

Town of Hamburg Planning Board
Meeting - September 18, 1996
Actions Taken

Waris Subdivision
2 lots - South Creek Rd.

Approved

Rezoning Petition for Shannon
Heights - North St. Bristol,
and Allen St.
Hometown Housing Corp.

Favorable recommendation
To Town Board

Cracker Barrell Restaurant
Milestrip Rd.

Approved cont. upon
Eng., Village of Blasdell
& D.O.T. approvals

11-21-96
E.P. Kirst Addition
5727 South Park Avenue
Zoned C-2

Approved with conditions

Richwood Estates - Part II
82 sub lots
Fairgrounds and Quinby Dr.

Tabled

Rezoning Petition of H. Dils
5504 South Park Avenue
From R-3 to N-C

Unfavorable recommendation
to Town Board

Mission Hill Findings Statement

Accepted by Planning Board

Schifano Take Out
4414 Southwestern Blvd.

Tabled

Monroe Muffler
McKinley Parkway

Approved

Cherry Hill Estates
Patrick Development

Proceed to Public Hearing

**The Following
Image is the Best
Copy Available**

Town of Hamburg Planning Board
Meeting - September 18, 1996

The Town of Hamburg Planning Board met in regular session on Wednesday, September 18, 1996 at 7:30 p.m. in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman Dave Phillips, Secretary Gerard Koenig, Sue Ganey, Dick Pohlman, Don Fitzpatrick. Others attending included: Councilman Cavalcoli, Don McKenna, Atty. Rick Lardo, and Rosemary McManus, Stenographer.
Excused: P. Eustace

Waris Subdivision - 2 lots - South Creek Road

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
PLANNING BOARD
PUBLIC HEARING**
**WARIS SUBDIVISION
SOUTH CREEK ROAD**
Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on the Waris Subdivision on September 19, 1996 at 7:30 p.m. in Room 7 of Hamburg Town Hall.
All interested parties should appear in the hearing room of Erie County and advise the Planning Board of their interest in the part of Lot No. 18 of the Waris Subdivision, described as follows:
Commencing at a point of intersection of the center line of South Creek Road with the southeasterly line of Rames property, which point is approximately one hundred eighty-six (186) feet southeasterly as measured along the center line of South Creek Road, from the intersection of the center line of South Creek Road with the west line of Lot No. 18, which point of beginning is also the northwest corner of lands conveyed to Harold Casey by deed recorded in Erie County Clerk's Office in liber 6753 of Deeds page 300; running thence northwesterly along the center line of South Creek Road one hundred fifty (150) feet to the principal point of beginning; running then northwesterly along the center line of South Creek Road thirty-six (36) feet to a point of intersection with the west line of Lot No. 18; thence northerly along the west line of Lot No. 18, eight hundred sixty-five and twenty-eight hundredths (865.28) feet to a point on the northern bank of Eighteen Mile Creek; thence southeasterly at an interior angle to the last described line of 41° 38' two hundred ninety-four and eighty-three hundredths (294.83) feet to the

center line of high water on the
northeast bank of Eighteen Mile Creek
continuing along the center line of
topography of the creek to
a point on the center line of the
dredging of the creek to a run-
point on the center line of the
banks of the creek to the said
owned lands of the said
northwesterly along the center
line of the creek to a point
parallel to the center line of the
lands and the center line of the
six hundred and thirty-six (636) feet to
the center line of the creek to
the center line of the creek to
Except as otherwise provided in the
Hamburg by Deed recorded in Erie
County Clerk's Office in liber 1825 of
Deeds page 609.
Dated: 9-5-96
Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

Town of Hamburg Planning Board
Meeting - September 18, 1996

The Town of Hamburg Planning Board met in regular session on Wednesday, September 18, 1996 at 7:30 p.m. in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman Dave Phillips, Secretary Gerard Koenig, Sue Ganey, Dick Pohlman, Don Fitzpatrick. Others attending included: Councilman Cavalcoli, Don McKenna, Atty. Rick Lardo, and Rosemary McManus, Stenographer.
Excused: P. Eustace

Waris Subdivision - 2 lots - South Creek Road

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
PLANNING BOARD
LEGAL NOTICE
WARIS 2 LOT SUBDIVISION
3244 SOUTH CREEK ROAD**
Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on the Waris 2 lot subdivision located at 3244 South Creek Road at 7:30 p.m. on Wednesday, September 18, 1996 in Room 7 of Hamburg Town Hall.
All that tract or parcel of land situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 18, Township 9, Range 8, of the Holland Land Company's Survey, described as follows:
Commencing at a point of intersection of the center line of South Creek Road with the southeasterly line of Raines property, which point is approximately one hundred eighty-six (186) feet southeasterly, as measured along the center line of South Creek Road, from the intersection of the center line of South Creek Road with the west line of Lot No. 18, which point of beginning is also the northwest corner of lands conveyed to Harold Casey by deed recorded in Erie County Clerk's Office in liber 6753 of Deeds page 300; running thence northerly along the center line of South Creek Road one hundred fifty (150) feet to the principal point of beginning; running then northwesterly along the center line of South Creek Road thirty-six (36) feet to a point of intersection with the west line of Lot No. 18; thence northerly along the west line of Lot No. 18 eight hundred sixty-five and two eight hundredths (865.28) feet to the northern bank of Eighteen Mile Creek; thence southeasterly at a prior angle to the last described 38' two hundred ninety-four thousand three hundredths (294.83) feet

center line of highway bridge on the northeast side of Eighteen Mile Creek continuing then southeasterly along the top of the bank of Eighteen Mile Creek to a point which is approximately one hundred fifty (150) feet northwesterly of the point of intersection of the top of said bank with the southeast line of lands owned by Raines; said line also being the north line of lands conveyed to Casey as aforesaid; thence southwesterly and parallel with the southeast line of Raines' lands and the north line of Casey's lands, six hundred five (605) feet more or less to the point of place of beginning.
Except part conveyed to the Town of Hamburg by deed recorded in Erie County Clerk's Office in liber 1825 of Deeds page 609.
Dated: 9-5-96
Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

Waris Subdivision (Cont.)

Chairman Crandall declared the hearing open: Attorney Jerome Delaney appeared on behalf of the applicants, Mr. & Mrs. Waris, for a 2 lot subdivision. Comments from departments are as follows: **Engineering:** We have not received any plan to review for this 2 lot subdivision. A public watermain fronts this property along South Creek Road. Public sewer service is not located within the vicinity of the subdivision.

Conservation Board: Approval should include the requirement for a 60' setback from the top of the bank of 18 Mile Creek. Within this setback, there are several large red oaks that should not be removed. 2. The frontage immediately south of the bridge is obstructed by a steel guard erected by the Highway Dept. and should not be considered for access. 3. The area outlined in blue on the boundary survey approximates a wetland/flood plain site. The following wetland species were noted in abundance: American elm (dead and living specimens) White Ash, Red Maple, Red Stem dogwood, gray stem dogwood, Jewel wild (impatiens). In addition to the vegetative indicators, there is evidence of long periods of standing water. This area is also 4-6 feet below the grade of the Highway. In addition to on-site run off, an 18" culvert pipe at the bend of South Creek Road (see plan) discharges run-off from lands to the west. 4. The entire site supports a dense growth of second growth trees and shrubs. Lot clearing should preclude the removal of trees beyond the homesite, especially within the 60-foot setback from the top of the bank, and within a screened buffer along South Creek Road southeast of the bridge.

It was pointed out that the property is zoned R-A, Residential Agricultural. A question was raised by Derk Ryan as to whether this parcel was changed to an Agricultural-Conservation zone. Response given by Councilman Cavalcoli was that there was a proposal before the Town Board to put the area into 5 acre zoning. However, that never came to fruition.

Mr. E. Gordon of 3335 South Creek inquired as to how much property was deeded to the Town of Hamburg. In the legal description, there is a note saying that property was deeded to the Town of Hamburg. It was explained that the purpose of this was for the widening of the road property, 66' relative to the road that crosses the property.

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

Motion was made by Mr. Phillips, seconded by Mr. Koenig to issue a Negative Declaration and approve the preliminary for the Waris 2 lot subdivision on condition that the developer meet all items as expressed by the Conservation Board; that the 2 lots must

be of legal size when divided; and 3. contingent upon correct zoning of R-A. Carried. Sue Ganey, abstained.

Shannon Heights Subdivision - Rezoning Petition

Mr. Chris Hull of Community Development explained that he is representing for the Town of Hamburg's Hometown Housing program. Steve Polowicz is the Attorney for the project. The request is for the rezoning of vacant land in the Steelton area on North St., Bristol, and Allen. The request is to change from M-1 and M-2 to R-2, for single family-attached dwellings. This would allow the Hometown Housing Program to develop 23 units. This is the second phase of our affordable housing program. The previous program has been successful and there is a demand for this type of project. The price of the homes will be in the \$85,000 range.

Councilman Cavalcoli noted that this was part of the Town's intention of the purchase of the fossil quarry site to make it a multi-town function. Part of it has been set aside for the Natural History Society for a possible park, along with the nature study areas and recreation areas. Secondly, would be the affordable housing which will ring around a portion of the land, and on the west side, there is 20 acres set aside for incubator industry, for industrial and commercial development. This is a 3 way package utilizing Community Block grant money and affordable housing projects to try and bring to that area some growth, sewers, a recreation area, and to enhance the area. We ask the Planning Board for a favorable response.

Mr. Koenig pointed out that there is a letter from Traffic Safety stating that they would like to see the road widened. This can be reviewed during the site plan review process.

Motion was made by Mr. Pohlman, seconded by Mr. Fitzpatrick to forward a favorable recommendation to the Town Board for the rezoning. When the land was originally purchased, a mixture of uses was anticipated. It was for quarry preservation, commercial use and affordable housing. The rezoning is in accordance with the Town's comprehensive plan and the concept meets the criteria. The residential property is buffered in the industrial zoning by the quarry. The rezoning will provide a need of affordable housing in the Town. All environmental concerns have been addressed. The preliminary subdivision provides a good layout and when the review is completed, it should meet all subdivision requirements. Carried.

Engineering comments: 1. The northern portion of the area requested to be rezoned is not located within a sewer district. A district extension will be required to service the site. 2. There is an existing six inch water main along North St. The Erie County Water Authority (ECWA) should be contacted for pressure and flow information in the existing system, to determine if the 8 inch main extension required for the subdivision would have adequate pressure and flows. 3. Stormwater detention facilities will be

required as part of the development of the subdivision.

Cracker Barrell Restaurant - Milestrip Road

Comments from Engineering are: 1. Milestrip Road is a State Highway (not a County road as shown). The approval of the NYSDOT is required for site access from Milestrip Road. We will not approve these plans without their review and approval of site access. 2. The approval of the Village of Blasdell is required for the proposed sanitary sewer improvements. We will not approve these plans without the review and approval of the Village of Blasdell. 3. The approval of the Newton Abbott Fire Dept. is required for fire protection at the site. The approval of the Village of Blasdell is required for the water service plans for the site. We will not approve these plans without the review and approval of the Village of Blasdell and the Newton Abbott Fire Dept., as well as any other involved jurisdictions along the route of the waterline extension. 4. Provide waterline location, flow, pressure, and line size documentation for the existing watermain which is proposed to be connected into for the waterline extension to service the site. If the existing watermain is in a Town water district, an out-of-district customer agreement will be necessary to be approved by the Town Board. 5. Catch basin, sanitary sewer manhole, and trench details should be shown on the plans, in accordance with the Town of Hamburg specifications. 6. The detention pond outlet pipe is to be connected directly to the existing 10" storm sewer. 7. Provide flow capacity documentation for the existing 10" storm pipe. 8. Extend the rip-rap stone over and around the 8" pond outlet pipe. 9. The outfall structure rim should be tilted 4 inches. 10. The pond outlet pipe size for the outfall structure is shown as both 24" and 18" on Sheet No. C-2. Revise as necessary.

Documents were submitted from the Village of Blasdell and the question of egress and ingress has not been resolved as the revised site plan was not received by the DOT to date. A review is still on going. With respect to the Engineering comments, Mr. Alan Krick noted that they did review the site again and decided to redraw the plan in the area relative to site access. We will be tying into the existing motel driveway. There will be no additional exits or entrances on Milestrip Road.

Motion was made by Mr. Koenig, seconded by Ms. Ganey to issue a Negative Declaration and grant contingent approval based upon the resolution of all Engineering concerns in the Sept. 17th letter, as well as approval from the Village of Blasdell and State Dept. of Transportation. Carried.

E.P. Kirst Addition - 5727 South Park Avenue

Chairman Crandall noted that a review was made for this project on South Park Avenue. Comments from Engineering are as

follows: The plan for the above-referenced site last revised on 9-11-96 is acceptable to this office. The curbing and drainage requirements along Maelou Drive are to be installed as determined by the Town of Hamburg Highway Dept. and in accordance with their permit requirements.

Also, a letter was received from Joyce and Harold Van Note of 5463 Maelou Drive which reads: I have read in the Sun of Mr. Kirst's petition for an addition to his business. Since we are out of town and unable to attend the meeting, we hope this will be taken into consideration. We are aware that Kirst had a business there when we bought on the street forty years ago but at that time it was hardly larger than a two car garage. With each of the expansions, they have become less of a good neighbor.

Maelou and South Park are blocked by semis pulling across the highways to back in to the loading of docks. Maelou is not built for the weight of these heavy trucks. We already have water problems. We do not need a line to cave in from the weight on the road. The parking at the business is another problem, after overflowing into Maelou. We definitely do not need a driveway into Maelou. There is no way it could be restricted to employees and we do not need cars and trucks wheeling out of a parking lot or loading zone exit. There is already a 75' exit onto South Park which should be sufficient. This is a residential street. True, the corners are zoned for commercial. We know that there was a nursery on the corner. The bank that is there now and the original Kirst are good neighbors. The bank is nicely landscaped and fits well with the rest of the area. Kirst has outgrown the neighborhood and now detracts from our street. This is not going to help the value of our property. We do not want the expansion permitted.

Memo was also received from Deborah Pelkey 5463 Maelou Drive stating: I would like to make the board aware of a condition that exists on our street that would be negatively impacted by any expansion of E.P. Kirst and Sons. For those who are not aware, ours is a dead end street and the exit onto South Park is our only one. Also, for many, many years, parking by Kirst customers and employees along with the exiting of these same cars has been a problem for the residents of our street. Quite often, these cars park in the right of way, sometimes in the street, and we are constantly on guard against those people who treat our street as if it were part of the parking lot and just pull in and out without any regard for oncoming traffic from our residents. Frequently, these cars pull out at an angle that is almost parallel to South Park, blocking not only our exit from street, but our entrance onto it as well. Lately, we have been experiencing a new type of danger. Several times within the past week or two, tractor trailers making deliveries to Kirst's have parked their trucks in the middle of our street while the driver goes in the building to take care of some business. A few of these incidents have been reported to the Police Dept. and are documented there. We have

already experienced incidents of the equipment being left perpendicular to our street, totally blocking both lanes entering or exiting and also of being left in the middle of the street, making going through Kirst's parking lot the only way on or off the street. The inconvenience to our residents isn't my only concern, we have several residents with health problems that have, in the past, required emergency medical care. If this problem continues, or worsens due to an expansion, how much longer will they have to wait for the help they need? From what I have seen of their plans for this expansion, Kirst is requesting that they be allowed to create another driveway onto Maelou Drive. The proposed driveway would be placed very near to the existing driveway of the residential property to the west of the Kirst property and almost across from the driveway belonging to Lockport Savings Bank. I would have to question the safety of three driveways, two of which are commercial ones, being placed in such close proximity to one another. Apparently, a representative from Kirst informed the Zoning Board that this proposed driveway would be used only by their employees. It goes without saying that once this driveway is placed into existence, no one will be monitoring who uses it.

Any expansion by Kirst will result in more customers, more employees and even more deliveries by tractor trailers. Our problems with Kirst's have been ongoing for many years and can be attested to by many departments in the Town Hall and to date, no one has been able to give us any relief, much less come up with a solution. Perhaps one solution would be to permanently close off the front entrance on Maelou Drive including the placement of no parking signs on Maelou Drive. This would eliminate the cars carelessly exiting onto Maelou Drive and at the same time eliminate the tractor trailers from parking on the street as well. Before you give your approval to their request, I request that you give serious consideration to the way that any expansion by Kirst will impact the 23 hours and their residents on our street. **Debra V. Pelkey**

Letter from Dot dated Sept. 5, 1996 - The proposed development will not have a significant impact on the State Highway system. A work permit will be required.

Traffic Safety - Keep semi-tractor trailers off Maelou Drive. A clear delineation should be made between Kirst property and Maelou Drive by the use of curbing, plantings or other such delineators. The site plan presented to us appeared to be inaccurate.

Conservation Board - 1. There is a water well in the rear yard of the home to be removed. The employees parking will be on this location. (it must be capped). 2. Glad to see that 2 out of 3 red maples will be saved.

Engineering: The plan for the above-referenced site last revised on 9-11-96 is acceptable to this office. The curbing and

E.P. Kirst (Cont.)

drainage requirements along Maelou Drive are to be installed as determined by the Town of Hamburg Highway Dept. and in accordance with their permit requirements.

Chairman Crandall noted that all points and concerns have been addressed by the Planning Dept. and the Planning Board. We are aware of these problems and have made an attempt to resolve the items spelled out. Kirst will not go away. They did obtain a variance from the Z.B.A. which gives them an okay to proceed with the addition. The property is zoned properly and some deficiencies are grandfathered. We have asked for a curb along Maelou extending from the west end of the addition to the east between the driveway and South Park which will help delineate the road itself. We anticipated that there will be a renewed effort by the Town Police to do the enforcement. We have tried to work with Kirst in addressing all problems. We realize it is not ideal nor endorses. However, based upon the facts, and have attempted to resolve as many concerns as possible. The parking along the side is marked for employees. It is a one way traffic pattern. Employees cars will pull in from South Park and proceed to the north end of the building addition, making a left hand turn and to park along the stretch between Mr. Borzelleri's house and the addition. When they leave they will pull out on Maelou Drive to South Park. As far as the relationship to Mr. Borzelleri's house, we have asked for a solid wood stockade fence, the better side facing his property. The fence is to stop short of the building line so that vision is not obstructed. Also, the storage trailers must be removed at the time of completion of the construction.

Mr. Koenig brought up the fact that the driveway looks like the street. People coming out of Maelou Drive are not recognized as people coming out of the street. Mr. Crandall responded that the road will be striped. At the corner along South Park going north, will be a striped area and marked "No Parking." The parking in front of the building will be marked including "handicapped parking. The ditch will remain as there is a State plan to do more work on South Park Ave. We do not know exactly when it will be addressed but we hope it will in the next 3-5 years.

Mr. Borzelleri noted that Kirst has been a good neighbor. The only thing on this project relates to Traffic Safety. A curb should be placed to cut off traffic coming on to Maelou. Why is it so important that they keep that open? Response: We have no quarrel with what you said and will continue to pursue. However, we must take into consideration as to what the State will do. Between the Town and the State and Kirst, we will try to resolve the problem. He also noted concerns about lighting and the grading. The Engineering Dept. will not allow their drainage to encroach on the residential property. There will also be concrete wheel stops parallel to the residential property. Grass will be 10' from the property line and the fence.

Kirst (Continued)

Motion was made by Mr. Phillips to issue a Negative Declaration on the project; approve the addition with lighting designed to avoid any encroachment on the residential property; that no drainage will infringe west of Maelou Drive; and that all Engineering requirements be met, seconded by Mr. Pohlman. Carried.

Richwood Estates - Part II.

Messrs. Pete Johnson Tom Greenauer, and George Phelps appeared before the Planning Board on behalf of Richwood Estates Part II. A sketch plan has been submitted consisting of 82 sub lots on a parcel on Fairgrounds Road near Quinby and McKinley Parkway. **Engineering Comments** are as follows: 1. The site is within Erie County Sewer Dist. No. 3. The district should be contacted to determine if there is sufficient excess capacity in their system to service the site. 2. The site is in an existing Town water district. The developer, Town, and the Erie County Water Authority have been working together to improve water service to the site. The subdivision plans will not be approved until the water pressure and flow situation in the area has been acceptably addressed. 3. Stormwater detention facilities will be required for the site. 4. The centerline road radius is to be a minimum of 150 ft. The northern entrance off Fairgrounds Rd. appears to be less than 150 feet. 5. The proposed 850 foot long dead end cul-de-sac exceeds the maximum street length of 500 ft. A 70 feet wide right-of-way west of the cul-de-sac was reserved on Map Cover No. 2462, as approved by the Planning Board in 1985. This right of way should be used to connect the roadway into Fairgrounds Rd. 6. The Erie County Highway Dept. should be contacted to determine if the proposed road connection to McKinley Parkway is acceptable. 7. Beech Ave. and Jeanlen Dr. do not exist (not part of a filed map cover) and should not be shown in the subdivision plans. 8. The existing right-of-way of Quinby Dr. is 49.5 ft. wide (not 60 feet as shown). 9. A right-of-way should be reserved along the westerly portion of the site, in order to provide for a possible future through-street connection to Arthur Court.

A full archaeological report has been submitted. The Conservation Board submitted a report noting their concerns. The applicant has just received letter. Traffic Safety is concerned about planned access into McKinley Parkwy. The road declines at this location, which may cause sight line difficulties. TSAB proposed no access to McKinley, signalization of Quinby should be at developer's expense. The County should be notified of the proposal.

Mr. Pete Johnston noted that we received a letter in December of 1995 on a feasibility study from the Dept. of Env. & Planning stating that there is adequate sewer capacity for the development. It reads: As per your request of Nov. 14, 1995 regarding adequate

capacity to accept additional flow from the above-mentioned project, the following is our response: Based on present conditions, capacity in the system is available today to serve the proposed 120 lot subdivision. Capacity allocations however, are only made upon State approval of plans in the case of subdivisions and extensions of the sanitary sewer system, or issuance of a sewer connection permit in the case of a building sewer tap. No representation is made as to future conditions. **Peter Ruffino, Asst. Sanitary Engineer.** This was the letter that was originally submitted with Part I, and includes Part II.

Mr. Greenauer pointed out that they are looking for direction from the Recreation Dept. as to what their requirements would be regarding a recreation area, fees or money in lieu of,

Comments from the Conservation Board included a site investigation and concluded that the Federal regulated wetlands are greater than one acre (see map). The existing wetland boundaries have been delineated by others. The HCAB performed two site visits of the area, and found the wetlands to be more extensive than shown on the proposed project plans. Since the wetlands are greater than one acre, HCAB recommends that the owner/developer apply for the necessary permits from the Corps of Engineers to mitigate.

Mr. George Phelps stated that he has a copy of the wetland reports prepared by Wilson Environmental Technology. A copy of the reports is available to the Town. The report showed less than one acre, & we would therefore, be exempt from the wetland regulations. We asked Mr. Wilson to prepare a letter in summary of the report. Also, I would like to know whether the Conservation report was done by a wetland biologist. We did a thorough study with a highly-recommended firm to determine the wetland areas. (See attachment).

Chairman Crandall noted that as a Planning Board we have an obligation to review the report and determine whether there is a problem or not. We may need additional information for review. Since this is a concept, it is not under SEQOR review at this time. However, it is better to do this now than later. It will have better results. Mr. Phillips noted that if there is a wetland problem, the Planning Board should be aware of it before we proceed.

Chairman Crandall noted that we have not yet scheduled a Public Hearing on this project. If the sketch plan is acceptable, we could proceed with a hearing but outstanding items need to be resolved.

Letters were received from neighbors with concerns. **W. Scully of 5253 Fairgrounds Rd.**--I had to be out of Town this week on business and cannot attend the meeting. My concern involves itself with the drainage that parallels my property boundary on the south side. Currently, there is a drainage ditch (very shallow) more

like a swale that is supposed to handle all the water that comes from the drainage across the street. Since Rush Creek subdivision has come in, I have had nothing but flooding problems. I flooded 7 times this past spring. The flooding comes from the ditch which overflows. I have enclosed photos of a couple of the floods. I have been in contact with Mr. Smith of Highway and Mr. Lardo of Engineering and both have been helpful with attempting to alleviate some of my problems. My main concern is not only to rectify the existing problem with drainage, but to make you aware that much thought must be put into adding another subdivision. The ditch can't handle the run off now. Something needs to be planned to take care of the problem or it will just get worse. Enclosed is a map of the area and the ditch which overflows. Comments are on reverse side. I want you to be aware of the severe drainage problems that exist.

Letter from Kathleen Schallmo of 5239 Fairgrounds Rd.

I am writing this on behalf of the residents of the Fairgrounds Rd., McKinley Pkwy., Quinby Dr. area. As stated on previous occasions, we are extremely concerned with the drainage and water problems that exist in this area. Traversing this area of high water tables are tributaries of Rush Creek along with drainage swales and wetlands. These wetlands are evidenced by marshy soil, and plants, such as cattails, reeds, impatiens and Dogwoods. Although these plants are not the sole factor in determining wetlands they are definitely a part of it. We feel that the wetlands as shown on the concept plan are underestimated. Jim Powell, Ron Kinn and Tom Ciesla (residents of Fairgrounds Rd.) all being very familiar with the area brought this error to my attention. We attended the Conservation Board meeting to express our concerns. Since then, we have spent numerous hours with Martin Derby walking these wetland areas, checking plant life and taking soil samples. What we observed leads us to believe that more wetlands exist than are shown on the drawing. Considering this evidence, as well as the fact that numerous residents in the area experience drainage and/or flooding problems, we request that the Planning Board further investigate the wetlands situation prior to approving another 82 homes.

Mr. Johnston noted that until profiles are drawn, it is difficult to determine the areas for detention. However, there are areas where one can be developed. The surface area is there to be used for detention purposes. The length of the road was discussed and according to Mr. Smith of Highway, he does not have any objection. A meeting was held with the residents and it was their feeling that they favor an exit out to McKinley Pkwy. as the second access to funnel traffic out there rather than on to Fairgrounds Rd. However, the 70 ft. right of way was ordered by the Planning Board when Mr. Rich developed the property.

Letters have been received regarding the traffic on Fairgrounds, as well as poor surface conditions.

Richwood Estates (Cont.)

Mr. Tom Notaro of Fairgrounds Rd. (reference S.L.50) asked about the wetlands. This is the lowest part of Fairgrounds Rd. and should not stop there. There is a ravine there. This should be taken into consideration.

Chairman Crandall noted that we have to decide whether we need additional information. Motion was made by Mr. Pohlman, seconded by Mr. Phillips to **Table** for further information. Carried.

Rezoning Petition of H. Dils - 5504 South Park Avenue from R-3 to N-C.

Mr. Dils appeared before the Planning Board on a request for rezoning of his property. Back in October 1968, I worked hard to get this property rezoned. The zoning was taken away by the Town of Hamburg. At the last board meeting, Mr. Reilly told us that all property from Quinby Drive north to the Thruway was rezoned to R-3. Mr. Pinelli lost his rezoning and I lost mine. This is wrong. This was changed in 1980. In reviewing a zoning map, I see that there is property there zoned C-3. Mr. Dils presented a copy of the Town Board minutes of Oct. 14, 1968 whereby the property was changed from R-F to General Business. In 1986, the Town rezoned the property back to R-3.

It was explained that in 1986, there was a Town-wide rezoning completed to conform with the completed 1983 2010 Master Plan. Also, those properties were rezoned to conform in accordance of the 1983 2010 Master Plan.

Mr. Dils noted that he has been in business at this location for 29 years, and would like it changed back, as I would like to retire and sell the property.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to forward an unfavorable recommendation to the Town Board and that there be no change in zoning for the following reasons:

1. There is no additional benefit to the Town of Hamburg.
 2. It does not comply with the draft of the Master Plan.
 3. The present zoning complies with the 1983 Master Plan.
- Carried.

Mission Hill Findings Statement

Chairman Crandall noted that this is an on-going project since 1988. We have received all types of negative comments from the adjacent subdivision. We have thoroughly gone thru the SEQOR documents. We have reviewed the site plan submitted and have held public information meetings. We have had countless meetings with the developer and its representatives as well as adjacent home

Mission Hill (Cont.)

owners. There has been litigation on this matter. With all of these things under due consideration by the Planning Board, we have reached the point where in the SEQOR process we must issue our findings on the project based on the data available. It is my belief we have thoroughly reviewed the project and now we have a proper set of findings that would permit this project to proceed. It is our intent to address as many of the items as possible that have been raised. We are trying to consider the developer and his concerns. These findings reflect that. Therefore, Mr. Phillips will list the findings for a motion to be itemized:

Attorney McKenna pointed out that the Engineering Dept. has submitted a memo on this matter dated 9-17-96: 1. The pages of the Findings Statement should be numbered. 2. Page 3, Item B-1, demarcation of the 100 ft. creek setback should be the responsibility of the developer, subject to review and approval by the Town. 3. Page 5, Item F-7, the water system and hydrants within the mobile home park are to be privately owned and maintained. The Town has not previously held performance bonds to ensure the proper operation and maintenance of private hydrants. We do not know how such a system would work, and which department would be responsible for overseeing and monitoring it. 4. Page 6, Item 2, it appears that some words are missing in the first lines of this paragraph (awkward wording). Mr. McKenna asked if the board wished to revise the findings statement with this correction? These should be addressed in the statement for correctness.

Chairman Crandall responded that the statement has been corrected as far as typos. I have talked to every member on the Planning Board and they are comfortable with the data submitted. There is to be an addition: The Town should have a method of enforcing the operation as to the maintenance of the hydrants. This method should be subject to the approval of the Town of Hamburg.

Attorney McKenna noted that (2) has been revised to read: According to Section 672.11 E-5 that it requires that when you make a statement that the Article can be easily read. The sentence has been rearranged as follows: From among the reasonable alternatives available and consistent with social, economic and other essential considerations, this action avoids or minimized adverse environmental impacts to the maximum extent practicable and any adverse environmental impact will be avoided or minimized to the maximum extent practicable by incorporating such mitigating measures which were identified as practicable, which measures are set forth above under the heading of Conditions/Mitigations Proposed. It points out what you have done in a better language.

Motion was made by Mr. Phillips to approve the State Environmental Quality Review Findings Statement for Mission Hill

Mission Hill (Cont.)

pursuant to Article VIII of the SEQR Act, of the Environmental Conservation Law, and 6 NYCRR Part 617, the Town of Hamburg Planning Board has been involved as lead agency makes the following findings for Mission Hill Mobile Home Park. Facts and conclusions in the EIS relied upon to support the decision. That the property is properly zoned for construction of a mobile home park. The design of the MHP will be based upon the regulations in effect at the time that the application was made, except for the negotiated court settlement items and if greater design requirements are necessary to mitigate possible environmental effects. See the Supreme Court decision on this project (12-4-91).

Based on the projected water usage and sewage generation figures for the MHP, the County has stated that there is present capacity to service this development. A wetlands delineation has been performed and the permitting process begun, and an authorization to fill 0.99 acres received. A 100 year flood plain has been identified and will be crossed (design to meet Regulatory requirements). Drainage Design for the site will meet all the requirements of the Town of Hamburg and the Stormwater State Pollution Discharge Elimination System (SPDES) Law. An initial TR-55 Computer Drainage Study revealed that the drainage design is possible for this site and project. Two traffic studies were done and similar conclusions were reached in both. The NYSDOT has accepted the studies and the mitigations proposed. The acceptance is based on the fact that the NYSDOT is planning to construct improvements to Camp Rd. in 1997. The project will be constructed in phases and is presently proposed to have seven (7) phases. The project site has seasonally high water tables in the spring. An Archaeological Study and a State Register of Historic Places Evaluation" was prepared.

Alternatives Considered: In accordance with the SEQR regulations, the EIS included a description and evaluation of the range of reasonable alternatives. These alternatives include the following: Traffic/roadway design alternatives; Design/layout alternatives, Mitigative alternatives.

Adverse Effects: Implementation of this action will result in adverse environmental effects that cannot be avoided. The following such effects were identified: Adverse impacts due to noise, and odors which will occur during construction. Construction could occur over many years. A permanent loss of vegetation and wildlife habitat due to the construction of roads and home sites. Increased traffic in the area. Increased demand for emergency services (fire and rescue) and police.

Assumptions: The 390 proposed lots will produce approximately 300 to 350 Mobile Home Units over an extended period of time (5-15 years). These mobile home units will account for a population of 700-1000 people. Based on statistics/data from two local Hamburg MHP's, an estimate of 50-70 children was made for this park. Sewer

capacity and water availability/pressures will remain adequate during the time of development of the park. Assumptions were made in the traffic studies (See EMS & Bergmann Associates Traffic Studies).

Conditions/Mitigations Proposed

The following conditions/mitigations are being proposed to minimize, to the maximum extent practicable, the adverse environmental impacts of this project. These conditions/mitigations were identified by weighing and balancing the relevant environmental impacts with social, economic and other considerations (zoning of site, studies performed, court decisions relevant to project, etc.).

A. Impact on Land

1. Proper design and all required permitting shall be completed for the floodplain/stream crossing.
2. Disturbance outside of each phase shall be minimized. Topsoil stockpile areas to be approved by Town and minimize impacts outside of each construction phase.

B. Impact on Water, Plants and Animals

1. A 100 foot setback from the creek must be maintained for all parts of the project (eliminate Lots 136 and 137 as shown on map in FEIS).
2. During all construction, no disturbance will be allowed within a 100 foot setback from the creek (area to be demarcated by Town).
3. Drainage plans and reports will be submitted that meet Town of Hamburg requirements and the State Stormwater SPDES requirements.
4. The delineated wetland will be preserved as outlined under the Permit received.
5. Since water and sewer calculations were based on assumptions, at the completion of Phase 3 plans (prior to Phase 3 Construction start), a SEIS may have to be submitted concerning water use and sewage generation and available fire flows and pressures (see C3 also).

C. Impact on Aesthetics Resources and Growth & Character of Community or Neighborhood

1. A 100 foot buffer will be maintained (no disturbance) at all times between the project and the adjacent residential subdivision. The 100' buffer area is depicted on the drawings in the FEIS. Any trees or vegetation removed will be replaced per the direction of the Town. Evergreen trees have been agreed to as a preference.

(17)

2. With the reduction of lots to 390 during the FEIS Phase and the elimination of lots 110, 111, 112, 136 and 137 (see other mitigations) brings the density of the site to an overall density of 1 unit per 8,000 - 10,000 ft². This density is comparable to single family densities in an R-2 and R-3 Zone.
3. Since some impacts to the Town were based on the assumption that the project will average only 1 child per every 6.5 units, the following mitigation is proposed:
 - At the completion of Phase 2 (prior to Phase 3 start), a calculation will be done on the number of children. If it exceeds 1 child per every 5 units, a supplemental EIS may have to be completed.

D. Impact on Open Space and Recreation

Per the FEIS, Active and Passive Recreation areas are to be provided within the site. To further mitigate the impacts, the following will be followed:

Activate & Passive Recreation

1. Areas as depicted in the FEIS will be maintained in present state until developed as follows:
 - a) Active Recreation to be developed as follows:
 - Phase 1: Walkway from Phase 1 to active recreation area (along Phase 4/Wetlands boundary). Clear ½ acre of recreation area at west end (lawned flat area).
 - Phase 2: Total of 1 acre to be cleared, and add small tot lot.
 - Phase 3: Total of 1.5 acres.
 - Phase 4: Total of 2 acres, and add backstop/goalposts.
 - Phase 5: Complete clearing of Recreation area.
 - b) Passive Recreation to be developed as follows:
 - Phase 1: Provide access to both passive areas.
 - Phase 2: Provide benches at passive area at wetlands and along the creek (access between lots 11 & 116).

- Phase 4: Add trails along creek and through wetland (not paved) to active rec. area. Add picnic tables at passive recreation area and creek.

E. Impact on Transportation

1. No homesites can be sold until improvements are completed at and on Camp Road, as determined by the Town Engineer.
2. Remove lots 110, 111 and 112 and eliminate useless cul-de-sac. Design should minimize cul-de-sacs and dead-ends.
3. Entrance road at Camp to be located directly across from Nash Road or moved further to north (demolish building) to provide best (Town standard) separation between intersections.
4. Due to the length of construction time of the project (7 phases) and the assumptions, before Phase 4 approvals are given, a new traffic analysis must be completed to assess situation at Camp Road entrance. This may be done in the form of a SEIS.
5. The best alternative for traffic, considering other impacts (see Public Health & Safety) is to provide a controlled access gate with breakaway feature (refer to Item F-3) as a secondary means of egress to the property. See plans for location.
6. Construction plans will be required to show all proper turning radiuses for emergency vehicles and buses. (Approvable by Town Engineer).

F. Impact on Public Health & Safety

1. Maintain buffer along railroad as depicted on plan in FEIS.
2. At construction of phases 1, 4 & 5 (lots along the railroad), an earthen berm will be constructed at the rear of these lots parallel to the railroad. This berm, to be constructed to Town requirements, will in the event of a derailment, slow the spread of hazardous materials and vapor clouds. This will allow these closer lots more time to evacuate the park.

The addition of two trees (species and caliper to be determined by the Town) per lot at the rear of these lots will also buffer these sites.

3. As discussed in the transportation section, an emergency access gate will be provided at the rear entrance to Deerfield Road as depicted on the plans. The gate is to be constructed in such a way that a card key system could be used by police, fire and highway personnel and still have a breakaway feature to allow escape by residents in emergency situations (design to be approved by the Town). The owner will provide a maintenance bond to ensure that the gate and roadway are maintained and ready for use. Agreement to be provided that the owner will maintain gate and access to the gate at all times. These Agreements and Bonds (to be prepared by the Town Attorney) will ensure

that the gate will remain in operation at all times and that access (snowblowing, pavement condition, etc.) will be maintained all year round.

The Town will provide language concerning this gate to restrict permanent connection at any future date.

4. At Phase I provide a cleared pathway back to the emergency egress and maintain a 25' cleared gravel path. Signs and temporary barriers to be placed at location of future gate (see below) to prohibit vehicle access (emergency vehicles only).
5. During construction of Phase 2 provide a paved road to the emergency egress, and provide the controlled access gate as discussed in Item 3.
6. All roads within the Mobile Home Park will be posted "No Parking" on either side, to maintain access for all emergency vehicles. To accommodate guests, two to four small guest parking lots must be added to the plan. Each parking lot shall accommodate 10-15 cars and be spaced through the park for accessibility.
7. The Fire Department should be consulted during Site Plan design and approval with respect to fire hydrant locations. The Town should also have a method (Bond, etc.) for enforcing the operation and maintenance of the hydrants.

The Fire Department should also have input on the naming of streets, signage and numbering in the proposed park. This will help ensure less possible confusion and delay in responses to emergencies.
8. If the Town in the future is to develop an early alert dialing system for this dense area of the Town, this park will pay it's fair share of those costs.
9. The Town shall assist the two Fire departments servicing the proposed MHP in re-drawing their District boundaries (to improve service to this development).

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6NYCRR 617.9, this statement of Findings certifies that:

1. The requirements of 6NYCRR Part 617 have been met.
2. From among the reasonable alternatives available and consistent with social, economic and other essential considerations, this action avoids or minimizes adverse environmental impacts to the maximum extent practicable and any adverse environmental impact will be avoided or minimized to the maximum extent practicable by incorporating such mitigating measures which were identified as practicable, which measures are set forth above under the heading:

CONDITIONS/MITIGATIONS PROPOSED

Name of Agency: TOWN OF HAMBURG PLANNING BOARD
 Address of Agency: S6100 South Park Avenue, Hamburg, NY 14075
 Responsible Official: Richard T. Crandall, Chairman

Date: _____

 Signature of Responsible Official

A copy of this Notice sent to:

- Commissioner, NYS Department of Environmental Conservation - Albany
- NYSDEC, Region 9, Regulatory Affairs (Buffalo)
- Supervisor, Town of Hamburg
- NYS Department of Transportation
- Erie County DEP & Health Department
- Fire Departments & Emergency Response
- Town Attorney
- Town of Hamburg Planning Board
- Town of Hamburg Town Board
- Applicants Engineer
- Applicants Attorney

09/18/96

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Mission Hill Cont.

seconded by Mr. Koenig. Carried.

Attorney Richard Sullivan, noted that the next step is the site plan review process. As I understand the findings, they are recommendations mitigating what the Planning Board identifies as adverse environmental impacts. They are findings that are to be used wherever practicable. For example, the finding relative to putting the road in across from Nash Rd. That is impossible. We don't own the land. There is a 50' drainage easement running down the middle of that land. The finding relative to 30-40 car parking lots. That is a huge parking lot. There is a request for a smaller one. The berm--I understand, but there is a sewer line running there right down that area where the berm is to be placed. We cannot put a berm over a sewer line. We will try to minimize the environmental impacts, but you should be aware of the problems. We will do the best we can.

Chairman Crandall noted that it is the intent of the Department and the Board to obtain as many if not all of these items that are humanly possible. If it is impossible, we cannot require it. We expect cooperation from the developer in total, if he expects our cooperation in order to address all those items in the Findings Statement.

Mr. Mike Vasiloff of 3578 Heatherwood Drive asked for a copy of the Findings Statement which is a draft now. To be sent at a later time.

Schifano Take Out - 4414 Southwestern Blvd.

Mr. Whipple noted that he met with Mr. Bugaj and Mr. Schifano to discuss revisions to the plan. **Engineering Comments:** 1. Provide the location of the septic system servicing the building. Submit the plan to the Erie County Health Dept. for review and approval. We will not approve the plan without the approval of ECHD. Show the water service to the Building. 3. Show the proposed site lighting locations. 4. Show the locations of proposed roof downspouts connected to the storm sewer. 5. Show a proposed concrete sidewalk along the building to the entrance. 6. There does not appear to be sufficient parking for the motel, apartments and a restaurant. It appears that cars have been parking in the northwester corner of the site off the driveway. If the existing driveway along South Park is not designated as a parking space, it should be removed and the area landscaped. Should the driveway be required, then it is to be curbed along both sides. 7. The approval of the NYSDot for South Park Avenue and Town Highway Dept. for Bayview Rd. are required.

To date, we have not received the revisions. Therefore,

Schifano (Cont.)

Motion was made by S. Ganey, seconded by Mr. Fitzpatrick to Table. Carried.

Rezoning Petition of William Woch of 4882 Southwestern Blvd.

Received letter from applicant noting: In consideration of rezoning of our property and others near our residence, we are kindly requesting our petition to be **Tabled** for reference in the near future. Mr. & Mrs. William Woch

Motion was made by Ms. Ganey, seconded by Mr. Phillips to Table. Carried.

Monroe Muffler - McKinley Parkway

Mr. Lee White, of Nussbaumer & Clarke, appeared before the Planning Board on a proposed Muffler Shop to be located next to Dunn Tire and Factory Sleep Shop on McKinley Parkway. Comments from Engineering are as follows:

1. An Erie County Highway Dept. permit is required for work within the McKinley Parkway highway right of way. We will not approve these plans without ECHD review and approval of the work on their right of way. 2. Submit the Plan to Erie County Sewer District No. 3. We will not approve the plan without their review and approval. 3. The landscape plan is to be approved by the Planning Dept.

The Planning Dept. has reviewed the revisions. Comment was to eliminate the access to Allendale Pkwy.; to comply with the Southwestern Overlay District; additional landscaping is required. The applicant was asked for a shared access area in front of the building. Dunn Tire has refused to comply with that request.

Comments from Traffic Safety Board--Developer should insure that no sight lines on McKinley are obstructed in any way by signs, plantings, etc. Driveways should connect contiguous businesses to prevent unnecessary turns into traffic. No access to Allendale.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to issue a Negative Declaration for the project; address Engineering concerns; approve a landscaping plan, no clearing is to be done on the east end of the property but to be left in its natural state. and approve the site plan. Carried.

Cherry Hill Estates (formerly Tiffany Meadows) - Abbott off Holly Place

Mr. Mike Metzger appeared before the Planning Board on a revised sketch for Cherry Hill Estates. **Comments from Engineering:**
1. We have been working with the developer and Erie County Water in addressing fire flow and pressure concerns associated with this

subdivision. It is anticipated that this matter will soon be rectified. 2. A 20 ft. wide parcel is to be deeded to the Town for access to the detention basins. 3. What is proposed for that part of the detention basin B parcel located in the Town of Orchard Park? 4. Cherry Hill Drive and Cloverleaf Lane conflict with existing street names within the Town and are unacceptable. 5. The approval of the Town of Orchard Park and the Erie County Highway Dept. (South Abbott Rd.) will be required for the project. 6. Public sanitary sewer and water mains are located adjacent to the site. 7. The intersection layout of the road connection to Holly Place and Willow Drive should be shown. 8. The plan should be dated for reference purposes.

Chairman Crandall noted that if the sketch is acceptable, the board may proceed to Public Hearing. The proposal is for 81 sublots with 2 areas for detention near the northern portion of the property and the southeastern portion. A topo has been completed to show where utilities will be located.

Mr. Metzger noted that they went to the Orchard Park Planning Board. They have given their approval for this subdivision for the lots that front in Orchard Park. We have also gone to the ZBA for variances on the lots. We met with Msgr. Nugent to address problems that they are experiencing with water and sewer. Pressure problems are being resolved with the Water Authority.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to proceed to Public Hearing for the October 16th meeting. Carried.

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

Motion was made by Mr. Pohlman, seconded by Mr. Phillips to adjourn the meeting. Carried.

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

Next work session - 10-2-96

October 31, 1996

Memo To: Engineering
From: Planning

Subject: Monroe Muffler

In reviewing the final site plan, I noticed that the 2 parking spaces and dumpster may not be adequately screened from the adjoining residential property.

Technically, I don't believe that the Planning Board erred in approving the site plan and it is approvable in its present condition. If the applicant is still making revisions, I would like to request that a fence or hedge be put on the north property line from the rear of the building to after the dumpster. A complete fence around the rear of the site may also be added to help with security.