

Town of Hamburg Planning Board
Meeting 12-17-97
Actions Taken

Two lot Subdivision Stevan Jones Lakeview Rd. near Smith	Applicant did not appear. Tabled to Work Session
Tielke 2 lot Subdivision 3245 and 3265 Lakeview Rd.	Approved preliminary
Sprint Spectrum Tower Pleasant Avenue	Referred to ZBA
Brierwood Senior Ctr E. Burke, Developer	Tabled.
Emerald Green Apartments Rogers Road P. Burke	Approved
Southtowns Chiropractic Southwestern Blvd.	Approved contingent on Engineering
Hutchins Automotive Supply Camp Road	Approved subject to Eng. & Subdivision of Commercial property
Hamburg Dodge Camp Road	Reapproved.

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

The Town of Hamburg Planning Board met in regular session on Wednesday, December 17th, 1997 at 7:30 p.m. in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Secretary Gerard Koenig, Don Fitzpatrick. D. Pohlman, S. Ganey. Others attending included: R. Lardo, R. Whipple, Councilman Mark Cavalcoli, D. Reilly, Don McKenna, Attorney and Terry Dubey, Stenographer. Excused: D. Phillips, P. Eustace, S. Ganey,

Two Lot Subdivision - Stevan Jones - Lakeview Rd. near Smith.

Secretary Koenig read the following Legal Notice of Public Hearing.

LEGAL NOTICE

**Town of Hamburg Planning Board
2 Lot Subdivision for Stevan
Jones - Jones Subdivision
Lakeview Road**

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 2 lot Subdivision known as Jones Subdivision on Lakeview Road on December 17, 1997 at 7:30 p.m. 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 Number 26, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the north line of Lot Number 26 at the northeast corner of lands conveyed by George M. Riemer and Rose Riemer, his wife, to Albert Neuman, said point being 1153.02 feet westerly from the northwest corner of Lot Number 26; THENCE southerly along the east line of lands conveyed to Albert Neuman, a distance of 1240.64 feet to a point in the northerly bounds of Lakeview Road having a width of 80.0 feet; THENCE north easterly along the northerly bounds of Lakeview Road at an interior angle of 60°-07'-31", a distance of 240.03 feet to a point of curve in said northerly bounds; THENCE continuing north easterly along the northerly bounds of Lakeview Road on a curve to the right having a radius of 1950.00 feet, an arc distance of 380.77 feet to a point in the east line of lands conveyed to Cora B. Caudwell by deed recorded in the Erie County Clerk's Office in Liber 2234 of Deeds at Page 440; THENCE northerly along said east line of Caudwell a distance of 983.85 feet to a point in the north line of Lot Number 26 at a distance of 2465.00 feet west of the north east of Lot Number 26; THENCE west along the north line of Lot Number 26, a distance of 535.32 feet to the place or point of beginning containing 13.85 acres of land, more or less.

DATED: 11-20-97

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

11-27, 12-4

Chairman Crandall declared the hearing open on this 13 acre parcel on Lakeview Rd. near Smith. Applicant did not appear. Chairman Crandall explained that this is for 2 lots 300' in width along Lakeview Road and varies in depth from 983' to 1204' on the other lot line. These are legal sized lots. A letter was sent to the applicant whereby he was asked to make a note on the drawing that a "T" turnaround was to be indicated with no further subdivision of land.

Comments from Engineering are as follows: 1. The site is not located in a sanitary sewer district and public sewer service is not available to the proposed lots. 2. Water service is available along Lakeview Road. 3. "T" turnaround driveways are required. 3. We recommend that the map cover requirement be waived.

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

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

Tielke 2 lot Subdivision - 3245 and 3265 Lakeview Rd.

Secretary Koenig read the following Legal Notice of Public Hearing.

LEGAL NOTICE

**Town of Hamburg
Planning Board**

Tielke 2 lot subdivision

Notice is hereby given that the Planning Board will hold a Public Hearing for a 2 lot subdivision known as Tielke Subdivision located at 3245 and 3265 Lakeview Rd. for single family dwellings on December 17, 1997 at 7:35 p.m. 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 Number eighteen (18), Township Nine (9) and Range Eight (8) of the Holland Land Company's Survey, and bounded and described as follows:

BEGINNING at the point of intersection of the westerly line of Lot Number Eighteen (18) with the southerly line of New Lake View Road; thence running southerly one hundred sixty-five and five tenths (165.5) feet to a point in the northwest corner of lands conveyed to Donald M. Robertson by a deed recorded in the Erie County Clerk's Office on July 27, 1937, in Liber 2665 of Deeds at Page 230; thence running easterly along the

north line of aforesaid Robertson's land three hundred ten and four tenths (310.4) feet to the northeast corner of said land; thence southerly along the east line of said Robertson's land two hundred seven and seventy-two hundredths (207.72) feet to the northwest corner of land conveyed to Henry C. Yost and Ida M. Yost, his wife, by deed recorded in the Erie County Clerk's Office on April 24, 1944, in Liber 3526 of Deeds at Page 537; thence running easterly along the north line of land conveyed to the aforesaid Yost, four hundred seventeen (417.0) feet to the northeast corner of land conveyed to Yost and also the east line of land conveyed to Michael Stahl and Victorine Stahl, his wife, by a deed recorded in the Erie County Clerk's Office on August 19th, 1937, in Liber 2665 of Deeds at Page 382; thence northerly

along said Stahl's east line two hundred forty-four and ninety-six hundredths (244.96) feet to a point on the south line of New Lake View Road; thence westerly along the southerly line of the New Lake View Road seven hundred thirty-nine and seventy-six hundredths (739.76) feet to the point of beginning.

This conveyance is not in defraud of creditors and does not render any of the parties insolvent.

DATED: November 21, 1997

Richard Crandall, Chairman

Gerard Koenig, Secretary

12-4

Planning Board

Tielke Subdivision (Continued)

Chairman Crandall declared the hearing open:

This is for a 2 lot subdivision on Lakeview Road near Smith. A variance of .18 acres was granted by the Zoning Board of Appeals. Frontage will be on Lakeview Rd. for single family dwellings. Mrs. Pat Tielke appeared on behalf of her subdivision. Engineering comments are as follows: 1. The site is not located in a sanitary sewer district and public sewer service is not available to the proposed lots. 2. Water service is available along Lakeview and Smith Roads. 3. "T" turnaround driveways should be required for driveways accessing Lakeview Road. 4. We recommend that the map cover requirement be waived.

Motion was made by Mr. Koenig, seconded by Mr. Pohlman to issue a Negative Declaration on the project; waive the filing of a map cover, and approve the preliminary. Carried.

Sprint Spectrum Special Use Permit - Public Hearing - 2644 Pleasant Avenue.

Secretary Koenig read the following Legal Notice of Public Hearing:

LEGAL NOTICE

Town of Hamburg
Planning Board

Special Permit for a Telecommunications Tower

Pleasant Avenue near Brundage

Notice is hereby given that the Planning Board of the Town of Hamburg will hold a Public Hearing on a Special Permit for a Telecommunications Tower (195 feet) to be located on Part of Lot 38, T-9, R-8 belonging to Barry & Elizabeth Hogan on Pleasant Avenue consisting of 14.06 acres and zoned Residential Agricultural, on December 17th at 7:40 p.m. 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. 38, Township 9, Range 8 of the Holland Land Company's Survey, being further described as follows:

COMMENCING at a point in the centerline of Pleasant Avenue being 66 feet in width distant 300.52 feet westerly of the intersection of the easterly line of Lot 38 and the centerline of Pleasant Avenue; thence northerly at an angle of 92°24'44" as measured from the centerline of Pleasant Avenue from the west to the north for a distance of 33.03 feet to a point lying in the northerly

right-of-way bounds of Pleasant Avenue; thence continuing northerly along the northerly extension of the last-described course for a distance of 54.86 feet to a point of curvature; thence northerly along a curve to the right having a radius of 475.00 feet for an arc distance of 121.02 feet to a point of tangency; thence along a line tangent to the last-described course for a distance of 54.98 feet to a point of curvature; thence northerly along a curve to the left having a radius of 500.00 feet for an arc distance of 68.31 feet to a point of tangency; thence northerly on a line tangent to the last-described course for a distance of 1,077.88 feet to a point of curvature; thence northerly and westerly along a curve to the left having a radius of 155.00 feet for an arc distance of 310.43 feet to a point of compound curvature; thence westerly and southerly along a curve to the left having a radius of 50.00 feet for an arc distance of 57.15 feet to a point of tangency; thence southerly along a line tangent to the last-described course for a distance of 34.63 feet to the point of beginning; thence easterly at right angle to the last-described course for a dis-

tangent to the last-described course for a distance of 54.98 feet to a point of curvature; thence northerly along a curve to the left having a radius of 500.00 feet for an arc distance of 68.31 feet to a point of tangency; thence northerly on a line tangent to the last-described course for a distance of 1,077.88 feet to a point of curvature; thence northerly and westerly along a curve to the left having a radius of 155.00 feet for an arc distance of 310.43 feet to a point of compound curvature; thence westerly and southerly along a curve to the left having a radius of 50.00 feet for an arc distance of 57.15 feet to a point of tangency; thence southerly along a line tangent to the last-described course for a distance of 34.63 feet to the northerly bounds of the lease parcel as described above; thence easterly at right angle to the last-described course for a distance of 25.00 feet; thence northerly at right angles for a distance of 34.63 feet to a point of curvature; thence northerly and easterly along a curve to the right having a radius of 25.00 feet for an arc distance of 28.58 feet to a point of compound curvature; thence easterly and southerly along a curve to the right having a radius of 130.00 feet for an arc distance of 260.36 feet to a point of tangency; thence south-

erly along a line tangent to the last-described course for a distance of 1,077.88 feet to a point of curvature; thence along a curve to the right having a radius of 475.00 feet for an arc distance of 64.90 feet to a point of tangency; thence southerly along a line tangent to the last-described course for a distance of 54.98 feet to a point of curvature; thence southerly along a curve to the left having a radius of 500.00 feet for an arc distance of 127.39 feet to a point of tangency;

thence southerly along a line tangent to the last-described course for a distance of 55.92 feet to the aforementioned northerly right-of-way bounds of Pleasant Avenue, thence easterly along said northerly right-of-way bounds of Pleasant Avenue for a distance of 25.02 feet to the point of beginning.

DATED: November 21, 1997.

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

12-4

Chairman Crandall declared the hearing open. Representatives from Sprint, Attorney Maureen Elwell, Karin Stamy, and Dave Olek appeared before the Planning Board on a proposed 195' cellular tower to be located on the Hogan property on Pleasant Avenue, which is zoned R-A, Residential Agricultural. A variance will also be required on the height of the tower.

Mr. Dave Olek of Sprint explained the technology and site selection process to the residents concerned.

He also explained that there are two other sites other than the Nike Site under consideration. One tower has already been established at Hopevale as well as the Newton Abbott Fire Hall. We had an application for the Anderson property. However, since that is a wetland area, we have abandoned the application for the Anderson property on Pleasant Avenue. The Hogan property is large enough to support a tower. There will be coverage up to 97% of the search area. We have approached the property owner and have signed a lease. We are also in negotiation with the Town of Hamburg on the tree farm site. This will be considered as an alternate site. At the present time, we do not have all the information back as to whether the Nike site can still be utilized.

Maureen Elwell noted that she is receiving correspondence from the Planning Dept. & Eng. Dept. on the height of the fence. The code is unclear on this portion. There is also another part of the code which requires it to be 8'. We do not see the need to go to the Zoning Board on the height of this fence.

Chairman Crandall responded that an 8' fence is all that is required for safety purposes.

Photo simulations from Stilwell were provided as requested. The tower will be buried in the trees to the south of Stilwell.

Mr. Reilly noted that all towns were requested by Mercy Flight to light the towers so that Mercy Flight would know where the towers are located.

Chairman Crandall noted that the Town is still working on the

Nike site property. There is a dedicated parkland on Lakeview Road, near the Highway Dept. The Town has asked Sprint to locate a tower on this property, which is south of the Thruway. There are several difficulties in locating on this site. We must go thru an alienation process in order to obtain land. We are willing to entertain this as an alternate site, but there are some obstacles that still must be overcome. We have agreed to proceed with the Hogan site and will give the town 90 days to try to get the tree farm site approved, which will take place around January 13th. If that can be accomplished we will move the tower to the tree farm site. The proposed tower will be 220' tall with a flashing strobe light.

Chairman Crandall noted that the tree farm is on the Nike site. The legislative approval required is that we have to get an alienation from the State Legislature in order to utilize parkland for this purpose. The Town Board, as well as myself, feel optimistic that this site can be a reality. We have been working very hard to achieve that end. The site is adjacent to the edge of the Thruway. It will be in an area that will have no adverse affect in the use of the Nike site for recreational purposes. One of the positive aspects is that Omnipoint wants to locate along the Thruway. There would also be a revenue stream to the Town if this tower is constructed on the Nike site property. We are looking at it from a standpoint as a least offensive location, the least impact on a residential area, and a potential of revenue to the Town. This is why the Town is working so hard to get this accomplished.

Ms. Elwell noted that Mr. Boehm has the lease. We are also trying to work with the Town.

Mr. Crandall asked for copies of the certification to the residents. Certified's were sent to: Mr. & Mrs. Jeffrey Jones of 2637 Pleasant Avenue; Mr. & Mrs. Lewis Well of 2652 Pleasant, Leroy Leavell of 2634 Pleasant, Mr. & Mrs. Edward McMahon of 5447 Old Lakeshore Rd.; Mr. & Mrs. Douglas Rowe of 2630 Pleasant, Paul Mastalinski of 689 Abbott Rd. Buffalo, N. Y. 14220; Mr. & Mrs. Stanley Tomaka of 2676 Pleasant; Nynex Mobile Communications Co. C/O Frontier Cellular 1050 Pittsford - Victor Rd., Pittsford, N. Y. 14534; Mr. & Mrs. Thomas Hoak, of S-5700 Sterling Rd., John Piwko C/O Rose Piwko of 2605 Pleasant Avenue; Florence Blocho of 2685 Pleasant; Mr. & Mrs. Richard Masterman of 2627 Pleasant; Mr. & Mrs. Robert Wheeler of 2651 Pleasant Avenue; Ms. Christina Krayna of 2659 Pleasant Avenue; Mr. John Kralisz, Ms. Jacki Murzynowski of 2665 Pleasant; Ms. Diane Scherer of 2677 Pleasant; Mr. & Mrs. Robert Spiegel of 2645 Pleasant; Mr. & Mrs. Michael Pierce of 2595 Pleasant;

Mrs. Kathy Wheeler inquired as to what the hearing is about?
Response: The hearing is required as part of the Telecommunications Ordinance which is now in place. It is to

satisfy the public and the Planning Board as to what is being done and provide information to the Planning Board of public concerns. The applicant must go thru the site plan development process, which has not been done to date. Mrs. Wheeler asked as to who she can contact in the legislature that the residents are opposed?

Mr. Crandall responded that the legislature is involved because of the alienation. We would prefer if they use the Nike site for the tower as opposed to the one on Pleasant Avenue.

Councilman Cavalcoli noted that he will be passing a resolution on Monday evening seeking alienation of parkland which says to the State Legislature, can you release that piece of land, 100' x 150' from the park status, and we have to supply a parcel of same dimension in another place nearby. If they grant that, & if everything else is approved, the tower could go on that site. If that is your preference, rather than Pleasant Avenue, I urge you to write to D. Volker and D. Smith asking them to approve the alienation as soon as possible.

Mary Rowe stated that there is a tower at Hopevale, which is 3 miles away. So, towers will be put up every 3 miles? Response: The technology requires it as the frequency is a lot less than cellular, which means we do not penetrate buildings as well. Our frequency is much lower, therefore the need for more towers.

M. Rowe:

This certainly will have a bad affect on the environment.

Chairman Crandall noted that Congress started this. As a result of the Federal Communications Act, we had to respond and come up with a new law to protect our area as much as possible. We don't have a lot to say about it, but we can put on some type of controls.

Councilman Cavalcoli noted that he would like some clarification as to the timing. On our discussion of the 90 day time limit, we did not agree as to when the 90 days would start. You put it at the date of this letter which I disagree with. There are two alternatives because of the holidays the 90 days should start at January 5th which is the first business day after the holidays. Ms. Elwell responded that it was her recollection that it would start 90 days after our meeting. We might be able to go to the 1st of the year. You have asked Mr. Boehm to sign off on this and I disagree with the timing.

Chairman Crandall asked 3 times if anyone wished to be heard for or against the proposal. Hearing no comments, I will declare the hearing closed.

Since the proposal exceeds the height requirement, an appearance will be necessary at the Zoning Board level. We can issue a Negative Declaration and refer it to the Zoning Board. We will then act on it at the next meeting.

Mr. Reilly reported that we have heard from the County advising that the Town can be lead agency and we received a letter from the FAA with application forms..

Mr. Pohlman asked if there is a favorable recation from the State Legislature, does this public hearing cover both sites? Mr. Reilly responded that the other property, will not require a special permit but standard site plan approval.

Motion was made by Mr. Koenig to issue a Negative Declaration for the project, and refer it to the Zoning Board for a height variance. Also, the Planning Department is authorized to file and mail the requirements for a Type I SEQOR action, seconded by Mr. Fitzpatrick. Carried.

Also, Mr. Reilly asked if Sprint could provide a sketch and site plan application for the Nike Site. The Town Board needs to make a Negative Declaration for alienation.

Motion was made by Mr. Koenig, seconded by Mr. Pohlman to recommend that the Town Board be lead agent for the Nike site. and to Table. Carried.

Brierwood Senior Citizen -

Messrs. Pat Burke and Ed Burke appeared before the Planning Board on a proposed senior center to be located in Brierwood. A communication package was presented to all board members which reads: 1. Will correct site address as directed at time of issuance of building permit. 2. Request change in use due to impossibile soft office rentals throughout Southtown community. Support documentation included with this pacakage. 3. Will address the same with NYSDOT. 4. Satisfied. 5. Presently working with Erie County Water. 6. Detention is intended and will be appropriately designed withd the direction fo Hamburg Engineering. 7. Shown on revised plot plan. 8. Shown on revised plot plan. 9. Shown on revised plot plan with direction from Lake Shore Fire.

To further address other concerns raised by either your board and/or through numerous meetings we have had with the various homeowners throughout the Brierwood Community, PUD and for further assistance enclosed find the following: A. Aimee C. Brace letter to R. Crandall dated 12-15-97. B. Revised plot map dated 12-12-97. C. Colored photograph rendering of building and plt.

Engineering: 1. The site address shown as 5540 Southwestern Blvd. on the site plan information sheet is not correct. This department will issue an address at the time that a building permit is applied for. 2. This site was proposed as an office park in the Planning Unit Development EIS. 3. NYSDOT previously required that improvements be made to Southwestern Blvd. for development of

the site. We will not approve the plans without NYSDOT review and approval of the proposed development. 4. Sanitary sewer service is available to the site. 5. A public watermain fronts along a portion of the site on Southwestern Blvd. Pressure and flow documentation are to be submitted for review. Erie County Water Authority approval will be required for the service. 6. Storm water detention is required for the site. Provide drainage calculations for the storm water system. 7. The location of all garbage dumpsters should be shown on the plan (fenced and on a concrete pad). 8. The proposed cul-de-sac is to have a minimum radius of fifty (50') feet. 9. The proposed sidewalk connection to the OLV Health Care building should be shown on the plan.

Mr. Burke noted that they have provided revised drawings for the center. In addition, we have provided enclosures which include an appraisal of the property and change in use from an apartment complex to senior housing. We have provided correspondence from real estate brokers to substantiate our request to convert this site due to lack of an office market.

Ms. Aimee Brace noted that they have met with the homeowner's association and have provided information that reflects property values, realty values, and traffic information to Pinegrove. We have provided information on the medical maintenance of the development, and other financial issues relative to the health care organization and senior living. On December 2nd, a meeting was held with the Brierwood Homeowner's Assoc. Thirty-one letters have been submitted from Sawgrass Court who are in favor of the project.

Chairman Crandall noted that he was not aware that there are a number of homeowner groups in Brierwood. When the Planning Board asked that the property owners were to be advised, I don't believe any of us had any knowledge that this applied to a very narrow segment in the overall group. I was not aware until this afternoon that there is more than one homeowner's association. I feel it would be unfair to advise one group and not the others. I am disappointed that this occurred. I feel I was misled. There are at least 4 homeowner's associations in Brierwood.

Mr. Pat Burke understood this to mean that the homeowners that backed up to the proposed development should be notified. I thought we were to communicate with the Brierwood Homeowner's Assoc.

Chairman Crandall pointed out that he was unaware that there was more than one homeowner's association. My impression was that we asked that the homeowners be advised of this project so that we could input from the homeowners and we did not limit it to this particular type.

Mr. Ed Burke stated that it was his impression that they were

to notify the homeowners that abutted the driving range. Mr. Koenig stated that it should have been obvious that we wanted input from all the homeowners in the entire subdivision.

Mr. Burke stated that they wound up getting involved with Pinegrove because of another conversation of those traveling through Pinegrove. We addressed that in the letter.

Mr. Crandall responded that he sat at that meeting and did not realize that the entire development was not represented.

Mr. Pohlman stated that what started this was the issue of whether this center was compatible with what was in the PUD. We therefore should allow you to go back to the balance of the homeowners for their input, rather than have us having to listen. If you make your presentation to the homeowners to people who are affected. That is what we are looking for.

Mr. Robert Vogel, Vice President of Pinegrove, stated that they were contacted on Friday about a meeting. We have not had the opportunity to inform the residents (35) who represent 50% of the homeowners. What was brought up tonight is letters that we were contacted about putting up a gate that we own. That was something that was contemplated 3 years ago, and according to legal counsel, this cannot be done. We have not been contacted by anyone in the last 3 years.

A communication from the Brierwood Estates Assoc. was presented to Planning Board noting issues of Aesthetics, Traffic and Safety, Drainage, loss of green space, socio-economic impact, Petitions against were also presented signed by 72 residents. (See attachment).

Ms. Ganey noted that she thinks it would be best if Mr. Burke went back and contacted all the homeowner's associations for their input.

Mr. Reilly stated that he has received many phone calls on this matter. When you form a PUD, which allows a litany of uses, the zoning is based upon the plan presented. When an applicant comes before us with a modification of the PUD, the Planning Board has to decide whether the PUD is large enough to require going back to the Town Board to modify the zoning. We asked the Burke's to contact the homeowner's. The Planning Board wants to determine if this is a substantial change to the PUD, to the people who bought in, and why the Town approved it a certain way. We are concerned about the change to the PUD. The Town Board would then hold a Public Hearing to determine if the PUD should be modified. If they approve the modification, they come back to us for site plan process. We are looking for your concerns about the change. We need reasons why the homeowner's don't want it.

A resident of 5061 Country Club stated that they were notified

about a meeting the day of. It is very unfair to have one day's notice. We have not had much time to prepare.

Mr. Rick Fuller of Country Club Lane stated that there are 72 people against this project and have concern over the devaluation of their property. Also, they do not wish to see 50% of their green space eliminated.

The President of AARP appeared in favor of the project stating that we need units of this type. There is a need for this type of housing. Chairman Crandall stated that the Board is not against this type of project, but whether is this the right location for one?

A resident of Pebble Beach brought out the fact that this will be a 2 story building with no elevators.

Mr. V. Brocklin of 47 Darlich noted that people should not be afraid to live near a senior citizen center. They pay their rent on time and are not a bother. We need places such as these in our area. They also like to go out and plant flowers. Mr. Crandall again pointed out the purpose is to evaluate the impact in the PUD area.

Mr. Ed Czaka of Pinegrove Park spoke of his concern about the drainage system which is inadequate now. The ditches have not been properly cleaned out and some areas are prone to flooding.

Mr. Paul Werthman noted that he has concerns about the traffic and safety.

Mr. Bukaty of Country Club Lane is concerned about devaluating property values. He also wishes to know what program is subsidizing this project.

Mr. Burke explained that this program is sponsored by the N.Y. State Tax Credit Program. We have made application for pilot and is a 5 million dollar project. There are no income tax credits in conjunction with the pilot. As for property devaluation, this is just the character of the economy and is typical of living in W.N.Y. at the present time.

Krish Roche noted that she would like to know the status of OLV finances since many of the area hospitals are in financial trouble. Response: Ms. Aimee Brace stated that OLV is not about to go under. There is no hidden agenda.

Councilman Cavalcoli stated that he was contacted by Mrs. Clair Bolton, who is a resident of Pinegrove Park. She spoke to me about flooding and drainage problems. She is not in favor of the change.

Mr. D. Pohlman stated that he feels the Burkes should meet with the homeowners associations and obtain a statement of position from them. Since there are 4 associations, it would be best to meet with a representative from each group and get a letter stating their position of a change from commercial to residential with reasonable notice.

Motion was made by Mr. Pohlman, seconded by Ms. Ganey to Table for further information. Carried.

Emerald Green Apartments - Change in Site Plan

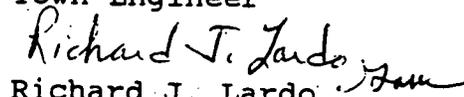
There have been changes to the site plan such as driveway access whereby the berm has been reduced in size; the gazebo has been removed because of the golfing activity. Motion was made by Mr. Koenig, seconded by Mr. Fitzpatrick to reapprove the revisions for Emerald Green Apartments. Carried.

Engineering Comments:

- (1) The Planning Board previously approved a site plan for this parcel on 1/30/97. The construction plans for the project were approved by this department on 4/21/97 and utility construction permits were issued on 5/30/97. The developer has recently submitted revised construction plans for our approval. The reapproval of the Planning Board is required because the revised site plan is different from the previously approved site plan.
- (2) The gazebo as shown on the previously approved site plan is to be included on all plan sheets, unless it is waived by the Planning Board.
- (3) Portions of the landscape buffer previously approved along Unit No. 12 and the northeast corner of Unit No. 11 have been removed.
- (4) The construction plans for this project have been acceptably revised.

All comments are to be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.
Town Engineer


Richard J. Lardo
Principal Engineer

RJL/dhp

Southtown's Chiropractic - Southwestern Blvd.

Mr. Glenn Christner has provided revised site plans for the Southtown's Chiropractic office.

Motion was made by Mr. Pohlman, seconded by Ms. Ganey to approve the project pending implementation of Engineering Changes

Engineering Comments:

The following are review comments on plans dated 12/10/97 and received 12/12/97:

- (1) A mainline sanitary sewer extension will be required to service the site. Show the proposed sanitary sewer service lateral location to the building. Include the proposed pipe size, slope, and a profile view. Include the manhole rim and invert elevations for the existing manhole west of the property. Submit the plan to the Erie County Dept. of Environment and Planning (ECDEP), for review on behalf of the Erie County/Southtowns Sewage Treatment Agency. We will not approve the site plan prior to approval by the ECDEP.
- (2) A New York State Dept. of Transportation (NYSDOT) permit is required for work within the highway right-of-way. We will not approve these plans without NYSDOT review and approval of the work on their right-of-way.
- (3) The site landscape plan is to be approved by the Planning Dept.
- (4) Specify on the plan that the developer will be required to install a new public hydrant for proper fire protection.
- (5) Provide clearing, stripping and erosion control details as necessary.
- (6) Has a wetlands delineation been performed for the site?
- (7) A catch basin is required where 24 inch storm sewer reduces to 6 inch pipe.

Hamburg Dodge Revised Site Plan

Mr. R. Ruggerio appeared before the Planning Board on a change in the site plan for Hamburg Dodge. Instead of using the drive thru area, they plan to enclose the building so that work can be done inside instead of outside. Additional property of 75' has been purchased. A question was raised as to the use of the existing building. Mr. Ruggerio responded that he did not know.

Comments from **Engineering** are as follows:

- (1) The Planning Board previously contingently approved a site plan for this project on 2/19/97. The construction plans for the project were approved by this department on 10/8/97. The revised site plan has added a 2950 square feet addition to the building and 75 feet width of additional site area for parking.
- (2) Revised construction plans for the additions to the site are required for our review.

Motion was made by Mr. Pohlman, seconded by Ms. Ganey to issue a Negative Declaration on the project; approve the site plan contingent upon Engineering and that the existing building not be occupied unless approved by the Planning Board. Carried.

Hutchins Automotive Supply - Camp Road

Messrs. John Hutchins and Frank Whalen appeared before the Planning Board on a parcel of land which is yet to be subdivided as a commercial subdivision for an Automotive Supply Co. on Camp Road.

Engineering Comments are as follows:

Hutchins Automotive Supply - Camp Road

- (1) This parcel is being created from portions of two other parcels. Subdivision approval is required.
- (2) Curbing is required along the entrance way to the site and along the front of the green space. In addition, curbing or bumper blocks are required for all parking spaces.
- (3) Note on the plan that a New York State Dept. of Transportation (NYSDOT) permit is required for work within the highway right-of-way. We will not approve these plans without NYSDOT review and approval of the work on their right-of-way.
- (4) Include specific clearing, stripping, and erosion control (CSEC) measures and associated construction details on the plan.
- (5) If a garbage dumpster is required, the location should be shown. It is to be fenced and on a concrete pad.
- (6) The sanitary sewer lateral is not to be connected directly into the manhole. Revise as necessary. Submit the plan to Erie County Sewer District No. 3 (ECSD No.3) for review and approval. We will not approve these plans without their review and approval.
- (7) Proposed landscaping is to be approved by the Planning Dept.
- (8) Provide a detail of the drainage swale. The spot elevations shown for the swale are not graded correctly.
- (9) Dimension the detention basin and provide additional spot elevations. Provide a cross section of the pond and outlet ditch. Show the location and elevation of the existing drainage channel west of the property. Provide a letter of approval to discharge storm water through this channel from the adjacent property owner.
- (10) The driveway entrance and exit lanes should be reversed from how they are shown on the site plan.

Motion was made by Mr. Pohlman to approve the site plan for Hutchins Automotive subject to the applicant/owner obtaining subdivision approval. Final approval must come before the the Planning Board contingent on Engineering and that there is to be no modification in the driveway entrance; that a Negative Declaration can be issued; that additional landscaping be approved by the Planning Dept. Carried.

12-17-97, Page 15

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

Respectfully submitted,

Gerard Koenig, Secretary
Planning Board

Next Meeting: January 7, 1998

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3226

BRIERWOOD ESTATES ASSOCIATION, INC.

December 16, 1997

Town of Hamburg
Planning Department
S-6122 South Park Ave.
Hamburg, New York 14075

Attention: Town Planning Board

Re: Proposed Brierwood Seniors Housing Project

Gentlemen/Madams:

The Brierwood Estates Association, Inc. represents 101 single-family residences, which are part and parcel of the Brierwood Planned Unit Development (PUD), of which the proposed Seniors Housing Project is also a part. According to the Association's Declaration of Protective Covenants, Conditions, Restrictions, Easements, Charges and Liens, the Association and its undersigned Board of Directors have a duty under the Laws of New York State to preserve the values and amenities in said community.

As we understand it, the proposed Seniors Housing represents a change of use from the "Executive Office Park" previously approved by the Town Planning Board as part of the PUD. Recognizing the potentially significant impacts of the proposed Senior Housing project on the Brierwood Estates and that the Town Planning Board approval would be required to approve the project's change of use, E. F. Burke and OLV Hospital, the project sponsors, met with the Brierwood Estates Association Board of Directors on December 2, 1997 to seek our endorsement. The Board requested and the project sponsors agreed to meet with the Association's members on December 8, 1997. Mr. Richard Crandall from the Town Planning Department also attended that meeting. Significant issues and concerns regarding the proposed change in use that were raised by Brierwood Homeowners at and subsequent to that meeting are summarized as follows:

1. **Aesthetics:** The proposed Seniors Housing project consists of 20 residential buildings compared to the originally planned 5 or 6 office buildings. The proposed buildings will be much more closely spaced than the original plan creating a visually continuous "wall of buildings" as viewed from the back yards of numerous residents of Country Club Lane. The proximity of the planned buildings are closer to the eastern limits of Brierwood Estates which accentuates their visual impact. Furthermore the peaked roofs of the planned 2-story structures are higher and therefore more prominent than the

original planned one- and two-story flat-roofed commercial structures. The vinyl siding on the planned structures is not consistent or compatible with the architectural standards of Brierwood Estates, adjacent Pine Grove Park Townhouses, or the Brierwood Country Club. Errant golf balls from the driving range will quickly damage or mar this siding.

2. **Traffic and Safety** - The Homeowners Associations of Brierwood and Pine Grove have been approached on a number of occasions regarding safety concerns related to automobile traffic cutting through the Country Club parking lot and our housing developments from Rodgers and Amsdell Roads. This additional traffic from the Amsdell Middle School, and the newly developed Green Acres and Amsdell Heights was not contemplated by the PUD Environmental Impact Statement or the Brierwood and Pine Grove homeowners when we purchased our properties. This traffic cutting through the Brierwood and Pine Grove Communities and the Country Club parking lot will undoubtedly increase from the planned Seniors Housing as these people try to avoid the clearly unsafe main exit onto the 50 mph, 4-lane Southwestern Boulevard. This additional transient traffic represents a serious safety hazard to many pre-school and school-aged children in our neighborhood. The proximity of the planned Senior's Housing to the Country Club Driving Range represents a potential safety hazard to the residents. High fencing or nets would have to be erected to mitigate this hazard which would only add to the already negative aesthetic impacts of the proposed project.
3. **Drainage** - The impacts of the proposed change in use on drainage and downgradient storm sewers capacity are unclear and need to be evaluated to assure adequate on-site equalization and off-site sewer capacity to prevent flooding.
4. **Loss of "Green Space"** - The planned Senior Housing Project appears to translate into significantly higher building density than the original use. This impact is accentuated by the rapid development both in and around the PUD. This loss of green space has resulted in the loss of habitat for indigenous wildlife (i.e., deer, fox, geese, etc.) reduced recreational opportunities for local children, and a general reduction of the quality of life for existing residents.
5. **Socio-Economic Impact** - Collectively the negative visual, traffic, and other impacts of the proposed project could significantly reduce the property values of Brierwood housing, particularly along the eastern-most part of Country Club Lane.

In closing, the Brierwood Estates Association respectfully requests that the Town Planning Board carefully consider these issues in the context of the State Environmental Quality Review Act (SEQRA) and other pertinent State and Local Laws and building codes. We would be pleased to meet at the convenience of your Planning Board to further discuss these issues.

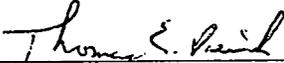
Planning Board
Town of Hamburg

December 16, 1997
Page 3

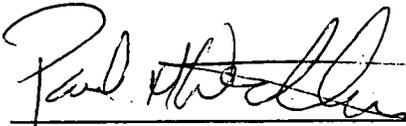
Notification of future meetings or actions of the Planning Board or other Town agencies related to this parcel would be appreciated.

Very truly yours,

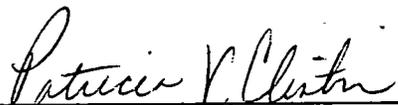
BRIERWOOD ESTATES ASSOCIATION, INC.



Thomas Pericak, President



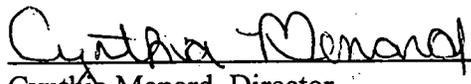
Paul Werthman, Director



Patricia Clinton, Director



Donna Wachala, Director



Cynthia Menard, Director

c: E. F. Burke
OLV Hospital
Congressman Jack Quinn
Assemblyman Richard Smith
Supervisor Patrick Hoak
Councilmember Kathleen Hochul
Councilmember D. Mark Cavalcoli
Councilmember Thoman Quatroche, Jr.
Councilmember Joan Kesner
Robert Orr, President Pine Grove Estates Assoc.
Brierwood Homeowners