

Town of Hamburg
Planning Board Meeting
August 15, 2012
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting on Wednesday, August 15, 2012 at 7:00 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Stephen McCabe, Gerard Koenig, Sasha Yerkovich, Daniel O'Connell and Doug Schawel.

Others in attendance included Andrew Reilly, Richard Lardo and Councilman Joseph Collins.

Excused: David Bellissimo

Public Hearing - Erica Donato Day Care Facility

Mr. McCabe read the following public hearing notice:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Erica Donato to operate a day care facility at 4390 Quinby Drive. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on August 15, 2012 at 7:00 p.m. in Room 7B of Hamburg Town Hall."

Chairman Reszka stated that 4390 Quinby Drive was recently rezoned from M-1 to NC. He further stated that a Special Use Permit is required in order to operate a day care facility.

Mr. Reilly stated that the day care facility is proposed in the existing building on the property and the applicant will be required to provide a play area for the children.

Chairman Reszka declared the public hearing open. No one spoke.

Chairman Reszka declared the public hearing closed.

Erica Donato, applicant, stated that New York State has determined that the play area proposed is sufficient.

Mrs. Yerkovich made the following motion, seconded by Mr. Koenig:

Based on the SEQR decision for the rezoning of this property, and the additional information submitted for the Special Use Permit and day care operation, the Planning Board has determined that the proposed project (re-use of an existing building for use as a daycare) will not result in any significant adverse environmental impact and a Negative Declaration is hereby issued. Carried.

Mrs. Yerkovich made the following motion, seconded by Mr. McCabe:

The Planning Board, in reviewing this proposed project and Special Use Permit, has determined, in accordance with Section 280-312, that:

1. The project will be in harmony with the purposes and intent of this chapter (SUP).
2. The project will not create a hazard to health, safety and general welfare.
3. It will not alter the essential character of the neighborhood nor be detrimental to its residents.
4. The project will not otherwise be detrimental to the public convenience and welfare and is in accordance with the special requirements for a day care Special Use Permit as follows:
 1. The building will not be occupied until a NYS license is received.
 2. An outdoor play area is depicted on the plan and will be constructed.
 3. A buffer is being provided to adjacent residential properties.
 4. Child discharge and pick-up are not in the public ROW, but are shown internal to the site.
 5. Required parking is provided.

Additionally, the project is in accordance with the applicable conditions of the rezoning (not multi-family housing). Therefore, based on the SEQR Negative Declaration, the information submitted and the Special Use Permit discussion, the Planning Board approves the issuance of a Special Use Permit with the following condition:

1. The project is in accordance with the information submitted.

Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing - Russo Development (Old Milestrip Road)

Mr. McCabe read the following public hearing notice:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Russo Development at 3710 Old Milestrip Road. The applicant proposes to construct a new equipment storage area at the above location. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on August 15, 2012 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Chairman Reszka stated for the record that he is a resident of the Woodlawn area and will be affected directly or indirectly by this project if it is constructed. He further stated that he has no financial interest in the project and therefore has no conflict of interest.

Mr. Lardo stated that he has met with the applicant's engineers regarding the Stormwater Pollution Prevention Plan.

Mr. Reilly stated that the biggest issue regarding this project has been the proposed connection to Lake Avenue.

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that the proposal is to construct a 500' by 250' parking lot to be used for the applicant's operation. He further stated that the new parking lot is proposed because the applicant has large trucks that transport heavy equipment off site and does not want these trucks using the existing parking lot that serves the building, as they are compromising that pavement.

In response to a question from Jerry Giglio, Traffic Safety Advisory Board (TSAB) Coordinator, Mr. Gow stated that a privately owned parcel exists between the applicant's property and Coder Road and therefore the applicant cannot provide access to Coder Road instead of Lake Avenue.

Mr. Giglio stated that the TSAB is concerned that a driveway designed to be used by heavy trucks is proposed onto Lake Avenue in close proximity to an existing Town roadway that was built to handle heavy trucks. He further stated that the better alternative would be for the applicant to obtain access to Coder Road.

Board members discussed the possibility of placing a condition that no additional curb cuts will be allowed from this property.

Chairman Reszka declared the public hearing open. The following people spoke:

- Beth Caligiuri asked if the applicant's construction vehicles would head west on Lake Avenue to Coder Road. She stated that Coder Road was built to reduce the traffic on Lake Avenue. She stated that Coder Road has reduced the amount of dust, noise, etc. from heavy trucks. She stated that there are children in the area and there are no sidewalks to speak of. She stated that she is concerned about future development on this property.
- Elizabeth Reszka, Lake Avenue, stated that she lives on the corner of Lake Avenue and Route 5 and read the following:

"The Russo project on Milestrip Road is a good proposal. Business expansion in the Town is always considered a good thing but expansion at the expense of its residents is not. There is no reason, business or otherwise, that can make the construction of a driveway from the Russo property through to Lake Avenue necessary or defensible. The expansion of the business can be done without it.

There is no reason for the driveway to be built. Milestrip Road was improved to service heavy trucks and equipment specifically for the facility Russo now occupies. Coder Road was built to allow trucks to travel from Lake Avenue to Route 179, bypassing the Route 5 & Lake Avenue intersection. Russo could build a second driveway on the west side of their property through to Milestrip Road, bypassing the current main entrance and the parking lot they say they don't want to damage. A simple easement would allow access from the facility to Coder Road, using the gate that is already in place on the site. If the driveway is constructed as proposed, it's positioning guarantees that each and every vehicle using it will travel up Lake Avenue to Lakeshore Road. Drivers may be instructed to avoid Lake Avenue but human nature will always prevail. Both of the other available options would ensure that at least half of their vehicles would avoid Lake Avenue. Work is continuing to

have Coder Road designated as a truck route. When that happens, the Russo driveway will be a hindrance to their business but it will be too late for the environment.

An argument has been made that the driveway is being constructed to allow for future business development on the site. Look around the Town where the environment has been scarred in preparation for future development. Look at Camp Road near the Thruway where Hamburg Crossings was to be built. Look next door to WalMart on Southwestern Boulevard. Look next to Tops at Southwestern & McKinley. The Town is full of these development sites, most of which stay as future sites for years or even decades. The argument is bogus. This is a construction Company and they propose to build the driveway themselves. The driveway, if it is ever truly needed, could be built at a later date without additional cost or inconvenience to the firm. Remember that once the environment is destroyed to build a driveway, it will never recover, and it is made even more tragic if the promised future development promised never occurs.

There is no doubt that Lake Avenue was constructed for trucks. That was over 20 years ago & trucks are much different today. There is also no doubt that there are many residents living along Lake Avenue between the proposed driveway & Lake Shore Road. Lake Avenue is a busy street but progress has been made to reduce traffic volume, especially trucks. Signs have been placed directing trucks over Coder Road to Route 179. Metallico, the company that has located in the old galvanizing mill, has worked diligently to direct its vehicles away from Lake Avenue & over Coder.

Mistakes made in the past in land-use decisions must be avoided. The environmental damage that would be caused by constructing this driveway far outweighs any possible business advantage that the developer would receive. Many of the usual arguments made against this type of project apply here as well. There are not many stands of trees left in the Woodlawn area. Punching a driveway through will cause immense damage and permanent loss of habitat for the animals residing there, including a fairly large herd of deer.

The overriding environmental concern about this project is for the health of the residents along Lake Avenue. On June 13, 2012, after a week-long meeting of international experts, the World Health Organization officially and without reservation classified diesel exhaust fumes as a carcinogen or cancer causing agent in humans. Petrol (gasoline) exhaust was determined to be possibly carcinogenic to humans. The determination was announced by Dr. Christopher Portier, Director of the National Center for Environmental Health and the Agency for Toxic Substances and Disease Registry at the US Center for Disease Control and Prevention, commonly referred to as the CDC. Dr. Portier also stated that "given the additional health impacts from diesel particulates, exposure to this mixture of chemicals should be reduced worldwide." While this definite determination of cancer causation due to diesel fumes serious on its own, it becomes even more critical when paired with another study.

On October 19, 2006 the New York University's School of Medicine announced the results of a 5 year study which concluded that soot particles spewing from the exhaust of diesel trucks was a major contributor to alarmingly high rates of asthma symptoms among school aged children. Over the course of the study, asthma symptoms particularly wheezing, doubled among elementary school children on high traffic days as large numbers were in close proximity to busy truck routes due to past land-use decisions. Another study showed that people living near busy highways have a higher instance of asthma.

The residents of Lake Avenue are a mixture. We are older, retired people. We are middle aged people approaching retirement. We are very young and very old. We are families building a future together. We own and we rent. We don't live in the fanciest parts of Town. We live at the edge of an Industrial area. We have the right to live in the safest and

healthiest area possible. Needlessly adding additional traffic to our street and exposing us to known carcinogens would be irresponsible.

Every property owner has the right to develop their property as they see fit but not at the expense of their neighbors and others affected by their actions, especially when previously established and currently available options exist. This project should be approved but without the driveway to Lake Avenue. It is not needed, it is not wanted and it poses a severe health risk to the residents on Lake Avenue.”

- Peter Tarasow, Lake Avenue, stated that he has no objection to the project, but the tractor trailer traffic on Lake Avenue has increased considerably. He stated that Lake Avenue does not have decent sidewalks, that he would rather the truck traffic use Coder Road and that the heavy trucks create dirt and noise in his home and it is very dangerous having the heavy trucks on the roads.
- Matteo Caligiuri, Milestrip Road, stated that he believes that if the applicant wishes to put another access road in, it should be to Coder Road.
- A member of the audience asked why the applicant cannot reinforce the existing driveway, rather than constructing another one, since the applicant is in the construction business.

Chairman Reszka declared the public hearing closed.

Chairman Reszka asked the applicant to address the concerns of the public.

Mr. McCabe made a motion, seconded by Mr. Schawel, to table this project. Carried.

It was determined that the Planning Department will obtain traffic information for Lake Avenue for the Board's review.

Engineering Department comments have been filed with the Planning Department.

Frank's Flatbed Service

Mr. Reilly stated that the applicant is requesting a Special Use Permit so that he can continue towing for the Hamburg Police Department.

Mrs. Yerkovich made the following motion, seconded by Mr. O'Connell:

Based on the information submitted for the Special Use Permit and site visits, the Planning Board has determined that the proposed project (existing business operation getting an Special Use Permit) will not result in any significant adverse environmental impact and a Negative Declaration is hereby issued. Carried.

Mrs. Yerkovich made the following motion, seconded by Mr. Schawel:

The Planning Board, in reviewing this proposed project and Special Use Permit, has determined, in accordance with Section 280-312, that:

1. The project will be in harmony with the purposes and intent of this chapter (Special Use Permit).
2. The project will not create a hazard to health, safety and general welfare.
3. The project will not alter the essential character of the neighborhood nor be detrimental to its residents.
4. The project will not otherwise be detrimental to the public convenience and welfare.

The project is in accordance with the special requirements for a Public Garage Special Use Permit:

1. The use will be conducted in a completely enclosed building.
2. The Building Inspector shall make periodic inspections of each operating facility to ensure the proper maintenance of structures and the adequate clean-up of litter.
3. The size, location and materials used shall be determined by the Planning Board.

Therefore, based on the SEQR Negative Declaration, the information submitted and the Special Use Permit discussion, the Planning Board approves the issuance of a Special Use Permit with the following conditions:

1. The project is in accordance with the information submitted.
2. All vehicles will be stored within the building; there are no approved outdoor storage areas.

Carried.

Engineering Department comments have been filed with the Planning Department.

Camp Road Development

Chairman Reszka stated that the Engineering Department has not received engineered plans and therefore the Board would have to table the project at this meeting.

Engineering Department comments have been filed with the Planning Department.

Gateway Printing

Mr. Lardo stated that engineered plans had been submitted to him for this project and that there are just a few minor outstanding issues.

It was determined that the applicant did receive a variance from the Zoning Board of Appeals regarding the side yard setback.

Mrs. Yerkovich made the following motion, seconded by Mr. Koenig:

In accordance with the New York State SEQR Law, the Town of Hamburg Planning Board has reviewed the Gateway Printing project. Based on the conceptual Site Plan Review of the submitted materials (including Part 1 of the Full EAF and evaluation of Part), input from other departments, committees and agencies, and consideration of public input, the Planning Board has concluded that the project's environmental impacts have been avoided or mitigated to the maximum extent practicable. Therefore, the Planning Board has determined that the proposed Gateway Printing project is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued.

Carried.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to grant Conditional Site Plan Approval for the Gateway Printing project based on the Conceptual Site Plan received on June 15, 2012 with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter memo dated 8/15/12.
2. The landscape plan shall be reviewed and approved by the Planning Department.
3. No overnight truck parking shall be allowed.
4. If the use of the new addition changes, the applicant shall return to the Planning Board for review of the number of parking spaces provided.
5. The installation of sidewalks is waived.

Carried.

Engineering Department comments have been filed with the Planning Department.

Boston State Holding Co., LLC – Rezoning from R-2 to R-3

Attorney Sean Hopkins, representing the applicant, stated that the applicant sent a letter to all of the homeowners in the adjacent subdivision advising them of this meeting. He further stated that the applicant is requesting the rezoning of this parcel from R-2 to R-3.

Attorney Hopkins stated that the project consists of 11 townhouse buildings, each consisting of six (6) luxury rental units. He further stated that a 50-foot wide conservation area is proposed. He noted that within the conservation area, no existing vegetation will be removed and a deed restriction will be recorded at the Erie County Clerk's office to state unequivocally that on a permanent basis no disturbance of vegetation or development would occur in the conservation area. He stated that the project includes an attached garage and one (1) additional parking space per unit, as well as surplus parking.

Regarding the justification for the rezoning, Attorney Hopkins stated that the Code Review Committee allowed the rezoning to move forward last year. He noted that in the latest update to the Comprehensive Plan, this property is located in the "residential high-density mixed" area. He further stated that the proposed rezoning is consistent with the generalized future land use map associated with the Comprehensive Plan update. He stated that the adjacent subdivision east of this property is zoned R-2 and the land to the west is zoned commercial.

He noted that if the nature of the existing uses and the underlying zoning classifications in the area are taken into consideration, there is clearly justification for this rezoning.

Attorney Hopkins stated that the applicant is sensitive to the fact that this property is adjacent to an R-2 subdivision and did send a letter to the residents of the subdivision inviting them to an informational meeting that was held on May 7, 2012. He noted that approximately twelve residents attended the meeting and provided thoughtful comments.

Attorney Hopkins stated that if the Planning Board forwards a positive request to the Town Board regarding this rezoning request, the applicant will continue to meet with and solicit comments from the neighbors, commit to providing the 50-foot conservation easement area as a buffer and agree to any reasonable conditions the Planning Board might want to place on the project.

Chairman Reszka stated that the Planning Department received the following email that was forwarded by Councilwoman Ziegler from a resident regarding this proposal.

“Dear Ms. Ziegler: I am writing to express my concerns regarding the proposed Howard Greens Townhomes Project. I have lived on Heatherwood Drive for 14 years and purchased the home for the express reason of the green space behind the house. Prior to the purchase, I ensured the property was only zoned for residential construction and nothing else. This rezoning proposal would have a very negative effect on approximately 30 homes in the Creekview Subdivision. The affect would be both financial and to the quality of life of hundreds of town residents. Currently, other townhome projects are being built in the area. One project is approximately a half mile away (dead end portion of Heatherwood Drive) and is almost vacant.

Mr. Russo's most recent letter arrived two days before today's meeting. It seems to indicate that based upon the May 8, 2012 meeting only 11 residents are concerned about this project. Let me assure you that this is not even close to accurate and is very misleading. The fact that only 11 residents were at the meeting is a factor of his poor notification. Again, we see poor notification in this most recent meeting. I understand the date on the letter is August 9, 2012 but the postmark seems to be a more accurate date of notification. In order to get an accurate picture of the residents' views on this rezoning application I would encourage you or other elected officials to talk to the Heatherwood Drive residents or schedule a meeting with proper notification (not two days). I request that you please speak with the residents before making any rezoning decisions.

Furthermore, this entire issue was dealt with ten years ago. At that time, the town board refused to rezone the property. I ask you again, to carefully consider the rezoning application and make every effort to listen to Heatherwood Drive residents before making any decisions to rezone. Feel free to contact me to discuss this matter in more detail.

Sincerely, Jim Jancewicz, 3474 Heatherwood, Hamburg, NY”

Mr. Reilly stated that a public hearing will be held regarding this proposed rezoning and the proper property owners will be notified. He further stated that a sign will be placed on the vacant property indicating that it is the subject of a proposed rezoning if and when a public hearing is scheduled.

Chairman Reszka asked the audience if anyone wished to speak regarding this request. He noted that anyone who speaks at the Planning Board meeting about this proposal must understand that his or her comments will not be part of the Town Board's public hearing and

they are simply to aid the Planning Board in deciding whether or not to forward a positive recommendation regarding this rezoning request. The following people spoke:

Doug Kline stated that he is a resident of the adjacent subdivision. He asked if the Planning Board members have email addresses. He was advised that he can send emails to the Planning Department and they will be forwarded to the Planning Board members. He stated that he is opposed to the request to rezone this property because there are plenty of rental units in Hamburg already. He stated that the project would increase the congestion at the corner of Camp Road and Howard Road, as well as the volume of traffic on Howard Road. He stated that he feels that this project could reduce the property values of the existing single family homes nearby because rental units attract lower class, transient tenants. He stated that this project would remove precious green space that adds to the quality of life of the nearby residents and it would adversely affect the existing wildlife.

John Percy, 3484 Heatherwood, stated that he does not believe that everyone in the adjacent subdivision was notified of the May 7, 2012 informational meeting. He further stated that he is in opposition to this proposal and agrees with Mr. Kline's comments. He stated that he purchased his home with the understanding that this green space, which is precious to the neighbors, would remain. He stated that the area is already saturated with apartment developments and questioned the need for apartments in this area.

Mr. Reilly stated that a single family home development was previously approved on this property and the amount of green space would be approximately the same whether the developer builds single family homes or apartments. He further stated that the New York State Department of Transportation has indicated that a light will be installed at Camp Road and Howard Road when it is warranted.

Kris Gorman, 3482 Heatherwood, stated that she is concerned that the units would be rented apartments instead of townhouses, as the developer's letter indicated. She stated that several luxury apartment projects are being constructed in the vicinity, such as the units being built at the end of Heatherwood, as well as Mission Hills and the Villas at Brierwood. She stated that rental units bring a lower income family base. She stated that she is concerned about the animals that would be displaced by this project.

Chairman Reszka stated that the Planning Board is not allowed by law to consider whether the proposed housing to be constructed is luxury apartments, subsidized units, etc. He further stated that the Planning Board has been asked by the Town Board to consider whether this proposed rezoning makes sense. He noted that ultimately the Town Board will decide whether the rezoning will be allowed.

Chairman Reszka stated that although the members of the public who spoke would like the greenspace to remain, the fact is that the property owner has the right to develop his land, as long as the project meets the requirements of the Town Code.

Mr. Reilly stated that consulting the Comprehensive Plan is the first step in reviewing a rezoning request. He noted that the request must be in conformance with the Comprehensive Plan and stated that this property is located in a mixed residential area per the Comprehensive Plan. He further stated that the Planning Board cannot consider what kind of people would live in this development, but it can consider the amount of people who would live there, any environmental impacts and the layout of the site.

Mr. Reilly stated that the Town has been advised by several different developers, as well as the Town's Community Development Department, that it should consider rezoning property to R-3 because there is not enough undeveloped R-3 property in the Town.

Board members discussed the previous proposal by the developer for this property approximately ten years ago that involved a single family home subdivision.

Chairman Reszka stated that the proposed plan must include a recreation area for the development. Attorney Hopkins agreed to add the area to the plan if the project moves forward.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to table this proposal. Carried.

Chairman Reszka stated that he would like the Planning Department to obtain traffic counts for Howard Road, as well as an accident history for the intersection of Howard Road and Camp Road.

Engineering Department comments have been filed with the Planning Department.

Hamburg Recovery & Towing

Mr. Reilly stated that the applicant was directed to meet with the Town Engineer to address the outstanding issues, and the applicant has not done that.

Engineering Department comments have been filed with the Planning Department.

Heron Hill Apartments/First Baptist Church of Hamburg

Chairman Reszka stated that the applicant requested that this project be tabled until the Board's September 19, 2012 meeting.

Willow Woods Subdivision

Mr. Reilly stated that the applicant submitted a report to the Board for its review.

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that an environmental firm did a report in 1994 that dealt primarily with the area of the site that has been referred to as the "dump site", which is located approximately 800 feet behind the subdivision. He stated that the report looked at the area of the dump, as well as an adjacent stream, and found no significant environmental findings. He further stated that recently another firm (LCS, Inc.) was hired to investigate the possible migration of ground water toward the subdivision site from the "dump site." He noted that at that time five (5) monitoring wells were installed on the north side of the wetlands between the wetlands and the subdivision site. Mr. Gow stated that SJB Environmental Services discussed the findings of the new report, as that firm did the background work for LCS, Inc.

Mr. Gow stated that since the report was issued it appears that the Planning Board has additional concerns regarding the ground water, noting that Mr. McCabe visited the site and saw some areas of concern. However, recently no ground water was found at these areas to test, so instead the environmental firm tested the soil beneath the areas to look for contaminants.

Dave Steiner from Empire Geo Services stated that Empire Geo Services is a subsidiary of SJB Environmental Services. He further stated that his firm was the consultant for the most recent environmental report that was done. He noted that, in looking at the aerial photos of this site, one can see that in 1952 there was nothing going on on the property but that in 1958 it is apparent that surface vegetation has been removed, a driveway has been installed and some sort of building has been erected. However, there is no evidence of digging in the soil, which would indicate plans to build a landfill in order to bury garbage.

Mr. Steiner stated that his firm excavated in the area where Mr. McCabe noticed vehicles, etc., to see if any waste had been buried. He noted that there was no evidence that any garbage had been buried in that area. In fact, when the excavator was down a few feet below the surface, shale fragments were being brought up, which could indicate that it is very unlikely that someone would develop a landfill in this area because it would be very difficult to dig the shale up in order to bury the garbage.

Mr. Reilly stated that his interpretation of the report as presented is that by photographic evidence, as well as the studies that have been done over the years, there is no dump on the property. Garbage may have been placed there, but there was no effort to dig a hole, dump garbage in the hole and cover it up. Mr. Steiner confirmed this statement.

Mr. Reilly stated that he would like to speak to the nearby residents about the findings of this report. He further stated that there is no record of this area being used as a landfill.

Mrs. Yerkovich stated that the differentiation is that if waste was actually buried in the area, there would be more possibility of contamination, as opposed to trash being simply dumped on the ground. She noted that this would be an important distinction.

Mr. Steiner stated that the 1994 report, as well as the earlier work this year by LCS, Inc. and SJB's work all have come to the same conclusion, which is that there is no contamination.

Mr. McCabe stated that the 1994 report referred to the area in question as an historical dump site. Mr. Steiner responded that he believes that the 1994 report's referral of the site as an historical dump site was based on the observance of disturbance and debris, and as a result the report jumped to that conclusion. He further stated that he believes that subsequently LCS, Inc. assumed the 1994 report's conclusion was accurate and used the same terminology in its report.

Mrs. Yerkovich stated that several residents who live in the vicinity of this property have attended Planning Board meetings and recounted witnessing dumping on the site.

Mr. Reilly suggested that a second public hearing be held.

Mr. Jim Yoviene, applicant, stated that the property has been tested three (3) times and no garbage has been found. He further stated that the testing should be enough to prove that there was no dumping on the area in question.

Mr. Reilly stated that it can be stated with certainty that there has been no dumping on the property in area where the homes are proposed to be built. He further stated that the Planning Board's concern is whether any contamination from the dump site could migrate to the home sites.

Lynn Brogan, daughter of the applicant, asked Mr. Steiner if the trees would be so healthy in the area of question if any contaminants existed there. She further asked how much due diligence will have to be done to appease the nearby residents who do not want a subdivision on this property.

Mr. Reilly responded that the applicant can develop the subdivision by right, but the Planning Board is addressing any environmental concerns there may be on the property.

Mr. McCabe stated that this is one of the best cluster developments the Planning Board has ever seen.

Ms. Brogan stated that she and her father have several residents who live on Taylor Road.

Chairman Reszka made a motion, seconded by Mrs. Yerkovich, to schedule a second public hearing for this project to be held on September 5, 2012. Carried.

Mr. McCabe stated that if any Planning Board members would like to walk the site, he would be happy to show them the property.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to table this proposal. Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Reilly stated that Buffalo Computer Graphics constructed the landscaping slightly differently from what was approved. He noted that he is reviewing the changes.

Mr. Koenig made a motion, seconded by Mr. O'Connell, to approve the minutes of July 18, 2012 and August 1, 2012. Carried.

Mr. Schawel made a motion, seconded by Mrs. Yerkovich, to adjourn the meeting. The meeting was adjourned at 8:55 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board

Date: September 8, 2012

