

TOWN OF HAMBURG  
PLANNING BOARD MEETING  
OCTOBER 2, 1996

Notice is hereby given that the Planning Board will hold a work session to continue site plan review and possible approval of the proposed World Gym to be located at the Brierwood Square Plaza on Southwestern Boulevard on October 2, 1996 at 7:30 p.m. in the Conference Room at S-6122 South Park Avenue.

Project review to follow.  
RICHARD CRANDALL, Chairman  
GERARD KOENIG, Secretary  
Planning Board

Dated 9-19-96

Planning Board Work Session

October 2, 1996

The Town of Hamburg Planning Board met for a Work Session on Wednesday, October 2, 1996 at 7:30 p.m. in the Conference Room. Those attending included Chairman Richard Crandall, Secretary G. Koenig, Don Fitzpatrick, Sue Ganey, Attorney D. McKenna, Dick Pohlman, Drew Reilly, R. Whipple, K. Allen

Excused: D. Phillips

Brierwood Square - World Gym - Southwestern Blvd.

Chairman Crandall noted that the Engineering Dept. has expressed concerns on the number of items that Benderson has not complied with in the site plan review process. This should be considered in any action as it relates to the World Gym to bring this to your attention. This has happened on several projects. There is a situation with K-Mart on South Park Avenue. This project was never completed properly. There was an approval that we gave for the development at Highland-McKinley. Boston Market and Hyrdo Air are other projects that have not been completed.

Mr. Battista noted that the issue with the K-Mart project relates to curbing at Friendly's. I will have this matter straightened out within a week.

Chairman Crandall noted that we are willing to cooperate with Benderson. However, this is a two way street. On the World Gym project and the dome, which is on our agenda, has nothing directly to do with this. Comments from **Engineering**: 1. The locations of utility lines servicing the proposed facility should be shown. 2. Before any further site plan approvals are granted to Benderson projects, it is requested that Benderson comply with remaining requirements from previous projects. Specifically, they have not yet installed concrete curbing which was required as part of the K-Mart project at the Town Hall Plaza. Per the attached 11-27-95 correspondence from Benderson, this work was to be performed this past spring. However, despite several reminders to Benderson, the required curbing has not yet been installed.

Mr. Battista presented a copy of the survey showing utilities. Mr. Reilly stated that from a Planning standpoint, there is no problem with the addition of World Gym within the K-Mart facility. Parking calculations were provided. We realize that the entire plaza cannot be renovated for a small renovation inside part of the plaza. However, we do want a long-term commitment that as the plaza is renovated, that there will be more and more improvements done to the existing facility. We would also like to see some of the Southwestern Blvd. overlay improvements incorporated such as landscaping and partial paving repair.

TOWN ENGINEERING OFFICE  
TOWN ENGINEERING OFFICE  
TOWN ENGINEERING OFFICE

Mr. Battista noted that they are extending the sidewalk to 15' at the K-Mart entrance. We are moving the floodlights from the old garden shop. We will be striping and repaving the garden shop area. We are activating the wall packs on the side of K-Mart facing the wooded area. We are painting the front of the building from the restaurant down to the corner. Since the dome was approved, we will be painting the back of the plaza other than Kelly's. In terms of landscaping, where the sidewalk terminates, perhaps we could put in a planter to add some greenery to the area. If we obtain a soccer operator and fill the large vacancy next to Callahan's with a grocery store, our company would be receptive to upgrading site lighting, a paving repair program, addressing landscaping requirements by the road, and possibly with that in place, for the recreation mall, upgrade the facade.

Chairman Crandall responded that he would like to have a written commitment on the intentions for that area. We would like to know the general intent for the overall development. SEQOR will not be required on the entire plaza again. This will be a judgmental decision. For this project, we can do an independent review.

Mr. Reilly stated that if there is a project that comes in like a theatre, the DOT will want to get involved due to an increase in traffic.

Mr. Allen of Building Inspection noted that there will be some internal requirements that must be met such as fire protection items, sprinklers, etc. Fire company (Lake Shore) has been notified of project.

Mr. Reilly reviewed what is being done to the building. 1. It is being renovated inside. On the outside, Benderson will paint the front and side exterior walls and canopy the new building up to but not including, the existing restaurant. Fencing will be removed around the garden center. They plan to resurface the area in front of the garden center as required. Parking will be re-striped. Flood lights are to be relocated and for landscaping, a planter will be in place. On signage, this will consist of red channel letters similar to K-Mart. Revised site plans are to be forthcoming.

Motion was made by S. Ganey, seconded by G. Koenig to approve the site plan for World Gym with stipulations mentioned; that a revised site plan will reflect all changes, a Negative Declaration. Carried.

#### Parking Bumpers Issue

Mr. Kurt Allen noted that he has had requests for waivers of parking bumpers for Gateway Printing, formerly Hamburg Offset, and the OLV Medical. Developers feel these are a nuisance during winter

months and are difficult to maintain the location and remove snow in a proper fashion. They would like to be exempt from this requirement.

Chairman Crandall stated that there is an alternative-namely, curbs. These are more expensive. Pre-cast bumpers can be held in place if installed properly. My complaint is that the bumpers are not uniform and the Town should look at what is acceptable. If parking bumpers are to be used, there should be some spacing requirements. There are improvements in their use. The Town Engineering Dept. is adamant about keeping parking bumpers. The argument is based on the snow removal. If they are properly secure, they will not move. Mr. Allen is present for confirmation and Planning Board backing on this matter. In essence, town standards should be designated for parking bumpers.

#### **Richwood Estates - Part II**

Pete Johnson and George Phelps appeared before the Planning Board on their proposed 81 sub lot project known as Richwood Estates. Comments are: from WSA Eng. 1. The site is within the Erie County Sewer Dist. 3. Adequate capacity in this system has been documented by a letter from Erie Cty. Dept. of Env. & Plng. 2. The site is within an existing Town Water District. The developer, the Town, and the Erie County Water Authority are still working together to improve the water supply to the area. 3. The road radius and cul-de-sac length issues are being addressed with the Town Highway Supt. 4. The Erie County Highway Dept. has been contacted regarding the connection to McKinley Pkwy. and we are in the process of obtaining their comments. 5. A request was made to reserve a right-of-way along the western property line to provide for a possible future connection to Arthur Ct. We are strongly opposed to such a connect for several reasons. First, the development on Arthur Ct. is not consistent with that of the proposed subdivision and would diminish property values within the subdivision and along Fairgrounds Rd. Second, Connection to Arthur Ct. would invite traffic from S. Park Avenue to cut through the new subdivision to get to Fairgrounds Rd. and eventually McKinley Parkway. The additional traffic cutting through the subdivision and onto Fairgrounds Rd. would only serve to intensify the neighbor's traffic concerns. Furthermore, there is no justification or benefit for another eas-west route between South Park and McKinley. 6. Concern over existing grade of S.L. 50 and method drainage. The design of the detention basin and the conservation of the ravine (wetland area) will play a large part in determining the proper final grading and drainage for this lot. However, we are confident that through proper grading and drainage design, that this lot is buildable though it may involve some special attention. 7. The letters sent to the Planning Board by Ms. Kathleen Schalmo and Mr. William P. Scully discuss their concerns with the wetlands and the existing drainage concerns. We will address the wetland issue through the wetlands consultant.

However, we want to address the existing drainage concerns in this correspondence. We believe that through the detailed drainage design for this development which will include storm sewers, detention ponds and rear yard drainage, we will relieve many of the existing drainage problems. On site retention will be provided which may involve remedial work in the ditch that Mr. Scully refers to that could help resolve the existing problems he is experiencing. Furthermore, the Town Engineering Dept. will closely monitor the overall design to insure that it protects the existing land owners affected by this development. 8. We have received the comments from the Recreation Board and we would like further clarification as to the size of the play area and the amount of the reduced fee. This information is necessary in order for us to give proper consideration to the request.

**Engineering:** 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 wter 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. Storm water 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 ft. 5. The proposed 850 ft. long dead end cul-de-sac exceeds the maximum street length of 500 ft. A 70 ft. 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 Pkwy. is acceptable. 7. Beech Avenue and Jeanlen Drive 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 Drive 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 Ct. 10. The developer should review and respond to 9-16-96 and 9-17-96 correspondence received from residents of Fairgrounds relative to drainage and wetlands concerns associated with the proposed subdivision.

**Recreation--**We have reviewed the proposed development. Since there is not a playground within walking distance, it is our recommendation to require the developer to provide a small play area and charge a reduced fee to provide the funding for the play area development.

Mr. Johnson noted that he has a revised plan showing the areas of detention. Mr. Reilly noted that when a developer hires a wetland consultant to do a delineation, I agree with the

delineation. We don't take away any rules of the Federal government but we must go by the professional that was hired. He is required to get the permitting to the Corps of that person is subject to litigation. If it is done wrong, there are fines and penalties. We have to go with the expert. We will have to accept what was delineated with the professional.

Chairman Crandall noted however, it is incumbent upon the Town to review that wetland report to determine whether we feel it is complete and to determine whether there are any questions that remain in the data submitted.

Mr. Reilly noted that he warns his clients to never criticize a study that was done by a professional as this is an accurate study. In general, it follows the guidelines established. It is the professionals liability that is where the wetlands are. They have certification from the Army Corps of Engineers.

Mr. Phelps noted that the individual who compiled the report was the Chief reviewer for the Army Corps of Engineers. He is well qualified and has a good reputation.

If there is less than one acre of wetlands, one can go in on a Nationwide Permit.

Mr. Reilly noted that in his opinion, there should be a positive declaration and do a small environmental impact statement. It may be worthwhile to do a statement. The issues are drainage and traffic. We have people telling us different things. We have the Traffic Safety saying one thing, the DOT another. Conservation Board submitted comments before the wetlands study was done.

Mr. Johnson noted that in the ravine area, they do not plan to fill in. We will utilize it in its natural state as a retention area and put some type of control there. When we get to the point where the wetlands is an issue to us, as far as development of the subdivision, we will everything we can to prevent impacting more than one acre of the wetlands. We do not want to file for a permit with the Corps. One area of wetland will be filled in. In another area, we plan to grade the lots and the road so that we can keep the wetlands in tact and not do any filling or tree-cutting in that area and utilize the low area as a retention area.

Mr. Phelps explained that there is a ravine with a creek running thru it. We would like to preserve that area.

Mr. Reilly noted that the issues to be resolved are layout, traffic, and different opinions on what the traffic should be.

Mr. Phelps noted that it is the intent to construct this with a lot size of 90' x 125'. Other lot sizes exceed the minimum requirements. In terms of housing values, it will be on par or greater than the housing values along Fairgrounds Rd. with the

exception of the Rich estate at the corner of Quinby and the estate across the street. We have invited the residents to take a look at our subdivisions in Amherst. We are a builder of homes and not just selling lots. It is a joint venture between Tom Greenauer and Essex Homes.

The issue of the road surface keeps cropping up. Mr. Pohlman suggested that a traffic study be generated to determine what is best for the area. This is a good sized project on a main road by the fairgrounds and we need to look at a professional to come in with a recommendation.

Mr. Phelps commented that they have had several meetings with the residents. Even though there is concern. We realize it's narrow but in pretty good shape. With the amount of traffic and the new access from the college, this road is getting more traffic. They don't want to see the road improved as people would use it as a cut-thru. The people want traffic to go out to McKinley Parkway without driving on Fairgrounds Rd. We are also making application to the County to review the roadway. They will be looking at vehicle counts and accessibility. We will be asking what we can do to improve that area.

Traffic and Drainage are issues that must be addressed. The layout is acceptable. Chairman Crandall noted that the subdivision is of sufficient size to warrant and justify a positive dec for further review. Once this is done, it will come back to the developer's benefit.

Mr. Phelps responded that they have been under contract with this property for 1 year. As far as the option, we must look at it from a technical and economic feasibility. We have spent a lot of money on studies for this project. We have done an archaeological report, a wetlands study, we have a preliminary engineering study. We are aware of the drainage problems are. We have the solutions. We are aware of our sewer capacity. We know there is a water pressure problem for 6 months. I don't seen any environmental concerns, other than the normal ones.

Mr. Phelps also noted that there is a way to solve Mr. Scully's flooding problem. This is in regard to storm drainage. Mr. Scully is throtted off as a result of the ditch and there is no wonder that he is getting flooding because he needs improvement along the ditch that we are capable of resolving when we do the subdivision. We have investigated that problem. The wetlands should be a non-issue with our delineation. The key issue is the roadway access. We did this for the benefit of the residents. They want the traffic funneled out to McKinley.

Mr. Phelps noted that he will hire a traffic engineer to come up with a solution to the traffic problem. To be on agenda for Oct. 16. Contact should also be made with Tim Ellis of Traffic

Safety. Mr. Phelps also noted that they have been in touch with the Strnad's in regards to the proposed expansion of their apartment complex. We are very concerned about the buffer between what they propose to do, and what we are going to do. We would like to work out a combined recreation area, both active and passive. It would be useable by the apartment complex as well as the subdivision. Mr. Phelps is to contact Dick Tripp. He is looking for a combination of land and reduced fee.

**South Park Apartments** - Jennifer Higgins and Janet Meiselman appeared before the Planning Board on a 13 acre parcel on South Park Avenue. The property is zoned R-3. There will be 11 apartment buildings with 8 apartment units. There will be a combination of 1-2-3 bedrooms. This is an affordable housing program. Comments are attached from Planning, Engineering, and State DOT.

**Sotek-Belrix Warehouse Building - Ravenwood North**

The proposed project is for a new warehouse building to be located at 3590 Jeffrey Blvd. The site area consists of 4.9 acres and the total building area is 16,000 s.f. This would be a one story structure. Concerns stated by **Planning**: The Planning Board is confused about the drive leading from Jeffrey Blvd. (existing or new). Please complete all of the supplemental findings statement (i.e. truck traffic). **Conservation**: It appears from the site plan that at least 20% of the area will be left as green space according to EIS conditions/criteria to be followed. The natural vegetation along the top and east side of the berm along the boulevard bordering both the existing plan and building addition sites forms good habitat for wildlife as well as stabilizes those portions of the berm. This is particularly important as winter cover and shelter. It should be preserved. **Engineering**: Provide the proposed waterline size. Include the location of the RPZ if required by the Erie County Water Authority. 2. Provide a detail of the proposed curb modification at the entrance drive. 3. A sanitary manhole is required at the change in direction of the 8" line. Provide a profile drawing of the line. Sanitary manhole, pipe, trench and testing requirements, as specified in the Town of Hamburg Eng. Dept. construction specifications are to be shown on the plans. Note that the 8" sanitary sewer is to be inspected by the Engineering Dept. under a private improvement permit. 4. A sanitary sewer permit is required from the Village of Blasdell and the Town of Hamburg. We will not approve the plans without the review and approval of the Village. 5. Show the location of any parking lot lighting facilities. 6. An additional storm water catch basis is required at the southwest corner of the building.

**Becker Subdivision - Eckhardt Rd.**

This is a 36.67 acre parcel consisting of 28 lots for single family residence and 54 lots for single family attached. Eighty-

two sublots. **Planning Concerns:** The Planning Board wishes the applicant to eliminate the curb cuts on Schoellkopf Rd. and redesign the concept plan to have rear lot frontage on Schoellkopf. The Planning Board advises the applicant of desired "cluster development" of subdivision based on the need to preserve natural settings. The Planning Board notes the existence of the Schoellkopf Trail running contiguous with the Zoning District boundary. The Planning Board is uncertain of the types of dwelling units on the R-2 port (single-family or attached).

**Engineering:** 1. The site is within Erie County Sewer Dist. 2. The district should be contacted to determine if there is sufficient available capacity in their system to service the site. 2. The site is in an existing Town water district. The water Authority should be contacted for pressure and flow information in the system. 3. The Erie County Highway Dept. should be contacted to determine if the proposed road connection to Old Lake Shore Road is acceptable. 4. Proposed Road C exceeds the maximum acceptable 500 feet permanent deadend street length. It should be extended to connect with Schoellkopf Rd. and the cul-de-sac eliminated. 5. Sublot lines are to be radial with the street line. Revise S.L. 12 and 13 as necessary. 6. Storm water detention facilities will be required for the site. 7. The land adjacent to the creek is subject to flooding, but is not in a designated flood plain. It will be necessary to clean and widen the creek as part of the development of the property. Therefore, the preservation of existing vegetation within the 40' wide green space along the creek will not be possible. However, the 40' strip should be reserved for drainage purposes, and no structures should be allowed within its boundaries.

**Schifano Take Out** - no new information received.

**Brierwood Golf Dome** - On Z.B.A. agenda October 8th.

**South Shore Dome** - On ZBA agenda Oct. 8th.

**Brierwood - Sawgrass Patios - 3011 Cloverbank Road**  
**Letter from P. Burke**

Subject: Enclosed Patio's - Sawgrass-According to our conversation, I am enclosing a copy of a survey for Sawgrass Court Townhouse units 17 thru 19. We have a customer who is requesting that we enclose the rear yard patio on Unit 17. This enclosure is intended to be a Florida room type amenity and will provide sun protection and golf ball protection for the homeowner. Kurt Allen has reviewed the plans and advised that it must have a permit prior to construction. He has approved the construction, but is requesting that I get your blessing prior to paying for the permit and commencing construction. We anticipate that this amenity may appeal to other Sawgrass Court homeowners and we are also requesting your approval to offer this feature to new and existing homeowners.

Mr. Reilly stated that the Planning Board approved Sawgrass. He built units and are occupied. One homeowner has a patio and would like to have it enclosed. Technically, that is outside in common area. A question was raised whether the Planning Board can approve the patio, and secondly, the legal question is, how can this be accomplished.

Mr. Allen noted that Mr. Burke's approach was what do I need to do? I responded by saying that this is a site plan revision. We looked at the old plan and this was how it was approved. We may have made an error in approving this. With C. Fabrizzi's we wanted to know if the area was big enough and we made him show the patio. On this, no patio was shown. There is no place to put a 250 s.f. patio. By the letter of the law, Townhouses must have a minimum of 2,000 s.f. of lot for each unit, and the units together have to average 2200 s.f.

Chairman Crandall noted that he would like to see a response from Mr. Burke's attorney.