

TOWN OF HAMBURG

PLANNING BOARD MINUTES

1-25-89

The Town of Hamburg Planning Board met in regular session on Wednesday, January 25, 1989 at 7:30 p.m. in the Hamburg Town Hall. Members attending included: Chairman Richard Crandall, Vice-Chairman Elgin Cary, Secretary Gerard Koenig, David Phillips, Sandy Carnevale, Steve Strnad, and Dennis Gaughan. Others attending included: Attorney Dan Gorman, Terry Dubey, Stenographer, and George McKnight, Director of Planning.

Minutes of the meeting were approved on motion by Mr. Cary, seconded by Mr. Phillips. Carried.

EXECUTIVE SESSION

The meetings of February and March were discussed due to the fact that the Town Board meets on the first Monday and Planning Board the following Wednesday. However, that will not be the case for the month of February. Also, since Easter is in March, the schedule changes somewhat.

Motion was made by Mr. Koenig, seconded by Mr. Carnevale to schedule the meetings for February on the 8th and 22nd. In March the following schedule will be observed: March 8th and March 22nd. Carried.

MISSION HILL - MOBILE HOME PARK

Chairman Crandall pointed out that Mr. Paul O'Neill from Tallamy, the engineer on the project, called to say that the topography map is still not available for the project and that the applicants would not be present for the meeting.

REZONING PETITION OF D. TRZEPACZ FROM R-A, RESIDENTIAL AGRICULTURAL TO C-2, GENERAL COMMERCIAL LOCATED AT 6417 SCHULTZ RD.

Mr. & Mrs. Daniel Trzepacz appeared before the Planning Board on behalf of their rezoning petition of 3.7 acres of land which they own at 6417 Schultz Road. At the present time, they conduct their hydraulic repair business in a small location at Allendale Pkwy. and Sheldon. However, they lack the space to continue from that address. Mr. Trzepacz noted that his business consists of repairing pumps, valves, and hydraulic cylinders. They also assemble systems. The operation is confined to the building itself.

Mr. McKnight informed the board that this would be an extension of a piece of C-2 land so that there would be no spot zoning. At the present time, there is one neighbor. The proposed building would be 40' x 60'. There are also 4 employees. Approximately 3 to 4 vehicles would be entering and exiting from the premises on a daily basis. The proposal would make a long range development more logical.

Motion was made by Mr. Strnad, seconded by Mr. Carnevale to forward a favorable recommendation to the Town Board to change the zoning from R-A to C-2 for the following reasons:

1-25-89

REZONING PETITION OF D. TRZEPACZ (CONTINUED)

1. This is a logical extension of a C-2 zoning area.
2. The business will be facing onto Southwestern Blvd. and the impact on the neighborhood will be minimal.
3. The proposal gives greater versatility in that area.
4. This will be an expansion of a business and will create more employment.
5. The proposal permits a local business to expand. Carried.

REZONING PETITION OF HAROLD MONCKTON - 2819 LAKEVIEW ROAD - FROM R-A, RESIDENTIAL AGRICULTURAL TO C-2, GENERAL COMMERCIAL.

Mr. & Mrs. Harold Monckton of 2819 Lakeview Road appeared before the Planning Board on behalf of their rezoning petition of their property at 2819 Lakeview Road. Mr. Monckton conducts a trucking and excavation business. The zoning in 1976 was C-2. However, because of the lack of sewers along Lakeview Road, the zoning was cut back in the 1987 ordinance.

It was noted that if the zoning is not changed, Mr. Monckton's property would be a legal, non-conforming use. Expansion would be limited with no more than 25% increase in size permitted. Mr. Monckton stated that he would rather have the zoning change as he plans to expand his business, put up another building, and store his present equipment on the inside. The piles of stone and gravel however, would still remain on the outside.

Mr. Gaughan noted that Mr. Monckton has been a property owner and taxpayer in the town for over 39 years. He has a good reputation in the community and performs a great service for the residents. The appearance of the property would be enhanced if the trucks and equipment were under cover.

Mr. & Mrs. Paul Guenther of Lakeview Road, residents of 40 years, stated concerns of spot zoning in a Residential-Agricultural area. They appeared in opposition last year when another applicant appeared for a rezoning. Concern was raised as to when Mr. Monckton sells the property, that it could become a gasoline station or a used car lot. Mr. Monckton assured the residents that he plans to pass the property on to his son for the same type of use. Attorney Gorman pointed out that with the lack of sewers, there is no infrastructure for many C-2 zones for that reason alone.

Motion was made by Mr. Gaughan, seconded by Mr. Phillips to forward a favorable recommendation to the Town Board for the rezoning from R-A to C-2:

1. This is a recognition of an existing business. The zoning in 1976 had been C-2.
2. The proposal will allow an existing business to expand.
3. The change will improve the appearance of the corner as Mr. Monckton plans to put up a storage building to house his present equipment. Carried.

BODY TAN - TRICIA PASCAL - SOUTH PARK AVENUE & SOWLES C-3 ZONING

Ms. Tricia Pascal and Mark Tiedemann appeared before the Planning Board with a site plan for a proposed body tan salon to be located across from Hilbert College. The parcel at the present time is vacant and the zoning is C-3. The structure will be a one story concrete building of 5,373 s.f. An appearance before the Zoning Board will be required as there are no sewers on that parcel. Also, there will be parking within the first 35'. A variance will be required on the setback. The code requires 35', the actual is 14', therefore requiring and the Building Inspection Dept. Ms. Pascal stated that they will use a portion of the facility as a tanning salon, do sculptured nails, and have a relaxing clinic area. There is a buffer of trees along side the property which will be retained.

Motion was made by Mr. Koenig, seconded by Mr. Strnad to reject the site plan as presented for the variances on the septic system and parking setback to be forwarded to the Zoning Board of Appeals with a favorable recommendation. Carried.

EXPERT MOTORS - USED CAR LOT - CAMP ROAD NEAR STALEY DRIVE

Mr. George Kassman, Counsel for A. Almeida appeared before the Planning Board on the used car lot which is located on Camp Road near Staley Drive. Mr. Kassman stated that it is impossible for his client to run a used car lot without having a collision facility.

Board members noted that Mr. Almeida has been to the Planning Board several times. However, he fails to comply with the requests that have been made. Reference was made to the minutes of 11-16-88 whereby the following was resolved:

Motion was made by Mr. Koenig to approve the site plan for the used car lot with the following conditions, seconded by Mr. Strnad:

1. Site plan approval is contingent upon the construction of a 6' stockade fence all along the property line abutting the residential area. (Entire length of property line).
2. Fence is to be installed within a matter of two weeks after approval.
3. Parking is to be 15' from the fire hydrant.
4. No vehicles are to be parked any closer than 10' along the fence.
5. Approval is predicated upon the fact that this will not be a collision shop.

Board members noted that if the applicant wants a collision shop, he will have to start from the beginning. At the present time, no site plan has been signed as the applicant did not live up to the agreement which was set forth in November. Board feeling remains the same.

The neighbors from Staley Drive appeared and stated that the fence posts have been up since June. However, the rest of the fencing has not been erected. Matter is due to come up in court on February 3rd 1989.

1-25-89

SOUTHTOWNS WELDING - BIG TREE ROAD - EXPANSION OF PRESENT BUSINESS

Mr. W. Brown of Southtown's Welding appeared before the Planning Board on an expansion of an existing welding shop which is located on Big Tree Rd. near the Goodfellows Club. The parcel is zoned C-2. Comments were received as follows:

BUILDING INSPECTION

The new addition which is 3,070 s.f. requires 4 parking spaces. Spots 5, 6, & 7 will require Zoning Board approval. The property is located in a flood plain and a Development Permit will be required.

ENGINEERING

The original site plan was never approved by the Town Engineer.

1. We still feel a drainage swale should be installed along the west property line. Elevations would also be useful and should be shown.
2. There is no existing hard macadam drive or parking area. A detail of the new proposed parking should be shown.
3. The existing shop has no gutters. We doubt the existence of two 4" storm drains as shown on the plan. We suggest a new line be installed parallel to the west property line out to Big Tree and not across the existing (macadam) drive.
4. A site location plan should be shown.

The applicant noted that he does not need the extra parking spaces and will delete spots, 5, 6, and 7. Matter was tabled for 2 weeks. An appearance will be required at the next meeting.

Special meeting to be set up with Town Attorney

Mr. Richard Crandall has suggested that a meeting be arranged with himself, George McKnight, the Town Attorney and the Planning Board Attorney on legal matters that will be forthcoming. Meeting to be arranged.

Motion to adjourn the meeting was made by Mr. Koenig, seconded by Mr. Carnevale. Carried. Meeting adjourned at 10:45 p.m.

RESPECTFULLY SUBMITTED,


GERARD KOENIG, SECRETARY
PLANNING BOARD

NEXT MEETING DATE:
FEBRUARY 8, 1989

TOWN OF HAMBURG

S-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111



Supervisor
JACK QUINN, JR.

Councilmen
D. MARK CAVALCOLI
JAMES F. CONNOLLY
DANIEL J. HENRY
PATRICK H. HOAK

Town Attorney
VINCENT J. SORRENTINO

Town Clerk
GEORGE DANYLUK

Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

January 26, 1989

TO: Mr. Jack Lauchert,
Building Inspector
Town of Hamburg

SUBJECT: Used Car Lot - Expert Motors - A. Almeida
Camp Road

Mr. George Kassman, representing A. Almeida, appeared before the Planning Board on a proposed change in use from a used car lot to a collision shop, for A. Almeida on Camp Road.

At the November 16th meeting the site plan was to be approved when the following conditions were met:

1. Site plan approval is contingent upon the construction of a 6' stockade fence all along the property line abutting the residential area. (Entire length of property line).
2. The fence was to have been installed within a matter of two weeks after approval before the site plan would be signed.
3. Parking is to be 15' from the fire hydrant.
4. No vehicles are to be parked any closer than 10' along the fence.
5. Approval is predicated upon the fact that this will not be a collision shop.

The Planning Board noted that none of the conditions have been met. Therefore, there is no signed site plan and the applicant is still in violation. If there is to be a collision shop, the applicant must start from square one.

Sincerely,

TOWN OF HAMBURG PLANNING BOARD

Richard Crandall
Richard Crandall, Chairman

RC:tad

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January 26, 1989

TO: The Hamburg Town Board

SUBJECT: Rezoning Petition of Harold Monckton from
R-A, Residential Agricultural to C-2, General
Commercial on 2819 Lakeview Road

At the Planning Board meeting held on January 25th, the following favorable recommendation was made for the rezoning petition of Harold Monckton from R-A to C-2 for the following reasons:

Motion was made by Mr. Gaughan, seconded by Mr. Phillips to rezone:

1. This is a recognition of an existing business. The zoning in 1976 had been C-2.
2. The proposal will allow an existing business to expand.
3. The change will improve the appearance of the corner as Mr. Monckton plans to put up a storage building to house his present equipment.

Carried.

Mr. Crandall voted No.

Sincerely,

TOWN OF HAMBURG PLANNING BOARD

Elgin Cary
Elgin Cary Vice-Chairman

EC:TAD

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January 26, 1989

TO: THE TOWN BOARD

SUBJECT: Daniel J. Trzepacz Rezoning Petition
from R-A, Residential-Agricultural to C-2
General Commercial - Repair and rebuilding of
hydraulic equipment -6417 Schultz Rd.

At the Planning Board meeting held on January 25th, the following favorable recommendation was made for the rezoning petition of Daniel Trzepacz from R-A to C-2 for a hydraulic repair building for the following reasons:

Motion was made by Mr. Strnad, seconded by Mr. Carnevale to change the zoning:

1. This is a logical extension of a C-2 zoning area.
2. The business will be facing onto Southwestern Blvd. and the impact on the neighborhood will be minimal.
3. The proposal gives greater versatility in that area.
4. This will be an expansion of a business and will create more employment.
5. The proposal permits a local business to expand. Carried.

Richard Crandall
RICHARD CRANDALL, CHAIRMAN
PLANNING BOARD

RC:tad