

Town of Hamburg Planning Board  
Meeting - January 22, 1997  
Actions Taken

Sajdak 2 lot Subdivision 4903 Chapman Pkwy.	Approved
Newton Abbott Cellular Tower 3426 Abbott Rd. Sprint Spectrum	Approved
Hopevale Property 3780 Howard Rd. Cellular Tower - Sprint Spectrum	Approved
Kagle Mini-Storage Camp Rd. near St. Francis Dr. Steve Kagle	Approved contingent upon Engineering
Creek View Subdivision 65 sub-lots - Howard Rd. Lee Webber & Gary Filipiak	Sketch plan acceptable
VTG Mini-Storage Southwestern Blvd.	Tabled
South Shore Country Club Southwestern Blvd.	Revised site plan approved.
Becker Subdivision Eckhardt Rd.	Tabled.
Yovienne Subdivision Taylor Road	To proceed with rezoning.
Ed-Burke Queen's Lane Townhouses	Proceed to Public Hearing
Sheldon Rd. Subdivision Allendale Pkwy.	Proceed to Public Hearing
Heritage Square Subdivision	Applicant is seeking a determination from ZBA
Master Plan Update	Revisions to be available for February Work Session

Town of Hamburg  
Planning Board Meeting  
January 22, 1997

The Town of Hamburg Planning Board met in regular session on Wednesday, January 22, 1997 at 7:30 p.m. in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Dick Pohlman, Paul Eustace, Sue Ganey. Others attending included K. Allen, R. Lardo, R. Whipple, D. Reilly, Attorney Don McKenna, and Terry Dubey, Stenographer. Excused: D. Fitzpatrick.

Minutes of the meeting of 12-18-96 were approved on motion by Paul Eustace, seconded by D. Pohlman. Carried.

**Public Hearing Sajdak Subdivision--S4903 Chapman Pkwy.**

Secretary Koenig read the Legal Notice of Public Hearing:

LEGAL NOTICE  
SAJDAK 2 LOT SUBDIVISION  
4903 CHAPMAN PKWY. &  
ROANOKE  
JANUARY 22ND 1997 7:30 P.M.  
PLANNING BOARD  
The Town of Hamburg Planning Board  
will hold a Public Hearing for 2 lot sub-  
division for Townhomes located at 4903  
Chapman Pkwy. & Roanoke at 7:30 p.m.  
in Room 7 of Hamburg Town Hall on  
January 22, 1997.  
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. 35, Township 19,  
Range 8 of the Holland Land Company's  
Survey and according to map filed under  
Cover No. 1152 is known as subdivision  
Lots Nos. 275 and 276.  
Dated: 1-9-97  
Richard Crandall, Chairman  
Gerard Koenig, Secretary  
1-16-97 Planning Board

Attorney Paul O'Brien appeared on behalf of the Sajdak Subdivision. The variances for the townhomes were granted at the Zoning Board meeting of 1-7-97. Mr. Sajdak purchased the property from HUD 8 months ago and is in the process of restoring the premises. Lot size did not change and with the variances the lot can now be split.

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

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

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

**Sprint Spectrum for a Cellular Tower located at 3780 Howard Rd.**

Mr. Andy Przybysz of Clough Harbour appeared before the Planning Board on a revised site plan for the cellular tower which is to be located at 3780 Howard Road. The use variance was granted by the Zoning Board of Appeals on 1-7-97 which states: 1. Information on co-location has been provided. The submission of a demolition bond in the amount of \$10,000 is required. The height will be a maximum of 150' and that the maximum is to be negotiated with a second or third antenna; that a bigger base will be constructed to reflect the need for a larger antenna should the need occur.

2. The actual language of the code is: (4) Technical Details--before studies are prepared, they must be prepared by a professional engineer registered in the State of New York; (5) The search ring is to be prepared by a professional engineer registered in the State of New York; (6) In the spirit of the code, the applicant will be required every 3 years at the conception of the tower to provide certification from a qualified professional engineer; The search will meet all safety standards. 7. On this facility, if it does not meet the requirements addressed, the tower shall be removed 90 days from notification by the Town. Also, if this tower becomes obsolete and no longer used, it must be removed.

The other details are to be handled by the Planning Board. The only additional issue is the location and since the code has made it clear that the location must be equal to the height of the tower, we are not going to grant a variance on the location. The location must be within the fall zone as specified.

**Engineering Comments:** 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. 2. The proposed gravel driveway is to be paved or a variance granted by the Planning Board. Provide a proposed pavement section. 3. 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.

The issue of the paving was discussed with the Building Inspector who noted that while they prefer to see the area paved, they would not have a problem with the gravel roadway provided that it is well-maintained. Planning Board was agreeable to waiving this requirement. On lighting, the new code does not address what type it should be. Feeling by the board is that it should be a steady red light and not flashing. There is to be no propane tanks. The rungs on the tower should be 30' from the ground and so noted on the drawing.

Motion was made by Ms. Ganey, seconded by Mr. Pohlman to approve the site for the tower with the stipulation that the rungs should be 30' from the ground; that the driveway is to be maintained in good condition since it will not be paved; that there be no propane tanks on premise; and that lighting should be in accordance with Mercy Flight's and County Sheriff's requirements, though the Planning Board would prefer a steady red light, non-flashing, and that a Negative Declaration be issued. Carried.

(Drew Reilly to send a letter requesting requirements).  
Carried.

**Newton Abbott - Cellular Tower - 3426 Abbott Road**

Mr. Andy Przybysz appeared before the Planning Board on the Newton Abbott Cellular Tower to be located at 3426 Abbott Road. A landscaping plan has been provided. The roadway is existing and the paving requirement will be waived although the gravel driveway is to be maintained in good condition. On lighting, the same requirement will be made. The tower was approved by the Zoning Board on 12-3-96 with the following conditions:

Motion was made by Mr. Carberry, seconded by Mr. Rahill to grant permission for the use variance to comply with the recently enacted local law. Carried. Findings: The following conditions must be met: 1. Co-location (providing for 2) 2. In the testimony given, there shall be a demolition bond of \$10,000. 3. The height is to be 150' (minimum) and the maximum is to be negotiated with a 2nd and third antenna making a bigger base to be determined by the Planning Board, when required. 4. As to technical details, before and after studies are prepared, they must be done by a qualified radio frequency engineer signed and sealed by a professional engineer, registered in the State of New York. 5. The search ring is to be prepared by a professional engineer registered in the State of New York. Our documentation should comply with the code. 6. In the spirit of the construction of the tower, to provide certification from a qualified professional engineer certifying that the structure meets all safety standards. 7. On this particular facility, if it does not meet the requirements addressed, the tower shall be removed 90 days from notification by the Town. Also, if this tower becomes obsolete and no longer in use, it must be removed.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to approve the Newton Abbott site, subject to all conditions as stipulated by the Zoning Board of Appeals, that the parking area and driveway can be gravel but must be well maintained; that lighting be in accordance with Mercy Flight and Sheriff's requirements; that there be landscaping on the site, and that a Negative Declaration be issued on the project, and that the first rung should be 30' from the ground. Carried.

Mr. Drew Reilly noted that the law is working. Frontier

Cellular plans on submitting an application for co-location at both sites. Both sites will require a small equipment building. Planning Board members agreed that if all that is required is a small pad, the staff can make a determination whether this item should appear at the Planning Board level. The Newton Abbott site is more complicated because of the topography of the land. Construction is to begin when the weather breaks. The system will be turned on around June.

**Kagle Mini-Storage - Camp Rd. near St. Francis**

Mr. Steve Kagle and Bill Arlow appeared before the Planning Board on a proposed mini-storage facility which is to be located on a 1.78 acre parcel on Camp Rd. near St. Francis. This will be a 6,000 s.f. metal building for 30 units. Trees in the area will be preserved as much as possible. Mr. Kagle would like to leave the area in its natural state as much as possible. He does not want to put up fencing. The front portion of the property is zoned C-2 and the back portion is R-3. The property line does not meet the code and therefore, should be rearranged.

Comments from **Engineering** are as follows: 1. Additional grades and drainage arrows are required for the pavement areas. Fencing is to be included around the perimeter of the storage building pavement area. 3. A NYSDOT permit is required for the curb cut on Camp Rd. 4. Site plan revisions should be noted in the revision box which is part of the drawing title block.

Motion was made by Mr. Koenig, seconded by Mr. Phillips to issue a Negative Declaration for the project; that the facility is to be approved; that there be no automotive use on premise; that the south lot line is to be moved 5' so that it is a legal lot, and subject to Engineering requirements with the exception of the fencing. Carried.

**Creek View Subdivision 65 lots - Howard Road**

Messrs. Lee Webber, Gary Filipiak, and Bill Tyn appeared before the Planning Board on a proposed 65 lot subdivision which is to be located off Howard Road. They are looking for sketch plan approval. The proposed lots are 65' x 130'. Mr. Phillips noted that he would like to see input from the Recreation Dept. as well as Conservation. Mr. Reilly noted that Mr. Spittler did meet with the staff and stated that this was once a farm area and his only concern related to the flood plain.

**Engineering Comments:** 1. Specify proposed ownership of the storm water detention area. 2. Specify the width of the proposed road right-of-way. 3. S.L. nos. 5 & 65 should not have driveway access to Howard Rd. 4. The developer will be required to install curbs and storm sewers along the south side of Howard Road. 5. A temporary turn around will be required for the stub road to the east. 6. The stub to the east could provide a future secondary

means of access to the project. However, it is not known if the stub would ever be extended. The only option available would be to require a second subdivision road connection to Howard Rd. at this time. 7. The proposed name of the subdivision has previously been used on another map cover. It is requested that a different name be used in order to avoid confusion.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the scope of the sketch plan; that the developer make changes as requested by the Engineering Dept.; that input be received from the Conservation Board and the Recreation Dept.; and that the applicant is to work with the Town and the DOT on traffic as this is a very sensitive area on Howard Road. Carried.

**VTG Mini-Storage - Southwestern Blvd.**

Mr. Bill Arlow of Nussbaumer & Clarke appeared before the Planning Board on a revised site plan for VTG Mini-Storage to be located on Southwestern Blvd. Comments from **Engineering** are as follows: 1. 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 trunk line, if permission for the connection is granted by EC/SSTA. 2. A New York State Dept. of Transportation 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. Water service is relocated along Southwestern Blvd. It may be necessary to provide a fire hydrant on the site if required by Lake Shore Fire Co. 4. The parcel is being subdivided. What is proposed for the vacant parcels to the east? 5. The north arrows shown on the site plan drawing and location map are incorrectly oriented. 6. The detention pond area has not been relocated to the eastern side yard, which was requested by the Planning Dept. in their 1-10-97 correspondence. 7. The additional landscaping within the inner portions of the site, as requested by the Planning Dept. in their 12-6-96 correspondence, has not been provided.

Chairman Crandall pointed out that the applicant was advised to follow the Southwestern Overlay. There are too many units on the site and this will detract from the State Farm Insurance Office which is the most attractive-looking site on Southwestern Blvd. Applicant was advised to go in a different direction.

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

**South Shore Country Club Sports Dome - Southwestern Blvd.**

Mr. Bill Arlow of Nussbaumer & Clarke appeared before the Planning Board on a revised site plan for the South Shore Country Club Sports Dome. Comments from **Engineering** are as follows: 1. An indoor driving range sports dome had been previously approved

for this site on 10-18-96. 2. Include curbing or parking bumpers for all spaces along the perimeter of the proposed parking lot. When is this parking lot proposed to be constructed? 3. Elevations should be shown for the proposed parking lot drainage outlet swale to the pond. The upcoming NYSDOT Camp Rd. reconstruction project may provide an alternate storm sewer outlet along Camp Rd. 4. Elevations should be shown for the drainage swales along the perimeter of the sports dome. 5. The driveway leading to the proposed airlock for vehicle access into the dome is to be paved.

A review was made of the original approval dated 10-16-96 reads: The site plan was approved for an indoor driving range; which is to be seasonal; the area is to be enhanced with additional landscaping near Route 20.

Motion was made by Mr. Pohlman, seconded by Mr. Phillips to grant conditional approval on a revision which is acceptable to Planning and Engineering, and that this approval is for a seasonal indoor driving range. Carried.

#### **Becker Subdivision Eckhardt Rd.**

Mr. Bill Arlow of Nussbaumer & Clarke appeared on behalf of a revised drawing for the Becker Subdivision. Comments from **Engineering** are as follows: 1. The revision block is to be used whenever changes to the plan are made. 2. The site is within Erie County Sewer District No. 2. The district should be contacted to determine if there is sufficient available capacity in their system to service the date. 3. The site is in an existing Town water district. The Erie County Water Authority (ECWA) should be contacted for pressure and flow information in the system. 4. The Erie County Highway Dept. should be contacted to determine if the proposed road connection to Old Lake Shore Rd. is acceptable. 5. Provide all centerline of road dimensions and curve data. 6. The zoning requirements for two attached single-family dwellings should be shown on the plan (for subplot Nos. 33-40, 57-62, and 64-77). 7. The proposed location of the storm water detention facilities is shown within the conservation area. How is detention proposed to be provided? 8. The land shown as "Conservation Area" adjacent to the creek is subject to flooding, but is not in a designated flood plain. It will be necessary to clean and widen the creek as part of the development of the property. Therefore, the preservation of existing vegetation within the Conservation Area green space along the creek will not be possible. However, an easement along the creek should be reserved for drainage purposes, and no structures should be allowed within its boundaries.

Chairman Crandall stated that he would like to do an on-site inspection of the premises before any further determinations are made.

Motion was made by Mr. Pohlman, seconded by Mr. Phillips to Table. Carried.

**Yovienne Subdivision - Taylor Road**

Messrs. J. Yovienne and B. Arlow appeared on behalf of a proposed subdivision which is to be located off Taylor Road. Comments from **Engineering**: 1. Specify the proposed ownership of the 50 ft. buffer area along Taylor Rd. 2. Specify the proposed ownership of the green space areas. Access to the active recreation green space parcel in the westerly portion of the site should be provided. 3. The site is in the Erie County Sewer District No. 3 service area (ECSD No. 3). The district should be contacted to determine if there is sufficient available capacity in their system to service the site. 4. The site is not in a water district. A new water district must be created to service the site. The Erie County Water Authority should be contacted for pressure and flow information in the system. 5. Taylor Road is a County road. The Erie County Highway Dept. should be contacted to determine if the proposed connection is acceptable. 6. Are there any restrictions for working or constructing homes in the vicinity of the high pressure gasline that crosses the site? A 12-6-94 Soil and Water Sampling Program performed on this site stated that the proposed green space area in the southeast corner of the site was used for municipal solid waste disposal from 1951 to 1966. Based on this, the Town of Hamburg should not accept ownership of this green space area. 7. The proposed stub street to the west is located approximately 670 feet west of the approved Ridgefield (Tasseff Subdivision). The stub is approximately 2700ft. from Taylor Road. Being that the developer and the Town do not have any control over the extension of the stub street, the development could possibly have only one means of ingress and egress. The development should not be approved to be constructed more than 500 feet from Taylor Rd. without a second means of ingress and egress being provided. 8. There is an existing paper street (Crestridge Dr.) shown on Map Cover 1753 east of the proposed site. This street should be connected from Vail Dr. into the development. 9. The proposed development requires rezoning from R-A to R-1. The Town has not yet received a rezoning application in this regard.

Drew Reilly noted that there are many issues yet to be resolved. The applicant is seeking direction as to whether he can proceed with a rezoning application.

Motion was made by Mr. Phillips, seconded by Mr. Koenig that the Planning Board supports the concept and general layout as it relates to the project. Carried. Applicant may proceed with the rezoning application.

**Ed Burke - Queen's Lane 9 lot Subdivision for Townhouses**

Mr. Pat Burke appeared before the Planning Board on a proposed

Queen's Lane (Continued)

9 lot Townhouse Development which is to be located on Queen's Lane. This is a preliminary sketch and the map cover cannot be waived. Comments from **Engineering** are as follows:

1. We could not find any record of an offer of dedication to the Town for this section of Sickmon Avenue. Therefore, it is our opinion that Town abandonment of Sickmon Avenue is not required, and that the property owner currently owns the land up to the centerline of Sickmon Avenue. 2. It appears that the developer proposed to construct zero lot line, two family townhouses and not duplexes as noted. 3. The site is located within an existing sanitary sewer district. A mainline extension will be required to service the site. 4. Water service is available along Queen's Lane. 5. There are Federal Jurisdictional Wetland areas in the adjacent subdivision. Has a wetland delineation been performed on this site? 6. The preliminary plat plan requirements included under Section 31-15 of the Town Subdivision Regulations have not been fully complied with. The plan drawing should be revised to incorporate all requirements.

Motion was made by Mr. Pohlman, seconded by Ms. Ganey to grant sketch plan approval and set a Public Hearing for February. Carried.

**Sheldon Road Subdivision - Near Allendale Parkway.**

This is an R-2 zone for single family dwelling units. Comments from **Engineering**: The property line between S.L. 7 and 8 should be parallel with Pembroke Pkwy. (as relocated), and perpendicular to Sheldon Rd. 2. Pembroke Pkwy. is a paper street. The street as shown, is relocated from the original map cover. This relocation and the abandonment of the original right-of-way requires the approval of the Town Board. S.L. 6 is not in compliance with State law regarding the abandonment of right-of-way. It will be necessary for the developer to contact the adjacent property owner and negotiate an acceptable agreement of the new property line. This agreement and the approval of the Town Board will be required for final approval of the project. 3. Existing water service is available along Sheldon Rd. 4. The site is within Erie County Sewer District No. 3. A mainline extension will be required to service the site. The district should be contacted to determine if there is sufficient available capacity to service the site. 5. The preliminary plat plan requirements included under Section 31-15 of the Town Subdivision Regulations have not been complied with. The plan drawing should be revised to incorporate all requirements.

Applicant was advised to start the abandonment process. Motion was made by Mr. Koenig, seconded by Mr. Pohlman to Table. A Public Hearing is to be set for February. Carried.

**Heritage Square Subdivision - Glenn Oberacher & Attorney Jeff Palumbo**

Drew Reilly noted that Glenn Oberacher and Attorney Jeff Palumbo would like the Zoning Board's interpretation for cluster zoning regulations. They are specifically seeking a determination on Section D--minimum lot size, and H--on density. This is a project that was once developed by Lynda Mason and is located on McKinley Parkway. The Planning Consultant, Drew Reilly, referred them to the Zoning Board for the February session, as he was not in a position to interpret the code.

**Master Plan Update** - Revisions are to be made for the February 5th work session.

Motion was made by Mr. Eustace, seconded by Mr. Ganey to adjourn the meeting. Carried. Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Gerard Koenig, Secretary  
Planning Board

Next Meeting: February 3rd - Work Session with Town Board (5:30 to 6:30 p.m.)

February 5th - Planning Board Work Session.