

T.C.

Town of Hamburg
Planning Board Meeting
December 20, 1995

Privacy Lane Subdivision Schoellkopf Road	Approved.
Peter Carr Subdivision Old Lakeshore Rd. near West Arnold	Approved.
Maplewood Apts. Part II Southwestern Blvd.	Negative Declaration issued.
Benderson Rezoning Petition 7 Corners - Southwestern Blvd. & McKinley	Tabled.
Woodlawn Fire Rezoning Petition - from R-3 to N-C	Favorable recommendation to be given to Town Board.
Wanakah Woods Lake Shore & Juno Drive	Tabled.
Proposed Storage Bldg. Colley's Pools Camp Road	Tabled to 1-3-96
Kirst Cooler Addition South Park	Cooler approved.
William Savage Old Lakeview Rd. Sub.	Approved with conditions.

Matter was tabled for a few moments waiting the arrival of Attorney Wisbaum.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to remove the application from the Table. Carried. Messrs. Michael Wycocki, Mike Lewin, and Attorney Wisbaum appeared before the Planning Board on a proposed 53 lot subdivision to be located on Schoellkopf Road. The original proposal was for 45 lots, now changed to 53. Property is zoned R-2 and meets the requirements on lot size. The applicant has agreed to pay the \$600 recreation fee per lot. Comments are as follows:

Recreation - We have reviewed the proposed subdivision as requested and offer the following observations: 1. This area of the Town of Hamburg has been identified as "Significant Wildlife Habitat" by the Open Space Committee. Proposed lot size does not conform to retain "Wildlife Habitat" designation. 2. The site plan provides access to Town of Hamburg Passive Recreation Area. Is this area one that exists? If so, it does not relieve the developer of the land in lieu of money stipulation. It is my opinion that the lot size is too small, so called "passive" recreation area is inappropriate and that the Town should request money in lieu of land. If the developer prefers to donate land, we strongly recommend that you do not accept wetlands as their donation.

Engineering - 1. This subdivision was originally submitted in 1993 as a 54 lot subdivision. On July 20, 1994 after negotiations with the Town Board, a 45 lot subdivision (12,400 s.f. minimum) was approved. The current plan shows 53 lots (9,600 s.f. minimum). 2. Lot lines on a curve area are to be radial with the street line. Revise as necessary. 3. Revisions to the construction plans will be necessary, dependent upon which subdivision layout is approved by the Planning Board.

It was noted that the detention area cannot be relocated. Some type of low screening should be placed on the parcel especially near the roadside. Attorney Wisbaum responded that the applicant is willing to work this out with the Engineering Dept.

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

Motion was made by Mr. Phillips, seconded by Mr. Koenig to issue a Negative Declaration for the project; that the storm detention pond located on the north side be dressed up on both street sides with appropriate plantings, that money is being donated in lieu of land for recreation, and that the comments of the Engineering Dept. be satisfied. Carried.

Peter Carr 3 lot subdivision - Old Lakeshore Rd. near West Arnold

Attorney Peter Carr appeared before the Planning Board on his proposed 3 lot subdivision to be located on Old Lakeshore Road near West Arnold. The application was tabled from last month as some questions still needed to be addressed. Parcel B does not have access to the sanitary sewer. How will sanitary service be provided? This will be accomplished by a 15' easement to the right side of Arnold Road. The property is located in the Critical Environmental Area, however, no building will occur on the islands and units will be set back at an appropriate distance. The lots front along the Old Lake Shore Road and there will be minimal development of the property along existing road frontage. The proposal will not have a negative impact on the environment. Mr. Carr stated that sewer access will be accomplished by going thru his daughter's property to get to the other property. Mr. Spittler noted that there is an old cemetery in the area which should be delineated. Response given is that this has been delineated on the drawing.

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

Motion was made by Mr. Phillips, seconded by Mr. Fitzpatrick to issue a Negative Declaration for the project, approve the preliminary with an easement for sewer on Parcel B-2, and waive the filing of a map cover. Carried.

Maplewood II - Southwestern Blvd.

Messrs. Lee Webber, Gary Filipiak, and Bill Tynn appeared before the Planning Board on a proposed 22 unit building, 176 unit apartment complex located on Southwestern Blvd. The site plan has been revised to reduce the number of units by 96. The intersection has been reworked connecting Phase I. On the issue of wetlands, Don Owens of Earth Dimensions walked the site with Martin Derby of the Conservation Board, and it appears that the problems have been worked out. The new report is in process. The applicant has a letter from the Erie County Dept. of Env. & Planning stating that there is capacity for sewer. They do not have the documentation from the Erie County Water Authority.

Chairman Crandall noted that the documentation is needed for the Engineering Dept. On buffering, applicant agreed to put up a chain link fence near the portion of property that backs up to the Thruway.

A traffic study has been completed and the level of service has now been raised to "D". The problem has been mitigated with a reduction in the number of units. Frontier Central has noted that the roads be wide enough to accommodate buses.

Maplewood (Continued)

Engineering comments: 1. Documentation of sufficient sewer capacity to service the site should be provided. 2. Documentation of sufficient water flow and pressure to service the site should be provided. 3. Documentation of capacity for storm water discharge and detention facilities should be provided. 4. Clearing, stripping and erosion control measures to be implemented should the project be developed. A permit for such will be required to be obtained from our department. 5. How will the buffering of traffic and noise from the adjacent Thruway be addressed? 6. We have reviewed the October 1995 Traffic Impact Study for the project, as prepared by EMS Consulting, and have responded with comments under separate correspondence, dated 12-5-95. EMS has since informed us that they are in the process of addressing our comments. 7. In the EAF, Section B, Item 12B, wastewater is to be conveyed to the Erie County/Southtowns Treatment Facility, which discharges to Lake Erie. 8. In the EAF, Section B, Item 16c, NYSDEC approves landfills, not the Town. Solid wastes are to be collected by a privately contracted hauler. A recycling program is also required to be implemented within the apartment complex. 9. It is our understanding that the developer has recently downsized the project from 272 to 176 apartment units (per 11-15-95 correspondence from EMS Consulting). The EAF should be appropriately revised to reflect this change.

Chairman Crandall noted that the applicant has been willing to work with the Planning Board and has reduced the size of the project and feels that a Negative Declaration is in order. Major concerns have been addressed.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to issue a Negative Declaration on the project; that this will now be a 176 unit development; that Part II includes changes in Part I. Carried. (D. Reilly to draw up Negative Declaration).

Benderson Rezoning Petition - 7 Corners - McKinley Pkwy. & Southwestern Blvd.

Mr. George McKnight appeared before the Planning Board representing Benderson Development on a proposed rezoning of additional parcels adjacent to the former CID refuse facility. The property now is zoned R-2 with a change request to C-1 for local retail. A traffic study was submitted to Erie County and the DOT. Several copies have been distributed to the Engineering Dept. and Traffic Safety. A schematic has been presented to the board showing 2 restaurants and a small plaza.

It was noted that the Board must decide the future of that area in the proposed Master Plan discussions. No action was taken.

Benderson Development (Cont.)

Motion was made by Mr. Pohlman, seconded by Mr. Fitzpatrick to Table to the next work session. Carried.

Woodlawn Fire Company - Rezoning Petition - from R-3 to N-C, Neighborhood Commercial located on Lake Shore Road

Mr. Brian Lewis appeared before the Planning Board on a proposed rezoning petition for the Woodlawn Fire Company from R-3 to N-C, Neighborhood Commercial located on the Lake Shore Road. Mr. Lewis explained that the fire company has purchased a new piece of equipment which will not fit into the existing bay. Therefore, they have proposed an expansion of the facility to include a new bay, which will now be 4, a new lounge, training rooms, storage facility with lav facilities. The existing for the fire equipment will be relocated to the Milestrip area. The site plan review will continue until the rezoning is decided.

Motion was made by Ms. Ganey, seconded by Mr. Eustace to forward a favorable recommendation to the Town Board on the rezoning from R-3 to N-C for the following reasons:

1. This will be a major improvement of the property.
2. The proposal will improve the traffic safety on Lake Shore Road.
3. The proposed rezoning provides adequate parking in the rear, and-brings the facility more into compliance with the zoning.

Wanakah Woods - Richard Brox - Lake Shore Rd. near Juno Drive

Mr. Richard Brox appeared before the Planning Board on a proposed 41 lot subdivision which is to be located on the Lake Shore near Juno Drive. This is a 20.9 acre parcel east of Liberty Park. Eighteen lots are in the R-1 district and lot size if 11,250 s.f. On the other side, we are developing a cluster concept. Comments are as follows:

Engineering: Sewer and water service is available to the site. Wanakah Sewer Dist. should be contacted to determine if there is sufficient capacity in the sewer system. 2. Wanakah Woods Court exceeds the maximum length of 500 feet desired for a permanent dead end street. 3. Sublot #33 on Harbour Lane should not be built on until the roadway is extended and the turn-around is no longer required and removed. 4. The proposed Town park area should be designated as passive or active recreational park land. 5. A permit from the N.Y.State D.O.T. will be required for access off Lake Shore Rd. 6. Note on the plan that S.L. nos. 1, 17, 20 and 42 are not to have access to Lake Shore Rd. 7. Where will the house be constructed on S.L. 18. Construction on this lot is very constrained by a drainage channel and ponds.

Wanakah Woods (Cont.)

Recreation - It is our opinion that the 7.50 acres to be dedicated to the Town of Hamburg is unacceptable for recreation use. We recommend that the developer be required to pay the recreation fee in lieu of land. Fees collected could then be used to renovate and improve the Juno Drive Playground.

Entire site will provide 78 units. Mr. Reilly noted that the Recreation Dept. does not want land, whereby the Conservation Board disagrees. They feel this area is important as it fits into the Truscott Ravine trailway system. Mr. Brox responded that they are willing to give the Town the 2 acre requirement or 10% for recreation purposes to tie into the existing play area. The balance could remain in the hands of the homeowner's association. Another alternative would be to move the rear property line back into another location to meet the 8,125 s.f. requirement.

Mr. Reilly responded that the second option is not a good one.

It was also noted that Harbor Lane East will be tributary to Sewer District #2. Paper work has been started. Board members noted that there is no way to build on S.L. 33 due to the ravine. On S.L. 18, the width of the lot has been widened by 30'. Mr. Brox noted that on the length of the road, that can be straightened out. Also, there are no wetlands on the parcel as claimed by the Conservation Board. However, there is an area for potential hydric soil.

Chairman Crandall responded that whoever is doing the delineation should get in touch with the Conservation Board so that they can also do the walk thru with them. Mr. Phillips also asked for a sketch to determine how many lots could be obtained in an R-1 layout so that there is some type of comparison that can be done. Conclusion: Mr. Brox is to get in touch with Duke Spittler of the Conservation Board for the delineation.

Motion was made by Ms. Ganey, seconded by Mr. Pohlman to **Table** to the next session. Carried.

Proposed Storage Building - Colley Pools - Camp Road

Representatives from Bruce Colley's firm appeared before the Board with a new sketch of items that were missing on the original site plan. There has been concern expressed about the 3 driveways on the site. Mr. Colley responded that to his knowledge application was made to the DOT for the curb cut, and that was approved. Board members responded that this number of driveways is an unsafe situation. Revised plan to be submitted. Mr. Colley noted that their busy season begins in February and asked if approval for the storage facility could be given prior to that date. Response given is that if the engineer can draw up the site plan by that time, they could be on for the Work Session.

Colley Pools (Continued)

Motion was made by Mr. Phillips, seconded by Mr. Eustace to Table until the January 3rd Work Session. Carried.

Letter from Engineering on Colley Pools

1. There is a stone driveway northwest of the parking area shown on the plan. This driveway was never approved by the Planning Board. There is also a fenced storage area and liquid propane tanks on site. The plan should be updated to show the existing conditions, and be reviewed and approved by the Planning Board.
2. The additional roof drains are to be connected to the storm sewer.
3. Show the inverts and slope for the proposed storm sewer.
4. A NYSDOT approval will be required to discharge the proposed storm sewer into the State's ditch.

Kirst Cooler Addition - South Park Avenue

Mr. Jim Kirst appeared before the Planning Board on a proposed 8' x16' cooler to be located on their property on South Park and Maelou Drive. Mr. Crandall informed the board that the applicant met with Mr. Allen and himself and Drew Reilly to discuss how the site could look better. The cooler is to be installed on the southwest corner of the building facing Maelou. There is another cooler there at the present time. Dumpsters will be relocated. The Building Inspection Dept. notified the applicant that the trailers are to be removed and will be within the very near future. Dumpsters are to be relocated to the north side of the building where the trailers are now. Screening will be provided and there will be proper access. Motor vehicles will not be used to unload the coolers. Hand carts will be utilized. There is a house immediately to the west that Kirst own, which will be used some day for an addition. Discussion was also held on paving and future parking at the north end of the property. They plan to pave using asphalt millings. Approval of the cooler is the only item that is to be approved for now.

Ms. Ganey asked if there could be some type of landscaping provided in the front to break up the pavement look. Mr. Crandall responded that he will get in touch with Dick Smith and Kurt Allen to determine whether anything practical can be done.

Motion was made by Mr. Koenig, seconded by Mr. Phillips to approve the cooler addition, contingent upon relocation of the dumpsters to the north side of the building; that the owner is to continue working with the Town on paving north of the house; that the intersection problem will be reviewed; and that there be a delineation of the property line versus the right of way. Carried.

William Savage - former Pearl Lakes now Old Lakeview Rd. Subdivision.

Mr. William Savage appeared before the Planning Board on a proposed change to his subdivision formerly known as Pearl Lakes on Old Lakeview Rd. Originally, the subdivision was approved with a pond for drainage. However, the new proposal shows that area to be dry detention basin. The layout is the same. However, there is the question of ownership of the property where the detention basin is on. Some type of homeowner's association should be organized. The question was also raised as to whether the trail system should be maintained. Board response is that a 20' easement should not be set aside for future use. The other question raised was with respect to the driveways. On the last approval, there was one drive for every other lot up to 5 driveways. It was suggested that there be a turn around for every driveway. The Traffic Safety Board has recommended turn arounds. Mr. Pohlman stated that dual ownership of driveways can result in problems.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the preliminary for the Old Lakeview Rd. Subdivision; to not provide a 20' wide easement; that on Lake View Road driveways for lots will have turn arounds; that no sidewalks be placed on Old Lakeview Road; that sidewalks be placed on the new Lakeview Road; that a Negative Declaration be issued; and that the owner pay \$600 per lot recreation fee; that lots be reconfigured to take in 100% of the property; and to provide a drainage easement. Carried.

Engineering Comments: The Planning Board approved the above-referenced preliminary plot plan on 12-21-94 conditioned on showing the following: 1. a 20' wide easement to the Town for a recreation trail. 2. Common double driveways for lots along Lakeview Rd. with turn-arounds. 3. 1/19th of the common area within the subdivision is to be deeded to each homeowner. The developer has requested to eliminate the previously proposed wet pond. The area will now be used as a dry detention basin. We have no objection to the elimination of the wet pond. The subdivision should be re-approved by the Planning Board with previous conditions.

Motion was made to adjourn the meeting by Mr. Phillips, seconded by Mr. Eustace. Carried. Meeting adjourned at 11:00 p.m.

Next Mtg. 1-3-96

Respectfully submitted,

Gerard Koenig
Gerard Koenig, Secretary
Planning Board