

Planning Board Actions Taken

12-18-96

Special Use Permit
Cellular Tower
Southwestern Blvd.
Anderson Property

Tabled

Sprint Spectrum
Cellular Tower
Howard Road

Recommendation given to
Zoning Board with conditions

David Sajdak
2 lot Subdivision
Chapman & Roanoke

Referred to Zoning Board

CAF Insurance Office
4603 South Park Avenue

Approved

Richwood Estates
Fairgrounds & McKinley
81 sub lots

Schematic approved.

Bert Dunn -- Strip Plaza
Southwestern Blvd.

Applicant advised that C/O will
be issued when signal is
installed.

ADSCO Mfg. - Addition
4979 Lake Avenue

Approved.

Gateway Printing & Graphics
Ravenwood North

Approved contingent upon
Engineering & landscaping

VTG Mini Storage
9 bldgs. - Southwestern
Blvd.

Applicant asked to revise
in accordance with South-
western Overlay.

Emerald Green Apts.
Rogers Rd.

Extension granted 6 months

Town of Hamburg Planning Board
Meeting - December 18, 1996

The Town of Hamburg Planning Board met in regular session on Wednesday, December 18, 1996 at 7:30 p.m. in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Secretary Gerard Koenig, Sue Ganey, Richard Pohlman, Paul Eustace, Don Fitzpatrick. Others attending included: Councilman Mark Cavalcoli, Attorney Don McKenna, Drew Reilly, Rich Whipple, and Terry Dubey, Stenographer.

Public Hearing - Special Use Permit - Cellular Tower on property owned by Eleanor Anderson on Southwestern Blvd.

Secretary Koenig read the following Legal Notice of Public Hearing:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg, County of Erie, State of New York, being part of Lots No. 32 and No. 33, Township 19, Range 18 of the Holland Land Company's Survey, described as follows:

BEGINNING at the northwesterly corner of Lot 32, and thence also being the southerly line of Lot 33, thence southerly parallel with the southerly line of Lot 32 for a distance of 130.7 feet more or less to the northerly bounds of the lease parcel as described above; thence easterly along the northerly line of the lease parcel as described above and parallel with the northerly line of Lot 33; the southerly line of Lot 33 for a distance of 26.4 feet more or less; thence northerly parallel with the westerly line of Lot 32 for a distance of 130.7 feet more or less to the northerly line of Lot 32; thence southerly parallel with the westerly line of Lot 32 for a distance of 100.00 feet; thence westerly parallel with the northerly line of Lot 32 for a distance of 100.00 feet to the westerly line of Lot 32; thence northerly along the westerly line of Lot 32 for a distance of 100.00 feet to the point of beginning, containing 0.23 Acres (10,000 sq. ft.) more or less.

TOGETHER WITH a 26.4 foot wide access and utility easement being further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg, County of Erie, State of New York, being part of Lots No. 32 and No. 33, Township 19, Range 18 of the Holland Land Company's Survey, described as follows:

BEGINNING at the northwesterly corner of Lot 32, and thence also being the southerly line of Lot 33, thence southerly parallel with the southerly line of Lot 32 for a distance of 130.7 feet more or less to the northerly bounds of the lease parcel as described above; thence easterly along the northerly line of the lease parcel as described above and parallel with the northerly line of Lot 33; the southerly line of Lot 33 for a distance of 26.4 feet more or less; thence northerly parallel with the westerly line of Lot 32 for a distance of 130.7 feet more or less to the northerly line of Lot 32; thence southerly parallel with the westerly line of Lot 32 for a distance of 100.00 feet; thence westerly parallel with the northerly line of Lot 32 for a distance of 100.00 feet to the westerly line of Lot 32; thence northerly along the westerly line of Lot 32 for a distance of 100.00 feet to the point of beginning, containing 0.23 Acres (10,000 sq. ft.) more or less.

Richard Crandall, Chairman
Secretary Gerard Koenig,
Planning Board

Chairman Crandall declared the hearing open: Ms. Maureen Elwell, Attorney for Sprint Spectrum appeared on behalf of the Special Use Permit for an alternate tower to be located on property on Southwestern Blvd. The tower will be 200' tall and is the alternate in case the Nike Site proposal is not approved. At the present time, the town-owned land is landlocked and at this time there is no way to obtain access. We have talked to adjacent property owners but have had no success in obtaining easement or lease agreements. For this site we would be using an unimproved road which will still be on Ms. Anderson's property. We are also asking that the paving requirement be waived. We realize that this is in a wetland area and a delineation will be done as required. The utility will be maintained twice a month.

Comments from Engineering is as follows: 1. This site appears to be within the State Wetlands Area/NYSDEC Ref. No. ED-21. Has a delineation been performed? 2. The driveway and parking area are to be paved unless the Planning Board waives the requirement. Provide a proposed pavement section. 3. Provide details for the proposed tower foundation. 4. The tower is proposed to be located too close to adjacent residentially zoned properties. It is required that the tower be set back a minimum of the height of the tower from adjoining property lines. 5. The proposed height of the tower requires a variance from the Zoning Board of Appeals. 6. The minimum height of the proposed fence is required to be 8 feet (not 6 feet as shown). 7. The proposed barbed wire on the fence is not permitted, unless a variance is granted by the Zoning Board of Appeals. 8. In that the proposed tower is 200 feet high, it is our understanding that FAA requires aircraft warning lighting at the top. Mercy Flight and the Erie County Sheriff have also requested such lighting, due to their frequent helicopter flights over the Town of Hamburg.

Chairman Crandall noted that even if an easement is obtained for the fall zone, an appearance before the ZBA will be required for a variance on the setback. Lighting is required based on FAA guidelines because this tower is 200'. We received a call from the NYSDOT regarding the letter from Sheriff's and Mercy Flight on the lighting. A question was raised about the propane tank? A suggestion was made to use an uninterrupted power supply for backup.

Response given is that the equipment requires 8 hours of battery back up. This site would have about 1/2 hour of backup. Because the timing is so short, we cannot risk in a power outage that a light is on. It is easier and more reliable to install backup generators. It cycles itself every so many weeks so that there is a transfer of power. That is a lot more agreeable to us rather than to put a special building in with heat. It is more preferable. The propane tank is the size used in a residence. Also, this area is quite isolated.

Special Use Permit (Continued)

Mr. Koenig asked what makes this site better than the Nike base? Mr. Reilly responded that the Town in its new ordinance has chosen industrial and government owned property as a preferred location over any. A residential property is at the bottom of the list. The preferred site is the Nike site. On this site, setback requirements can be met. Mr. Koenig asked about the time frame?

Response is that the Town Attorney is working on resolving the outstanding issues. Councilman Cavalcoli is to work with Mr. Boehm to come up with a solution to the problems.

Mr. Daryl McNeil of 6215 Heltz Road in Lakeview spoke in opposition to the application. He is the property owner on the north and east of the tower, which is 30-40' away from my property line. I do not want a tower next to me or my house.

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

Motion was made by Mr. Koenig, seconded by Mr. Fitzpatrick to refer the matter to the Zoning Board; however with respect to the setback, there is a resident opposed to the tower falling on his property; and we are to table the special use permit pending approval of a variance. Carried.

Notice to be sent to Daryl McNeil 6215 Heltz Rd. Lakeview 14085.

Cellular Tower - Sprint Spectrum - Howard Road - Hopevale Property

Chairman Crandall stated that this application has been before us before. To bring the board up to date, we did do some homework on this project. We met at two sites on Monday 12-9-96, with Assemblyman-Elect Richard Smith, Drew Reilly, myself, and representatives of Sprint. We received information from Sprint that several sites had been inspected and considered for this tower. One site that could have had some potential was the New York State Dept. of Transportation facility on Southwestern Blvd. We contacted Maureen Elwell, who set up a meeting with the State and a meeting with the Hopevale representatives and toured the sites from a standpoint of determining a better location.

As a result of that meeting, we did not accomplish anything with the State Dept. of Transportation as the site is too tight. If we were to put a tower there, we would wind up with neighborhood objection that we already have with the Hopevale site. We then went to Hopevale and toured the property and sat down with representatives of Hopevale on the possibility of a different location on that site. We looked at this very thoroughly and

explored the possibility of relocating the tower along the north lot line. Someone had suggested that, but it didn't improve the situation. We would transfer the same problem to the other side of the property. What we did accomplish, however, was a step in the right direction. The tower as originally picked backing up to Buckingham is at the north end of a finger. We explored the possibility of taking the tower and swinging it down towards Southwestern Blvd. In doing that, Buckingham is going away from the Hopevale property. By putting the tower in that location, we are increasing the distance between any house, any property line, and the location of the tower. For the record, I still am not pleased with it. The Hopevale people made every attempt to cooperate with the Town. I feel that the Sprint representatives have been cooperative in trying to help the situation as much as possible. From our standpoint, we have improved it to the point where I feel that it will be the least obtrusive location possible.

Maureen Elwell presented a letter from the New York State Dept. of Transportation indicating why we cannot locate on that property.

Mr. Przybysz informed the board that we were asked to provide a side perspective view of this site of where it was and where we have now moved it to. We have a proposed location that is approximately 200 feet southwest of where it was before. It is 200' further away from Buckingham Lane. We are looking at Buckingham Lane and the 60' piece of property. An average lot depth on Buckingham is 120'. The park has a depth of 130'. From that point 370', is the the new proposed tower. The tower is 200' away from the previous location. If you look at the view, we have 360'. With a view from the ground, you are looking thru 200' of woods to get a clear view of the tower, whereby previously a Buckingham resident would have had a plain view of the tower. We have improved the visual impact of this tower for the residents of Buckingham Lane.

Chairman Crandall noted that on his first and second tour, I wondered why the tower couldn't be shifted further away from the property line. A drawing was presented showing the new location. We moved it back 150' away from the property lines.

Drew Reilly stated that the application was tabled due to the fact that the Planning Board did not have enough information. Therefore, no recommendation was made to the Zoning Board. The Zoning Board at their hearing, & because of the new ordinance, wanted a recommendation from the Planning Board. Therefore, it was tabled again. The Planning Board will be processing all tower permits. These are site plan issues. Therefore, a recommendation is required from the Planning Board. Once the permission is granted for the use variance, the application will come back to the Planning Board for site plan approval.

Mr. Thomas Braun of Buckingham Lane asked for clarification on

the question--if they moved it back even further than proposed to 675' would they need another variance? Mr. Reilly responded that they do not need a variance. They are trying to operate under the proposed ordinance. The new ordinance states that a tower must be set back the distance of the tower from all property lines. To move it back further, they would have to not meet that. It would require no variance as they are under the old law. If we recommend going back further on the site, the Zoning Board would make it part of their use variance. Under the new ordinance, it would not need an area variance as the ordinance states it must be set back the height of the tower. The application that was heard before was in a zone that requires it to be setback the height of the tower. Therefore, the application needs an area variance. This application is a use variance and does not need an area variance. but a height variance.

Mr. Crandall explained that the tower will be about 540' away from the back property line, if we increased the dimension further by reducing the 150' setback at the west and south corners. I have no problem in getting it less than the height of the tower, if it can be engineered properly. Secondly, I would point out if you drive down Cloverbank and observe the radio towers, those towers show only 1/3 the height. No one has ever been concerned even taking into account the elements of ice, wind, etc. If it is possible to engineer it, I feel it is feasible to push it even further. It will be up to the Planning Board on the recommendation. We may be able to move it another 100 feet.

Mr. Braun noted that he recently read an article in the paper about Mercy Flight and the Erie County Sheriff's asking for lighting. The residents have a problem with a 500 gallon propane tank in the back of our properties.

It was explained that the FAA does not require Sprint to light this tower. Therefore, we are not providing backup generators. If we have a power failure we will send someone to the site with a portable gasoline generator to run the site. We are not installing propane tanks. There would be a red beacon and not a strobe light on during the day. If the Town requires lighting for local reasons, we would do it. It is not FAA required and will not require propane generators. Mr. Crandall stated that the Town would like to see some lighting but the lighting is to be minimal and energized by emergency gasoline powered generator only.

Mr. Braun noted that he has heard there will be 8 licensees for a geographic area. This tower would be able to hold 3 licensees. What is the position of the Planning Board and will we have a tower farm behind us? How far apart do these towers have to be?

Mr. Crandall responded that on the first two towers there will be coverage for the Town of Hamburg. There will be 6 providers.

Three of the six will have a wide band of frequency and the 3 are the most likely to offer telephone service. Beyond that, there are 3 more licensees that are yet to be auctioned. These are narrow band licensees. They will be used in heavier populations and not in the suburbs. In the future if a fourth carrier comes in, Sprint's position is to replace the pole with a stronger one to hold 4. There are other ways to deal with this in the future. The antenna will be 6" thick and weighs 4 lbs. Also, it is the wind load to accommodate a 75 mph wind that is important. We can also go 20' higher or 20' lower.

Mrs. Mary Olds of Buckingham Lane commented that the Board should be aware that this location is prime because of the wooded area. The tallest tree in this wooded area is 60'. The tower is 140'. I am tired of hearing how the woods will hide this tower from the Sprint representatives. I have heard that the Carnegie location is not prime because it doesn't have woods. The woods will not hide the tower. I also saw the balloon test. There was a strong wind and the balloon was being pushed down. It was barely above the top of the trees. I don't know what was considered. That was not a representation of a 140' tower. I appeal to the board that this tower does not belong in a residential area. There must be other locations such as commercial ones in Hamburg. We talked about our property values. We have been assured of no interference problems. It doesn't matter whether or not we have interference. It is the perception of the interference that will affect our property values. If I had known that the KB towers were where they are, when I looked at my home, I would not have purchased in that location. We have terrible interference problems. It was foolish on my part not to notice it. If they put a tower in my back yard, a prospective buyer is going to notice. I can assure them that they will not have interference, but it is the perception of the buyer that will affect the resale of my home.

In response to interference, the tower will have a maximum of 200 watts. They are in operation across the U.S. right now, and if it did cause problems, there would be lots of reports on this subject. We have put towers on hospitals. They do not interfere with medical equipment. It is different from radio towers. We are required to investigate any problems. If you call us, we have to investigate it. If we move the tower 200', it should be less obtrusive. The service is meant to serve the community and we have to bring the service to the people.

Chairman Crandall commented on the trees. If you look at eye level, when the leaves are off, you will not see the base of the tower because it will be back in far enough. What you will see will be the top of the tower. If you look at the diagram, in order to see the top it will depend on how close you are standing to the trees. In looking at the property yesterday, the back yards seemed to be clear. However, beyond the back yard is the beginning of the tree line which is consistent to Buckingham. The further you get

in, the closer the trees were to the back yard line. You will be able to see the top of the tower, but it will be a considerable distance and the least obtrusive as possible. It will not be looming in one's back yard.

The question was raised as to why the Cellular One site cannot be used. Response is that Cellular has a limit of 1500 watts. Sprint is limited to 200 watts. Because our frequency is higher, our power is lower, and the site does not cover as much area as Cellular One. It may take them 2 sites to cover Hamburg, it will take us 3.

Barbara Stepian of Buckingham Lane stated that she is still not happy with this site, but if this is the case, we would like it moved to the maximum as possible.

Mr. Paul Czajka stated concern about the area looking like radio city, as well as the micro-wave concern.

Mr. Frank Potter noted concern of interference. If you visit a hospital, one cannot carry a cell phone.

Mr. Thomas Braun also noted concern with the climbing pegs on a tower. If the requirement is 20', he would like to see it raised to 30'. I am concerned about kids having drinking parties and I would not like to see someone hurt.

Mr. Gary Jabczynski of McKinley Parkway --on the lighting--the FAA requires lighting 200' or more, where does the letter from the Sheriff's fit in? Mr. Crandall responded that the code requires no strobe lights should be used unless required by the FAA. We have the prerogative to ask for some type of safety lighting and it would be a red blinker. In our approval, we can make a contingency that the lighting meet the requirements of Mercy Flight or the Sheriff's. In some communities, they do not plan to conform to the request because they don't want anyone there at night.

Chairman Crandall in closing noted that we have to make a recommendation to the Zoning Board of Appeals. Some of the issues we have discussed is: We have talked about the height not exceeding 150'; on climbing pegs that should be 30' off the ground, the location should be pushed as far as the southwest corner of the property as possible and to maintain a minimum of 100' from the property line; on lighting and safety and emergency power, there is to be no propane. The Zoning Board wants to know our thoughts as these issues might come before them again. The issue of the height is relevant now. The location should be a condition of the use variance. Others such as the pegs, 30' off the ground, can be handled at the site plan review process. Lighting is an issue that can be handled at site plan review. The Zoning Board is concerned about height and location.

Motion was made by Ms. Ganey, seconded by Mr. Eustace to recommend approval with the conditions as stipulated. There isn't a feasible commercial site within the honeycomb. The maximum height is to be 150'; the location should not be closer than 100' to the property line and that the tower is to be moved on the southwest corner as much as possible. Lighting for Mercy Flight and the legal ramifications of such are to be investigated further; that there be no propane on the site but rather an emergency gasoline generator. Also, there may be reasonable conditions that the Zoning Board may add which appear in the new ordinance, for example, bonding. Carried. Motion was made to Table by G. Koenig, seconded by D. Fitzpatrick pending action from the ZBA. Carried.

Engineering: 1. The proposed driveway to the tower site is located in the A-1 100 year Flood Zone of Foster Brook. A Flood Plain Development permit is required to be obtained for work within the flood zone. The proposed driveway runs parallel to the existing site driveway for over 150 feet. The drive should be relocated out of the flood zone and connect with the existing drive south of the proposed location. 2. The flood plain information noted "per Erie County Soil" is not correct. Flood plain locations are as determined by FEMA. Revise as necessary. 3. The existing residential properties located east of the site on Buckingham Lane should be shown for reference proposed pavement section. 5. Barbed wire on top of the fence is not permitted without a variance from the Zoning Board of Appeals. 6. The note on the Guy Tower Schematic "tower mfg. shall" appears to be incomplete. What is the tower manufacturer required to do? 7. Mercy Flight and the Erie County Sheriff have requested that aircraft warning lighting be provided at the top of all telecommunication towers, due to their frequent low level flights over the Town of Hamburg.

Sajdak 2 lot Subdivision - 4903 Chapman Pkwy.

Attorney George Grasser appeared before the Planning Board on a proposed 2 lot subdivision located at 4903 Chapman Pkwy. Chairman Crandall noted that there is some confusion on the size of the lot. The lot division goes the other way. The lot line goes from left to right thru the middle of that firewall. The lower parcel is 38' x 76' deep. The upper parcel is 81.88' x 80'. The lots are undersized from the standpoint of the zoning code. The applicant is looking for a referral for the Zoning Board. This is an existing building. The reason they need a variance is the fact that the Planning Board cannot grant subdivision approval if the lots do not meet the requirements. This is an R-2 zone with 2 subdivision lots under one ownership.

Engineering Comments: 1. Sewer and water service are available for the new services required for the separate structures. 2. We recommend that the map cover be waived.

Sajdak Sub. (Continued)

Motion was made by Mr. Koenig, seconded by Ms. Ganey to forward a favorable recommendation to the Zoning Board. Carried.

CAF Associates - Insurance Office - 4603 South Park Avenue

Mr. Mike Fitzpatrick appeared before the Planning Board on his proposed insurance office to be located at 4603 South Park Avenue. This is a change in use. Off street parking requirements have been met. The Engineering Dept. requested location of the septic tank. Applicant was asked to show some low landscaping on the property.

Comments from **Engineering**: 1. The proposed parking lot and the existing stone drive are to be paved. Each space should also have either a curb or a parking bumper. Six spaces are shown, but only five are numbered. How many parking spaces are required? The required set back from the South Park Avenue right-of-way should be specified. It does not appear that there is sufficient area for the parking lot (in order to allow for proper turning movements). 2. Public sewer service is not available to the site. 3. The survey drawing incorrectly shows the house number as 4063, it should be 4603.

Motion was made by Ms. Ganey, seconded by Mr. Pohlman to approve the site for the insurance office with the condition that low landscaping be planted. Carried. (Don Fitzpatrick Abstained).

Richwood Estates - Fairgrounds & Quinby

Messrs. George Phelps, Tom Greenauer, and Dave Tesmer appeared before the Planning Board on a proposed 81 lot subdivision.

Chairman Crandall pointed out that they are narrowing down all the issues with respect to this subdivision. Drew Reilly and myself had a meeting with the County with respect to the road coming out to McKinley Parkway and the median.

Mr. Reilly explained that the County prefers not to have another cut in the median. But they would consider that some of the other cuts would be eliminated such as the one 200' south and 200' north. They are comfortable with the location of the exit to this road. The applicant will have to get the final determination from the County as to the median cut. They are looking for schematic approval this evening. The purpose of keeping the median is not to have cuts every 100' or 200'.

Chairman Crandall reviewed the issues at hand. The issue of exiting on McKinley appears to be favorable. There was the question of the depth of the road backing into the cul-de-sac. The third issue is the turning radius where the road comes into Fairgrounds. On the issue of the ponds, it has been reduced to 1 on each side. The Recreation Dept. wants a tot lot in this area to be shared with the Strnad's on the adjacent property. Before we

grant preliminary approval, the land area is to be worked out. Also, the recreation fee could be cut in half to \$300. Sketch plan approval will have to have language addressing this issue. The Engineering Dept. is concerned with access to the tot lot being a minimum of 20'. We will also need some type of legal agreement supporting this fact. The tot lot would be deeded to the Town and the Town would maintain it.

The issue of the cul-de-sac was again discussed. There will be a trade off at one corner of the property for a piece in the rear and where we meet the curve we will maintain the minimum requirement.

Mr. Jay Pohlman, Attorney for the residents commented that the concerns of the neighbors are being worked out with respect to the traffic, the buffering of the existing homes as well as backyard drainage thru Engineering, & that we will continue to work with developer.

Engineering Comments are as follows:

The following are review comments on plans last revised 9/30/96:

- (1) The site is in an existing Town water district. The developer, Town, and the Erie County Water Authority (ECWA) have been working together to improve water service to the site. ECWA is requiring that the developer replace the existing 6" diameter waterline with an 8" waterline along the entire length of Fairgrounds Road. This issue has not yet been agreed to by the developer.
- (2) Storm water detention facilities will be required for the site, as well as appropriate arrangements for maintenance of the facilities. The plan with five (5) storm water detention areas shown is not acceptable. We prefer a maximum of two (2) such facilities. Revise as necessary.
- (3) Town subdivision regulations, Section 31-22 (D-3) require that the centerline road radius be a minimum of 150 feet. The northern entrance off Fairgrounds Road appears to be considerably less than 150 feet (approximately 90 feet). This is to be revised as required. We have not yet received any sketches of alternative alignments in this regard, as discussed at 11/18/96 meeting.
- (4) The proposed 850 feet long dead-end cul-de-sac exceeds the maximum street length of 500 feet required in Town subdivision regulations Section 31-22(H). A 70 feet wide right-of-way west of the cul-de-sac was reserved for a future road on Map Cover No. 2462, as approved by the Planning Board in 1985. This right-of-way could be used to connect the roadway into Fairgrounds Road, or the cul-de-sac street length should be reduced to a maximum of 500 feet in length. Revise as necessary.

- (5) Any contemplated variance from the regulations discussed in the above items (No. 3 and No. 4) is required to be authorized by the Planning Board in accordance with Town subdivision regulations Section 31-6.
- (6) The existing right-of-way of Quinby Drive is 49.5 feet wide (not 60 feet as shown).
- (7) A right-of-way should be reserved along the westerly portion of the site, in order to provide for a possible future through-street connection to Arthur Court and/or access to a shared recreation area with Arthur Court. Per the 11/18/96 request of the Planning Board, our department researched the originally proposed development of Arthur Court. The existing dead-end road is 505 feet long and located within a 33 feet wide right-of-way, which was accepted by the Town in 1971. It does not appear that there were any plans at the time for the extension of the road, which currently ends approximately 620 feet west of the boundary of the proposed subdivision.
- (8) A traffic study was performed by EMS Consulting for this project. The traffic study evaluated Item Nos. 4 and 7 above, but did not make any recommendations regarding such. Definite conclusions should be determined and presented by EMS relative to these items.

Motion was made by Ms. Ganey, seconded by Mr. Fitzpatrick to grant schematic approval; that the Planning Board is in general agreement with the layout of the subdivision pending Engineering approval on the change in the road; that the detention basin and the radius in the road and cul-de-sac extension and the tot lot be resolved; and that the cut on McKinley is to be worked out with the County; cost of which is to be done at the developer's expense. Carried. Abstained: R. Pohlman

Bert Dunn Retail Plaza - Southwestern Blvd.

Mr. Bert Dunn appeared before the Planning Board on his proposed plaza to be located on Southwestern Blvd.

Chairman Crandall noted that we have reviewed Part II of this proposal. **Engineering Comments** are as follows: 1. This plan was conceptually reviewed in 1995 when the first phase was approved. The plan is generally acceptable. We will review detailed construction plans when they are submitted. 2. The project should proceed in accordance with the NYSDOT review comments detailed in their 2-15-96 letter on the traffic study. This includes requirements that a traffic signal be installed prior to the

Bert Dunn (Cont.)

opening of the Part 2 portion of the plaza. 3. Neighboring property complaints (3999 Sheldon Rd.) relative to the Part I requirement to replace damaged pine trees along the property line (screening and landscaping) have not yet been resolved by the developer. This matter should be required to be resolved prior to Planning Board approval of Part 2.

Major issue appears to be the issue of the traffic light. The Planning Board will need a new landscaping plan for the one side. We have received a letter from the DOT stating that the second phase cannot be built until the issue of the traffic light is resolved. The developer is to pay for the light.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Pohlman to approve the Phase II for Bert's Bikes contingent upon implementation of all Engineering requirements; that the light be in place and working before a Certificate of Occupancy is granted; that the issue of landscaping be addressed. Carried.

ADSCO Manufacturing Addition - 4979 Lake Avenue

Mr. Tom Abbott appeared before the Planning Board on the proposed addition on an existing structure located on Lake Avenue. ~~Engineering has no comment.~~

Motion was made by Ms. Ganey, seconded by Mr. Fitzpatrick to approve the addition. Carried.

Gateway Printing and Graphics - 3970 Big Tree Road

Mr. Jeff Donner appeared before the Planning Board on a proposed addition for his facility on Big Tree Road. At the present time, they have run out of space and need the addition for warehousing. **Engineering Comments are as follows:**

- (1) Provide a profile view of the proposed sanitary sewer lateral. Submit the plan to the Erie County Dept. of Environment and Planning (ECDEP), for review on behalf of the Southtowns Sewage Treatment Agency. We will not approve these plans without ECDEP review and approval.
- (2) By 12/13/96 correspondence, the developer has agreed to complete the Part I landscaping (with modifications noted), parking bumpers, and storm sewer end sections and rip rap stone, as detailed in our 12/2/96 letter. Completion of this work should be a condition of plan approval.

Motion was made by Ms. Ganey, seconded by Mr. Pohlman to approve the addition contingent upon a proper landscaping plan, that all Engineering requirements be met, that the applicant fill out an SEIS and review the Ravenwood regulations. Carried.

VTG Mini Storage - Southwestern Blvd.

Mr. Bill Arlow appeared on behalf of VTG Mini Storage. Applicant was advised to follow the Southwestern Overlay requirements with respect to aesthetics. Comments from Engineering are as follows:

- (1) The plan revision date should be entered in the revision block on the drawing whenever changes are made.
- (2) The proposed driveway is immediately adjacent to the State Farm entrance. The two driveways should be combined or the proposed driveway relocated further to the east. Access to the vacant parcel to the east (see Note No. 6 below) could also be shared with this development.
- (3) A mainline sanitary sewer extension may be required to service the site. The project may be connected directly to the Erie County/Southtowns Sewage Treatment Agency (EC/SSTA) trunk line, if permission for the connection is granted by EC/SSTA.
- (4) 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.
- (5) Water service is located along Southwestern Blvd. It may be necessary to provide a fire hydrant on the site (if required by Lake Shore Fire Company)
- (6) The parcel is being subdivided. What is proposed for the vacant parcels to the east?
- (7) The site plan checklist requirements have not been complied with. The site plan drawing should be revised to incorporate all requirements.
- (8) The additional landscaping requested by the Planning Dept. has not been provided. In addition, no landscaping should be planted within the proposed detention area.

Motion was made by Mr. Koenig, seconded by Mr. Eustace to Table. Carried.

Emerald Green Apts. - Request for Extension

Mr. Fran Igoe appeared before the Planning Board for an extension on Emerald Green Apts. Comments from **Engineering** are as follows:

The following are review comments on a site plan dated July 1996, and received by our department on 12/11/96:

- (1) This site plan was previously approved by the Planning Board on 8/16/95, with approximately 70 more parking spaces than are shown in the current plan. It does not appear that there will be sufficient parking available for the occupants or visitors to the apartments. In addition, several changes have been made in the revised plan relative to layout of the roads within the development.
- (2) We are currently reviewing detailed construction plans for the project, and will issue comments under separate correspondence.

Chairman Crandall noted that this project was approved a year ago. The time has since expired. Modifications have been made in the drawing showing a decrease in parking spaces by

Motion was made by Mr. Koenig, seconded by Mr. Pohlman to grant the extension noting that modifications on parking has been changed from 278 to 248. Carried.

Minutes of the November meeting were approved by Mr. Pohlman, seconded by Mr. Fitzpatrick. Carried. Meeting adjourned at 11:00 p.m.

Respectfully submitted,

Gerard Koenig, Secretary
Planning Board

Next meeting: January 8, 1996 - 7:30 p.m.
Also Jan. 15th, - 7:30 p.m.