conceptual approval of a "Cluster Development". It covered all the points to give to the developer to enhance their projects following the guidelines the town and planning board set in place.

We felt the conference worthwhile and an opportunity to further our education, understanding and ability to be better board members.

*Donald Fitzpatrick*