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Town of Hamburg Planning Board Minutes

November 14, 1990 - Actions Taken

V.F.W. Post - Motion rescinded on request for dedication. Applicant to be advised to keep back area in natural state.

Car Wash Facility - Big Tree & St. Francis Drive. To be advised to apply to Corps of Engineers.

Lakeview Court Subdivision - Tabled

Rezoning Petition of W. Savage - Old Lakeview Rd. - Applicant advised to come back with a better layout.

Rezoning Petition of Bevilacqua Associates - For Plaza across from Erie Community South. Tabled until December meeting.

Uncle Joe's Restaurant - Southwestern Blvd. Approved with modifications. Negative Declaration can be issued.

Durham Road Development - Approved with conditions. Negative Declaration can be issued.

**Town of Hamburg
Planning Board Minutes
November 14, 1990**

The Town of Hamburg Planning Board met in regular session on Wednesday, November 14th 1990 at 7:30 p.m. Those attending included: Chairman Richard Crandall, Vice-Chairman Elgin Cary, Secretary Gerard Koenig, David Phillips, D. Gaughan, S. Strnad, S. Carnevale. Others attending included: G. McKnight, S. Bower, R. Lardo, D. Connell, and T. Dubey, Stenographer, & Councilman Cavalcoli.

Excused: D. Gorman

Minutes of the meeting of 10-24-90 were approved as amended by Mr. Cary, seconded by Mr. Carnevale. Carried.

Executive Session:

1. V.F. W. Post - Request for linear trail and dedication. Mr. McKnight informed the board that the Attorney for the V.F.W. Post had contacted D. Gorman with respect to the dedication of a linear trail system at the back of their property. There is no local law allowing a request for land in commercial development. This can be done only if appropriate legislation is passed by the Town Board. Therefore, the motion and request must be rescinded.

Motion was made by Mr. Strnad, seconded by Mr. Phillips to rescind the request for a dedication of land from the V.F.W. but to recommend that the area be left in its natural state. Carried.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to recommend to the Town Board that a policy be considered on the aforementioned matter. Carried.

2. Car Wash at Big Tree & St. Francis--Mr. McKnight informed the board that a negative declaration was issued for the car wash contingent upon the Building Inspector approving construction plans and that the filling in of the land would not cause flooding or drainage problems. However, since that time, the hydric soil and Corps of Engineer issue has come into focus. Mr. McKnight was advised to write a letter to the developer informing him of the procedure in securing a permit from the Corps of Engineers.

Councilman Cavalcoli noted that the Shoreline Committee is also reviewing the site plan because it is near the waterfront and a determination is necessary as to whether this is in keeping with the Local Waterfront Revitalization Program.

Other Matters:

1. Wetlands Seminar in Tonawanda - November 29th
2. SEQR Regulations Meeting - Nov. 16, 3:30 - for Dept. Heads, Chairmen and Attorneys.

Lakeview Court Subdivision:

Secretary G. Koenig read the following Legal Notice:

LEGAL NOTICE
TOWN OF HAMBURG
PUBLIC HEARING
LAKEVIEW COURT

Notice is hereby given that the Planning Board for the Town of Hamburg will hold a Public Hearing on November 14th, 1990 at 8:00 p.m. for the purpose of approving Lakeview Court Subdivision consisting of approximately 22 lots.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, being part of Lot No. 10, Township Nine (9), Range Eight (8) of the Holland Land Company's Survey, described as follows:

Beginning at a point on the southerly line of lands conveyed to the County of Erie for New Lakeview Road by deed recorded in the Erie County Clerk's Office in Liber 6135 of Deeds at page 17, which point is three hundred five and sixty-two hundredths (305.62) feet west of the westerly line of Old Lakeview Road which road has a width of sixty-six (66) feet; thence westerly along the southerly line of land conveyed to the County of Erie as aforementioned a distance of Eight Hundred Sixty-Eight and Fifty-eight Hundredths (868.58) feet to a point; thence southerly at an exterior angle of 90° 53' 17" along the westerly line

of lands conveyed to Nicholas Rector by deed recorded in the Erie County Clerk's Office in liber 105 of deeds at page 401, a distance of Seven Hundred Eighteen and Eighty-Six Hundredths (718.86) feet to a point on the northerly line of Old Lakeview Road (66'0" wide); thence northeasterly along the northerly line of Old Lakeview Road (formerly known as Northrup or Creek Road and as Idlewood Avenue) a distance of Nine Hundred Twenty Eight and Twenty Hundredths (928.20) feet to a point on the easterly line of lands conveyed to Sarah C. Stevens by deed recorded in the Erie County Clerk's Office in liber 236 of deeds at page 105; thence northerly along the easterly line of lands of Stevens a distance of Three Hundred Eighty Eight and Thirty-three Hundredths (383.33) feet to the point or place of beginning, being 12.131 acres more or less.

Date: Oct. 5, 1990

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

Lakeview Court Subdivision Cont.:

Chairman Crandall declared the hearing open:

Attorney Jay Pohlman and Dave Petit from Nussbaumer & Clarke appeared before the Planning Board on the proposed 12 acre parcel for approximately 22 single family dwelling units. The subdivision has been laid out with a horseshoe shaped road, a 50' buffer and 25' buffer on the north and west boundary lines of the property. A request was made at the last meeting by the Recreation Director to tie in a linear trail system along the 3 vacant parcels to somehow connect to the Nike Site. The applicant is willing to cooperate with this request as directed. The proposed homes will be in the \$110,000 to \$125,000 price range. There is a 12" water line off Old Lakeview Road which they would hook up to and loop around. There appears to be no problems with water lines or water pressure or supply in that area. A gravity flow system to the new Lakeview Road can be implemented without any problem and capacity for sewers is adequate. Attorney Pohlman has been in contact with a botanist to run the necessary studies and a permit from the Corps will be obtained. In addition, an archaeological study will be conducted as required. Comments were received as follows:

Engineering: 1.2 Show the centerline radius of all curves. 2.2 Show the adjacent owner's names. 3.2 Show the building setback line. 4.2. The lots along New Lakeview Rd. are to be labeled without access to New Lakeview Road. 5.2 Lots 1, 19, 22, and 13 are to be labeled without access to Old Lakeview Rd. 6.2 A site location map is required. 7.2 The site is not in a water district and a new district will have to be created. 8.2 The site is in an existing sewer district.

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

Motion was made by Mr. Koenig, seconded by Mr. Cary to **Table** for further review and study. Carried.

Rezoning Petition - William Savage - 9 Acres Old Lakeview Rd. From R-A to R-1 - Single family dwellings

Mr. William Savage appeared before the Planning Board on a proposed rezoning petition for 9 acres of land on Old Lakeview Rd. to be rezoned from R-A, Residential Agricultural to R-1, for single family dwelling units. 14 homes are proposed. A better map of the parcel is required.

Motion was made by Mr. Phillips, seconded by Mr. Gaughan to **Table** for a better layout. Carried.

Rezoning Petition of Gar- Bevilqua Associates - From C-3 to C-1 for a Strip Plaza - Across from Erie Community College -

Mr. Bevilqua and Marilyn Wall of Gar Associates appeared before the Planning Board with a rezoning petition of property located across from Erie County Community College (former Szalay linoleum store). The proposal involves 2.2 acres and 3.4 acres of adjacent property on the northerly side of Southwestern Blvd. Combined frontages are 782 ft. with a depth of 350 ft. A 10' wide stone and blacktop driveway is located on the easterly property and an abandoned building is on the westerly property. The parcels are otherwise vacant and brush covered with infrequent stands of maturing trees. They are not located in the flood hazard area and contain no state designated wetland.

The concept plan shows a 15,600 s.f. plaza building on the easterly side of the two properties. The plaza will be an upscale development designed to serve the surrounding community and will be leased to quality tenants. Bars, pizza parlors, game rooms or "hang out" space will be specifically excluded.

An effort will be made to retain maximum green space and existing trees with ample landscaping to be provided also. In addition, a deceleration/acceleration lane is planned to facilitate movement from S. Western Blvd. The proposed access driveway aligns with the E.C.C. driveway and is positioned such that it could serve plaza expansion westerly if the initial development is successful, thus, eliminating a second curb cut onto this heavily travelled artery. Two prospective tenants have been lined up which are Bert's Bicycle shop and a local Bank.

Chairman Crandall read the following communication which was received from Ron Hayes, Director of Development:

I have reviewed a copy of the Planning Board agenda for November 14, 1990. A review of the Town of Hamburg zoning map indicated that the subject rezoning would result in the loss of existing C-3 Office District property.

As the Planning Board is aware, the Hamburg Development Corp. and the Hamburg Industrial Development Agency have, on numerous occasions, indicated their concern about the piece meal rezoning of property zoned M-Industrial and C-3 Office District to residential and other uses. (See enclosed Resolutions, 3-14-90 and 8-8-90)

The development companies have indicated that these rezonings, without adequate planning, are short sighted and detrimental to the Town. If rezoning continued without any consideration to the amount of land available for development, the Town will in effect zone itself out of office development. The subject property on Southwestern Blvd. is a prime location for possible office

Gar-Bevilaqua Assoc. (Rezoning Continued)

development. There is strong office development underway within 1 mile of the site in the Town of Orchard Park. This property is properly zoned for C-3 office development.

Prior to any additional rezoning of C-3 Office District, the Planning Board should analyze the long term use of C-3 Town wide and this property specifically. The Planning Board should also evaluate the proper zoning of Southwestern Blvd.

Mr. Cary noted that when the last Master Plan was made up, this area was left as C-3 in order to keep control of the development in that area around the college. Mr. Bevilacqua noted that he was willing to lease for office use. However, in a marketing study which he did, there isn't as much a demand for office space in Hamburg as there is for retail.

Chairman Crandall noted that he would like to discuss the matter with the Town Board and Ron Hayes to determine a direction.

Motion was made by Mr. Strnad, seconded by Mr. Phillips to **Table** until the December 14th meeting. Carried. In the meantime, Mr. Cavalcoli is to set up a meeting with the Town Board and Ron Hayes with respect to this matter.

**Uncle Joe's Restaurant - New Location - Southwestern Blvd.
(SEQR 1990-66)**

Mr. Joseph Gargano appeared before the Planning Board on a proposed new restaurant which is to be located on Southwestern Blvd. Comments are as follows:

Planning--According to the Erie County Soil Survey, the soil type for this property is Collamer silt loam (CTB). CTB is neither a hydric soil or classified as having a potential for hydric inclusions. Based on seating for 123 partrons, the required number of parking spaces is 49. Add more landscaping along the street line and along western most side lot line. Building access should be provided for delivery trucks and fire fighting equipment. In order to reduce the risk for potential traffic accidents the front parking area should be redesigned to allow for greater maneuverability. The perpendicular parking spaces are awkward and the two inside spaces should be eliminated.

Building Inspection--Property is zoned C-1. The first floor plan should determine the required seating. The current plan shows 41 spaces which include 2 for the handicap. The handicap spaces should be as close to the front door as possible. A road permit is required from the State D.O.T. All rounded curbs should be poured in place and a detail shown on the plan. All parking curbs should be set back 5 feet from the property line especially on the northeast side. The location of the detached sign violates our sign ordinance for set back of the sign. Detail of signage should

Uncle Joe's (Cont.)

be reflected on the plan. Plans should show location of the nearest fire hydrant and the size of the water line into the building and the size of the water line in front of the right of way. Ditch in the front should be piped.

Engineering--1. A revision block is to be added and used whenever changes are made on the plan. Curbing is to be added along the driveway connection to Southwestern Blvd. 3. A soil erosion control permit will be required for the site. Show appropriate control measures on the plan. 4. The parking layout along the front of the building is very poor. An island should be used to separate cars where spaces abut the side of the adjacent spaces in the northeast corner. The last space on the northwest side should be eliminated because there is not room to back and turn around. Total removal of the front spaces should be considered (see item 5). Storm water detention is required for the site. The additional flows caused by the development are not to exceed the pre-development site run-off. The west side of the building is five feet from the property line. How will a water line, sanitary line, roof drain, gas line, and a swale be installed in this five foot space?

The Erie County Dept. of Env. & Planning called and stated there were no problems with the project. The proposal does not intrude on any wetlands. There is no hydric soil. It was also noted that at the time Mr. Manfreda and T. Gary of Blasdell Pizzeria came before the Planning Board, an access road with an interior connection was suggested. The same will hold true for this project.

The Planning Board in the Review of Part II of the Environment Assessment noted that there will be no impact on land, there are no unusual land forms, There are no problems with surface or ground water. There will be no impact on land, animals, aesthetics, nor does this land have historic significance. This proposal will not have a detrimental affect on the public health and safety nor will it alter the character of the neighborhood.

Consv. Board - No Environmental concerns

Motion was made by Mr. Gaughan, seconded by Mr. Carnevale to approve the site plan contingent upon implementation of changes as requested by Planning, Engineering, Building Inspection. Furthermore, the applicant has agreed to extend the driveway should adjacent land become occupied to make it a common driveway. Applicant is responsible for a 20' strip. Also, a negative declaration can be made noting that there will be no adverse affect to the environment. Carried.

Durham Road Development - SEQR 1990-35

Attorney Ron Tills appeared with the applicants, Mr. & Mrs. Hogan on a proposed development which is to be located on Durham

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Durham Road Development (Continued)

Road. A history of events was given to each Planning Board member which is as follows:

The first appearance by the applicant was made on 5-30-90. At that time, SEQR 1990-35 was distributed with comments returned by Dr. Andrie of the Conservation Board. Comments were also received from Building Inspection, Engineering, Lake Shore Fire Co., and the Planning Dept. Matter was tabled for a better drawing and the cluster concept was suggested.

On 7-11-90, the applicants appeared with a cluster concept and comments were received from Planning, Engineering, Building Inspection. A Public hearing was set for 8-8-90.

The Public hearing was held on 8-8-90 and comments were received from Planning, Engineering, Building Inspection. The matter was tabled for a legal opinion from the Town Attorney on whether the 4.9 acres could be rounded off to five acres.

On August 22, 1990, the opinion was received from John Michalek, Town Attorney that the 4.9 acres could be rounded off to 5. Matter was again tabled for a decision to Sept. 12th meeting.

A special meeting was held on 9-5-90 at which time opposition was received from the Locksley Park Taxpayers and Attorney Giacalone. The matter was tabled until October 10th. The matter was again tabled until November 7th for a 1/10th of an acre variance.

At the meeting of the Zoning Board of Appeals, held on 11-7-90, the following determination was made. Mr. Spinner noted that the petitioners, Mr. & Mrs. Hogan, will apply for 13 lots in accordance with a revised preliminary that has been modified and presented to the Zoning Board. No lot will be less than 80' with the exception of one lot which is landlocked. The only problem I have is if the Planning Board approves something that is less than 80' frontage, I would like to leave the door open that the petitioner could come back to the Zoning Board on a reasonable request such as 78' rather than 80'.

Findings: This is an area variance of a minor nature, namely, 1/10th of an acre, which should not adversely affect the neighborhood. The proposal will not be detrimental to the health, welfare and safety of the community. The proposal will not substantially impair the value of any adjacent homes near the property; also, that if the Planning Board within its power of review decides that the lots should be something less than 80', that the petitioner can come back to the Zoning Board for further modification; and finally, practical difficulties have been established regarding the development and use of the property.

Durham Road (Continued)

Motion was made by Mr. Spinner, seconded by Mr. Schlehr to approve the area variance of 1/10th of an acre in accordance with the stipulation of the parties that there will be 13 lots, and that each lot would have 80' frontage with the exception of one lot as outlined in a revised sketch plat provided by Nussbaumer & Clarke and presented to the Zoning Board of Appeals. Carried. All voted in favor.

On the plan that was submitted, the following comments have been received from **Engineering**: 1. Sublot 10 does not have the required road frontage. We suggest the lot line for sublots 9 and 10 be angled so that the proper frontage can be obtained. The passive recreation area is to be deeded to the Town and should be labeled as such. It was discussed at the Planning Board meeting that an easement or other access to the passive recreation area be provided. Show this on the plan. Gerard Kapsiak, Rick Lardo.

A Wetland Determination study, which was drawn up by Jay Piersanti, a qualified botanist, was submitted to the Planning Board for review. Some highlights of the study indicate that there is a "disturbed" open corridor through the parcel, which runs from east to west, the apparent result of sewer line construction. It was noted that in 1962, the sewer line construction commenced which resulted in a french drain and lowered the water table. Based on the vegetation there is no indication that the parcel is in a wetlands area.

According to the Soil Inventory and interpretive study of the Town of Hamburg, the predominant soil type in this area is Madalin Silt Loam, shaly till substratum. It is described as "a deep, nearly level, poorly drained soil containing a fine and moderately fine-textured subsoil formed in lake laid silt and clay 20 to 40 inches thick over clayey shaly till. Permeability is slow. Water stands at or near the surface part of the year. Till substratum also appears on the Army Corps "List of Hydric Soils for Erie County". A field survey was conducted on November 11, 1990. The "quarter method" was used to evaluate the vegetation.

In conclusion, Mr. Piersanti noted based on the data collected, the guidelines available, personal observations, and past field experience, the area in question in my judgement, should not be considered a wetland under Federal jurisdiction. In my determination, the vegetation survey fails to provide evidence of significant populations of hydrophytic species. Obligate wetland species are definitely conspicuous by their absence. Should there remain any reasonable doubt concerning the non-wetland status of this property, it is suggested a more thorough quadrant method study be done using the Army Corps prevalence in indexing of hydrophytic species as per the Federal Manual.

Durham Road (Continued)

Councilman Cavalcoli also noted that while there is no doubt the potential for hydric conditions exists, the crucial factor is duration of saturation. This area's soil exhibits poor drainage and slow permeability. The very slow rate of water transmission and soil wetness causes a perched water table to remain within six inches of the surface for 3 months or longer. According to the Federal Manual, listing of a soil on the list of hydric soils does not necessarily mean the wetland hydrology criterion is met. An important factor in this area seems to be the abundance of vegetation which causes substantial water loss through transpiration. In reading through the report, this is not under the Federal Corps of Engineers list.

Attorney Giacalone stated that there is a lot of standing water on the site. Also, this isn't the worst time of year to do the evaluation. It should be done in the springtime. Based on the Soil survey map which he received from the County, the soil is Madaline silt loam. There are severe restrictions for any urban development, and the type of soil has severe limitations for dwellings. The neighbor who is present this evening, lives on the corner of Willow and Trenton directly across the street, has a wet basement and experiences constant wetness in the springtime. This type of drainage would have an adverse affect on the neighbors.

Mr. David Petit, Engineer for Nussbaumer & Clarke noted that there are new engineering techniques which would alleviate the problem. Most of Locksley Park was built on this soil. However, with new construction, footings can be made with drains and basements waterproofed to eliminate this type of situation. Also, road frontage can be piped and a designed storm system can improve drainage.

Mr. Howe, of the Locksley Park Taxpayers spoke in opposition to the proposal. Also, he noted that Mr. Smith of the Highway Dept. put in new drainage along Willow and cleaned out the ditches. However, even with that remedial work, the problem still has not been solved. The area is still like a swamp.

Mr. Rugnetta, of Durham Road, also complained of poor drainage and noted that that frogs can be heard even days after a storm has ended.

Attorney Tills responded that the Engineer is present to discuss the drainage issue. Before construction commences, a drainage plan must be submitted to Engineering before approval is given.

Attorney Giacalone stated that before the preliminary can be approved, SEQOR must be complied with, of which drainage is an

Durham Road (Continued)
issue.

Attorney Tills noted that a professional engineer certifies that drainage will be handled. The problem is usually evaluated, and possible ways to mitigate the problem is proposed. At the present time, there is no sewer system in place. There will be a storm system in place. Swales can be set up to slow down the discharge of water. This is accomplished when the final plans are designed.

Attorney Giacalone noted that this is an issue that has to be addressed now. Councilman Cavalcoli responded that we expect the situation to be corrected when Nussbaumer & Clarke designs the proper swales and piping. This is a way of mitigating the problem. Mr. McKnight further responded that the project cannot begin until there is a storm sewer system in place showing swales which will handle drainage. Also, with a cluster design, this will help mitigate the problem as run off will be absorbed thru the vegetation that will continue to exist. A professional engineer has stated that he feels the drainage problem can be addressed. The preliminary approval allows the further engineering to be done which and must be complete before a project can be started.

Attorney Tills noted that the Engineering plans must be completed as well as a bond posted. The Town Board accepts utilities and nothing can be started until the final is approved.

Chairman Crandall noted that the SEQR law brings these problems to everyone's attention. Ditches, swales, sump pumps are all types of possible mitigation measures. SEQR does not necessarily have to solve the problems.

Mr. Phillips noted that the problems have been identified, whether a traffic study is required, or the affirmation by a professional engineer to certify this problem can be mitigated by engineering. It does not mean that a complete set of drawings for every project has to be done now. As long as the problem has been identified with a possible means to correct, the intent of SEQR has been met.

Mr. David Petit of Nussbaumer & Clarke noted that they could design a sufficient drainage system to mitigate the concerns of the neighbors. The rate of run off is yet to be determined in doing the final. Some form of detention retention will be decided. Piping systems can be installed to slow down the rate of discharge.

Attorney Giacalone then noted the concern of traffic with an additional 8 homes on Durham Road.

Chairman Crandall read the following communication which was received from Tim Ellis, Traffic Safety Coordinator for the Town of

Durham Road (Continued)

from the years 1983 to present (data unavailable for 1988 and 1990 at this time). The original site plan that was studied by the Town Traffic Safety Advisory Board is different from the site plan in view this evening. The number of units on Durham Rd. has been reduced. When the Board originally viewed the plan, concerns were raised about the number of proposed driveways into Durham Road, especially those that might be located on the south end of the proposed development where Durham Road curves. Although existing units may be there, the Board felt additional units would increase a potentially hazardous situation. With regard to lot #9, placing a driveway at the terminus of Trenton should be avoided if possible. It should be moved. Using the accepted average of 1.5 vehicles per unit, the proposed development will certainly generate more traffic but whether this generation will be significant in proportion to existing levels is questionable. Can it be definitively proven that all new traffic will be entering and exiting simultaneously? In my estimation, the major concern is the safe design of any proposed units to allow maximum sight lines to enhance the visibility and reaction time of on-coming traffic.

Data on Accidents and the Camp Rd. Durham intersection are: 1983--0, 1984, 2, 1-1-84, and 12-1-84; 1985--0, 1986 1 on 2-20-86, 1987, 2, 2-20-87, and 12-18-87, 1988 data not available, 1989-0. This boils down to less than 1 accident per year.

Motion was made by Mr. Phillips, seconded by Mr. Koenig that based on the Traffic study prepared by Mr. Ellis of the Traffic Safety Board, the Planning Board finds that the traffic safety problem is insignificant and can be mitigated by safe design to allow maximum site lines. Carried.

On the issue of the cluster, Mr. Strnad commented that he does not feel this is a cluster. Mr. McKnight responded that economics and scenic beauty and the preservation of a wooded area are appropriate reasons to label this as a cluster.

In the Part II of the Environment Assessment, the preparer, George McKnight pencilled in under Impact on land, ..construction on land where the depth to the water table is less than 3 feet, small to moderate and potential large impact was crossed. This can be mitigated by project change. This was done to bring the board's attention to the matter. In discussion, it was agreed that due to the small number of homes to be constructed, the item can be corrected to read small to moderate impact.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to correct the item to read small to moderate impact in light of the small number of homes and the number of lots created in the area. Carried.

Opposed: D. Gaughan, S. Strnad

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Motion was made by Mr. Cary, seconded by Mr. Koenig to approve the preliminary cluster subdivision on Durham Road to include minor changes showing the easement for ingress and egress on lots on Trenton and based on the Engineering Department's suggestion to move one lot line for the driveway on S.L. 9 and 10; to accept the study as presented by Traffic Safety; that the issues have been identified with respect to traffic and drainage, and that a negative declaration can be issued. The wetlands question has been addressed by a botanist and the 1/10 of an acre variance was granted by the Zoning Board of Appeals. Carried. The Planning board has identified and discussed all significant and non-significant issues, the problems have been identified and based upon the information supplied, alternate methods and ways have been proposed.

Opposed: D. Phillips,--does not like the layout of the development. Does not appeal.

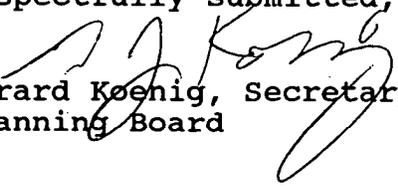
S. Strnad--This is not a proper cluster development.

D. Gaughan--does not like the layout and the driveway on Lot 11, because I feel it is dangerous.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to incorporate the Zoning Board of Appeals minutes and the granting of the variance of 1/10th of an acre as well as the findings that were originally mentioned on Page 7 into the Planning Board minutes. Carried.

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

Respectfully submitted,


Gerard Koenig, Secretary
Planning Board

Next meeting: Dec. 14, 1990
7:30 p.m.

617.21

Appendix F

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number 1990-35Date 11.14.90

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The TOWN OF HAMBURG PLANNING BOARD, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: DURHAM RD SUBDIVISION

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action: ^{4.9} 5 ACRE (13 LOT) "CLUSTER" SUBDIVISION
Var. obtained from Z.B.A.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

DURHAM RD, HAMBURG ERIE CO. NY
PART OF LOT 30, TOWNSHIP 9, RANGE 8