

Town of Hamburg Planning Board
Meeting - September 17, 1997

Robert Voigt Bakery
4967 Clark St.

Approved contingent upon Eng. &
Building Inspection

McKinley Commons
Seven Corners
Benderson Project

Concept acceptable.

Horvath Mobil
3326 Lakeshore Rd.

Approved contingent upon ZBA
approval.

Manhattan Bagel
Milestrip Rd.
Tim Clark

Approved contingent upon
Engineering.

Dee Gee Wdws.
4660 Camp Rd.

Tabled

Tinseltown Theatre
Complex

Reviewed Matrix for DEIS

**Town of Hamburg Planning Board
Meeting - September 17, 1997**

The Town of Hamburg Planning Board met in regular session on Wednesday, September 17, 1997 at 7:30 p.m. in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Secretary Gerard Koenig, Don Fitzpatrick, Dick Pohlman, Sue Ganey. Others attending included: Drew Reilly, Rich Whipple, Don McKenna, Attorney, Councilman Mark Cavalcoli, Rick Lardo, and Terry Dubey, Stenographer.

Excused: D. Phillips, P. Eustace

Minutes of the meeting of August 20, 1997 were approved on motion by Ms. Ganey, seconded by Mr. Fitzpatrick. Carried.

Robert Voigt Bakery - 4967 Clark Street

Mr. Robert Voigt appeared before the Planning Board on a proposed part-time bakery which he would like to conduct from his front porch located at 4967 Clark Street. The operation would be conducted on weekends from 7:00 a.m. to 1:00 p.m.

Comments from **Engineering** are as follows: 1. The driveway needs to be paved. 2. Does the joint driveway agreement allow a commercial business? Has the adjacent owner been notified of the proposed business? 3. There is a potential for parking problems at the site. Parking spaces should be delineated.

Mr. Voigt noted that he has a problem with the paving. It was suggested that the applicant use millings to provide a hard, dustless surface. The common driveway agreement was presented. It was suggested that there be some type of sign off from the neighbor that he is not opposed to the operation, even though it is limited in nature.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Pohlman to approve the survey for Mr. Voigt contingent upon his working out the issue of the driveway with Building Inspection and Engineering. Carried.

McKinley Commons - Benderson Project - Seven Corners

Mr. Tony Battista appeared before the Planning Board on the over-all concept plan for McKinley Commons. The issue yet unresolved is the signage. They will require many variances. The proposed signage consists of a sign for NTB, one for the restaurant, one for retail, a tenant directory ground sign, a tenant & community ground sign, and a monument sign. Variances will be required for 5. The applicant also explained that they will be using 6' arborvitae for the barrier between commercial and residential. Board members noted that they would prefer to see 4 signs instead of 6. Also, for the proposed NTB facility, a variance on parking setback will be required. The code requires 35', the actual is 18.5' therefore requiring a variance of 16.5'

McKinley Commons (Continued)

Mr. McKenna stated that he has received some sample agreements from Benderson and will have to work on the language with Drew Reilly for an intent of access to adjacent parcels.

Comments from **Engineering**: 1. The concept plan is acceptable to this office. 2. A site plan in compliance with the site plan checklist requirement has not been submitted.

Motion was made by Ms. Ganey, seconded by Mr. Koenig to approve the concept plan for the over-all development as presented, that the signage be changed to a reduced number, and that the tie thru to adjacent property (language) be drawn up. Carried.

Horvath Mobil - 3326 Lakeshore Road

Mr. Karl Horvath appeared before the Planning Board on a proposed walk-in cooler for the Mobil station located at 3326 Lakeshore Road. At the work session, a favorable recommendation was forwarded to the Zoning Board for a variance on the rear yard requirement. The applicant is to appear at the Zoning Board on October 7th.

Comments from **Engineering**: 1. The rear yard setback requirement is not being complied with. This comment is to be satisfactorily addressed for approval.

Motion was made by Mr. Pohlman, seconded by Mr. Fitzpatrick to issue a Negative Declaration on the project, and approve the site for the cooler contingent upon Zoning Board approval. Carried.

Manhattan Bagel - Milestrip Road

Mr. Tim Clark appeared before the Planning Board on a proposed Manhattan Bagel facility to be located on a parcel where the Cracker Barrel is located on Milestrip Road. A revised site plan was submitted, whereby the drive thru was changed, a landscaped island was placed at the rear of the property.

Comments from **Engineering** are as follows: 1. Curbing is to be installed from Parking space no. 24 to the main entrance. 2. We will not approve these plans without the review and approval of the sewer and water service by the Village of Blasdell.

Mr. Clark stated that he has discussed the project with Michael Chiacchia of the Village of Blasdell and it appears that since Cracker Barrel has gone thru the process, there shouldn't be any problems on this project.

Motion was made by Mr. Pohlman, seconded by Ms. Ganey to issue a Negative Declaration & approve the project contingent on Engineering requirements; that the dumpster is to be relocated and

MCKINLEY COMMONS

GROUND SIGNAGE CALCULATIONS

SIGN

1	Type -A, NTB Height Square Footage Setback Minimum Height Above Grade	Ordinance 18' 40 5' 3'	Proposed 9'-9" 27 5' 3'
2	Type-A, Future Restaurant Height Square Footage Setback Minimum Height Above Grade	Ordinance Only (1) sign per development is permitted per code	Proposed 9'-9" 27 5' 3'
3	Type-A, Future Retail Height Square Footage Setback Minimum Height Above Grade	Ordinance Only (1) sign per development is permitted per code	Proposed 9'-9" 27 5' 3'
4	Type-B, Tenant Directory Ground Sign Height Square Footage Setback Minimum Height Above Grade	Ordinance Only (1) sign per development is permitted per code	Proposed 11'-9" 37 5' 3'
5	Type-B, Tenant & Community Ground Sign Height Square Footage Setback Minimum Height Above Grade	Ordinance Only (1) sign per development is permitted per code	Proposed 11'-9" 37 5' 3'
6	Monument Sign Height Square Footage Setback Minimum Height Above Grade	Ordinance Only (1) sign per development is permitted per code	Proposed 4' 18 5' 1'-9"

ZONING BOARD ISSUES:	ORDINANCE	PROPOSED	VARIANCE REQUIRED
Quantity of Signs	1	6	5
Total Square Footage	40	172	132
Setback	5	5	N/A
Minimum Height Above Grade	3	(5) signs @ 3' (1) sign @1'-9"	N/A 1'-3"

PLEASE NOTE:

This development is a consolidation of separate properties and separate ownership. If we elect not to consolidate we would be allowed, by code, a minimum of (3) three signs. Other than quantity of signs, each sign is at or below ordinance requirements. Consideration must be given towards the overall appearance of a unified development, the design of the signs, the landscape design and the fact that each sign is approx. one half (1/2) the height allowed by ordinance.

enclosed to the north side of the property in the back corner closer to the Thruway. Carried.

Dee Gee Windows - 4660 Camp Road

Mr. Don Gerow of Dee Gee Windows appeared before the Planning Board on a proposed storage building to be located on their property at 4660 Camp Road. This is to be a metal pole building on a concrete slab. Access to the storage facility can be gained thru a 10' garage door with one man door. It was noted that more landscaping is required in front of the facility. Mr. Gerow noted that the driveway is going to be repaved. Chairman Crandall indicated that this should be designated on the site plan. Comments from **Engineering** are as follows:

1. The site plan review checklist was not complied with in preparing this plan drawing. The plan should be revised accordingly and resubmitted for review.
2. We could not locate a previous site plan for the original development of this site.
3. The location of the existing garbage dumpster is to be shown on the plan. It is to be fenced and placed on a concrete pad.
4. The new stone area is to be paved. The existing paved parking lot is in need of repair and should be repaved or patched.
5. Parking spaces should be delineated on the plan, with curbing or bumper blocks along the perimeter.

Motion was made by Mr. Pohlman, seconded by Mr. Fitzpatrick to Table since all requirements have not been met. Carried.

Tinseltown Theatres - Results of Scoping Session held on August 27th.

Chairman Richard Crandall noted that the official business of the Planning Board has been completed. This now becomes a working session for the board to review the findings of the scoping document which was discussed on August 27th.

Drew Reilly noted that the step for the scoping session has been completed. Planning Board members were given a matrix of the concerns that have been identified thus far, to use as a guide. Mr. Reilly explained the next step in the SEQR process. The time frames for this project are directory, not mandatory. We are supposed to take 30 days for scoping. We are at about that stage at the present time. We should make most decisions this evening on most of the issues. Then, a formal document will be assembled. After we review the matrix, it will be in the scoping format that I have drawn up. Once the DEIS is completed, with a SEQR hearing, there is a 60 day maximum time frame, with a minimum of 15 days after the hearing. Then there is 45 days to get the FEIS together. There will be a 15 day time frame for review.

Mr. Reilly explained with the matrix we get into Environmental

setting, which is what we call Environmental conditions. These are things that we would like you to look at, and these are what we believe to be the significant impacts. These are items that should be studied. These are things that we would like data on.

Under Public Agency--the public and agencies in writing their letters, wrote saying that we believe that these things impact and relate to the project. Many comments dealt with related to the project. That goes into the second section which deals with impacts. When we review this, the public may think that we are not addressing their concerns. However, that will come up later. We are going to hear what things they should look at about the site and the area. What things do you need to know about the area that may bring up things that we may not have thought of as potential significant impacts. On the first item, --Impact on Land Resources they should give us an idea on the soil limitations--we should require pit data on the bedrock; what is the general topography of the site itself. What is the general environmental setting and the potential impact. We want to know what is going on and this will determine how the structure will be built. A potential impact will be dust generated from construction on the site.

Water Resources--should reflect drainage patterns--flows, structures, and capacities of what is there now. There should be an analysis of the full build-out based on Town requirements. Will there be flooding. How far downstream should we go? We will need historical data that suggests that there is a potential flooding problem.

Mr. George McKnight stated that they will design for storm water retention. Mr. Reilly responded that we want to know what is going on now. I want to see a general description of the site and the structures around the site and where the water is going. That will be in the drainage report. Where will water be stored? On page 3, we should talk about the impacts of maximum full build-out. We will want to see where the snow storage area will be located. This will reflect the impact of the project. Should anything else be studied? Response: There should be an inventory of wells indicated.

Mr. McKnight responded that they will not be impacting on any wells. The bedrock is 2-1/2' below surface. I feel we will not invade any wells. There is only one located on Southwestern Blvd.

Air Resources--We will need to know what the prevailing wind pattern is as it relates to the project. Response: The wind comes from the southwest from the school.

The public also wants to know about air quality. Will it change because of the traffic? We are not in a containment area. This should be pointed out in one section.

Terrestrial & Aquatic Ecology - None

On vegetation and wildlife, there is some. On Wetlands, the delineation should be put in the study.

Landuse and Zoning--What are the existing conditions? The study should show surrounding land use within 1/2 mile. It should show surrounding zoning within 1/2 mile. Reference should be made to the Master Plan and the Southwestern Overlay District. It was noted that arcades are not allowed in a C-1 district.

Community Service - What are the police routes, response time, projected needs, how often will the police go by, what is the commitment on private security. On fire, what is the existing equipment available for a 60' in height theatre. How can they service the area? On public water--what are the existing flows and pressures. Report is to identify the existing conditions and how it is to be mitigated.

Cultural resources - as it relates to the school. What is the noise, and visual impact to the school. There are two types of noise levels--traffic and construction which will be temporary. What about noise at night as it relates to the schedule of operation. What will be the noise at 2:30 a.m.?

Visual Resources: On architectural design, Mr. Crandall noted that he feels the design is not that great. There will be many blank walls on the back portion and the ends. Also, the question of height of the building needs clarification. On one site plan, it shows a height of 35'. What is the accurate measurement? On light levels--Mr. McKnight responded that the affect will be minimal. The parking lot will consist of parking standards that will be aimed downward. Question was raised as to what the magnitude will be of the lighting? How will this impact on Berkley Square and surrounding neighborhoods? Wattage should be identified. What is the general illumination now and what will it be? On foot candles, what will be the level of brightness? What lighting will be on the building and how will it relate on full build-out? If it glows too much, how much of an impact will that be on the site?

On views, there should be perspectives and photos taken from Southwestern and South Park. There should be one on Bayview and the rear of the property as it affects the surrounding neighborhood. On Southwestern, there are apartments, a senior citizen complex, a gas station, a corner bar. Mr. Crandall noted that the board should do a windshield review of 3 to 4 spots. Also a visit to Gates is in order.

Mr. Truskowski stated that light readings should be taken at various distances. On Bayview and South Park, the grade goes down. On Sheva Lane, it is built up. How will this affect the community at full build-out? Mr. Reilly suggested that the applicant float

a balloon to determine the height of the structure.

Mr. Komenda of Blasdell Taxpayers stated that we have a nuisance light ordinance in place. Mr. Reilly responded that that could be used as a threshold to determine the degree of impact.

School System--How will this project affect truancy levels? What affect will it have on existing after school programs? If that is the case, how will this be mitigated? Letters from Gates and Cheektowaga should be put in the study and numbers should be designated. How many youths will it pull away from the school activity? Schools do have the statistics.

Potential Significant Impacts on land resources. How should the storm drainage system be designed? Mr. Lardo of Engineering stated that the size of the storm system should be based on 25 year developed versus 10 year existing condition. The State Storm Water Speedies Law should be followed. What affect will this project have on ground water and wells. Indicate where snow storage areas are projected. Mr. Boehm of Nottingham Terrace asked what affect salt will have downstream as it will be concentrated in one area. One mitigating factor is to have catch basins with a sump pump to separate oil and water. How will that be maintained? Since this is a privately held project, it will be maintained by the owner of the property. What is the capacity of the school culvert and the State culverts? What is the level of bedrock if the applicant has to build at a lower level. At the present time, shale dominates the site. Will this have any affect on the school?

Vegetation and Wildlife - Ms. Deborah Freeman has looked at the site relative to plants and animals. She noted that there is scrub growth with few animals. That is to be identified in the study.

Community Services - Since this is a regional project and will attract people from other areas, how will this project impact on traffic, vandalism and crime? It was noted by Mr. McKnight that most of the police calls from the mall are from people who have locked their keys in their cars. Also, the Big Tree fire station closeby is a positive affect.

Noise--How will air conditioners on top of roof tops affect the area as well as exhaust fans.

On the school--will this affect their insurance rates? Will vandalism be increased? This information can be obtained from the business office of the school. How will the project affect property values? Will they decrease? Will the project require tax abatements? Mr. McKnight responded that the tax abatement program was discontinued a few years ago and the applicant will not be seeking tax relief.

Transportation - Mr. Reilly asked how far should the study entail? The intersections of Southwestern Blvd., South Park, Bayview near Berkley Place and Big Tree should be identified. Suggestions were made to examine the intersection of 7 corners, as well as South Park and Milestrip, and Bayview to Route 5. The 7 corner intersection was scheduled for revamping 5 years from now. We are now down to 4 years and to date, no improvements have been made. Camp Road & Southwestern should also be looked at.

Residents noted that there have been many accidents on Southwestern Blvd. and Nottingham Terrace and feel this area should be examined. Accident reports should be reviewed for this area. Also, what affect will this project have on the schools when there is a high school event and an elementary event? Also, how will this project affect the pedestrian traffic along Bayview? Mr. Reilly stated that an independent traffic study can be requested if there are conflicting reports on traffic.

Chairman Crandall asked if there will be any blasting done on site? Also, what happens if the building is vacated in 5 years. What type of assurances will be given to the town if the business should leave and Hamburg is left with an empty building? He stated that buildings have been left and the premises look deserted. Some type of bond money for maintenance should be put into place.

Also, have alternate sites been considered and if so where?

Motion was made by Mr. Koenig, seconded by Ms. Ganey to authorize Drew Reilly to format an answering response to the developer. Carried.

Meeting adjourned at 11:45 p.m.

Respectfully submitted,

Gerard Koenig
Gerard Koenig Secretary
Planning Board

Next meeting: Work Session, Oct. 1, 1997