

# TOWN OF HAMBURG PLANNING BOARD AGENDA

DATE: 1-27-88

TIME	NAME	PURPOSE
7:00 p.m. <del>7:30</del>	EXECUTIVE MEETING	
8:00	Zoned C-2 Beverage Center - Former Kraft Iron	4690 Camp Rd.
8:20	Brierwood Country Club Pro Shop	Site plan approval
8:40	New York Telephone Mini Hut Milestrip & McKinley	Approval of revised site plan
9:00	M.W.S. Enterprises Inc. Mark Sidebottom	Convenient Store - gasoline Big Tree & Bayview
9:20	Filling in of land Wegman's	McKinley Mall Project
9:40	BROMPTON ESTATES	Preliminary - Schedule Public Hearing
10:00		

Approval of Minutes

1. Daniel & James Gastle Rezoning petition - South Creek Rd.
2. Recommendation on Shoreham Drive
3. Schedule Public Hearing Deerfield Heights Sub. Feb. 10 8:00 p.m.

TOWN OF HAMBURG

PLANNING BOARD MINUTES

JANUARY 27, 1988

The Town of Hamburg Planning Board met in regular session on Wednesday, January 27th 1988 at the Hamburg Town Hall at 7:00 p.m.

Members attending included: Chairman Richard Crandall, G. Gerald Valgora, Elgin Cary, Steve Strnad, Gerard Koenig, Dennis Gaughan, Sandy Carnevale. Others attending were: Dan Gorman, Attorney, George McKnight, & Terry Dubey, Stenographer.

Minutes of the meeting of January 13th were approved on motion by Mr. Gaughan, seconded by Mr. Koenig. Carried.

In Executive Session, Chairman Crandall signed the linens for Twilight Subdivision off Maelou Drive.

GASTLE REZONING PETITION - SOUTH CREEK ROAD FROM R-A TO R-1

Planning Board members were asked to do an on-site inspection of premises on South Creek Road on a rezoning petition from R-A to R-1. Mr. McKnight noted that this is a very small area for a rezoning request and would be considered a spot zoning. At the present time, under the new code, 200' of frontage is reqd. for an R-A and there are no public sewers.

Motion was made by Mr. Valgora, seconded by Mr. Cary to recommend to the Town Board that the rezoning be denied for the following reasons:

1. This would be considered a spot zoning.
2. There are no sewers in the area.
3. With an R-1 zoning, it would be difficult to build single family units as set forth in the conditions of an R-1 district. Carried.

Applicants were not present for the recommendation and asked to be heard for the next meeting on February 10th.

Motion was made by Mr. Valgora, seconded by Mr. Cary to rescind the aforementioned resolution for the next meeting for further consideration. Carried.

SHOREHAM DRIVE REZONING

This matter has been held in abeyance waiting a recommendation from the Planning Board on a rezoning issue on property on the east side of Shoreham Drive.

Mr. Bosse appeared before the Planning Board asking that the west side be rezoned to R-2. Neighbors appeared in opposition to have the east side rezoned back to its original status of R-1.

Motion was made by Mr. Valgora, seconded by Mr. Koenig that the Planning Board recommends to the Town Board that the property on the east side of Shoreham Drive be rezoned back to R-1. Carried.

1. This appears to be inconsistent with our earlier recommendation but is not because of the following reasons: (a) It appears that the property on the east side was originally zoned R-1. (b) The Planning Board has always tried to keep property zoned the same on both sides of the street.

SHOREHAM DRIVE REZONING (CONTINUED)

(c) The property on the east side is more developed than the west side and in general, the developed lots meet the R-1 standards.

CAESAR FABRIZZI - KRAFT IRON WORKS - 4690 CAMP ROAD.

Mr. Caesar Fabrizio appeared before the Planning Board with a request for a change in use for his business on Camp Road. He would like to change the use on the other half of the building from an iron shop to a consumer beverage type operation. Applicant was advised to update his site plan and speak with the Director of Planning, Mr. McKnight.

BRIERWOOD COUNTRY CLUB - PRO SHOP

Director of Planning McKnight informed the board that an action by the Planning Board is required for a new pro shop which is located on the Brierwood complex on Southwestern Blvd. & Rogers Rd. At the time the new shop was being constructed, it was the feeling of the Building Inspector and the Planner that a site plan review process was not necessary since this was an interior renovation on the property.

Mr. Donald Weiss of Cloverbank Road appeared in opposition of the procedures used for the construction of the building.

Motion was made by Mr. Carnevale, seconded by Mr. Gaughan to approve the site for the new pro shop. Carried.

REZONING PETITION - EAGLE CREST MOBILE HOME PARK -

Mr. Paul O'Neill appeared before the Planning Board with a rezoning request for 10 acres of land which is presently owned by St. Francis High School (soccer field) from R-2 to R-4 for expansion of the mobile home park on Big Tree near the WKBW towers.

Motion was made by Mr. Strnad, seconded by Mr. Koenig to forward a recommendation to the Town Board in favor of the rezoning for the following reasons:

1. The property is adjacent to an existing mobile home park.
  2. It is a logical extension of the existing development to R-4.
  3. The eastern boundary of the development is an ideal buffer and will not affect other residential properties.
  4. This is an excellent use of the land and is compatible with the Master Plan.
- Carried.

TELEPHONE MINI HUT - MILESTRIP ROAD NEAR TOY'S R US

New revised drawings were submitted for the mini-hut telephone installation which is located on Milestrip Rd. The location was changed during placement of the installation.

Motion was made by Mr. Valgora, seconded by Mr. Koenig to approve the site plan as presented. Carried.

M.W.S. ENTERPRISES - TYMSAVER CONVENIENCE STORE WITH PUMPS

Mr. Mark Sidebottom appeared before the Planning Board with a conceptual plan for a proposed convenience store with gas pumps to be located on Big Tree and Bayview Rds. The owner has 9 locations with this type of operation and needs guidance as to which avenue he should take with the proposal. Applicant was advised to file the rezoning procedure. It is presently zoned R-2 and a C-2 zoning is required.

PROPERTY SOUTH OF WEGMANS - REMOVAL OF TOP SOIL

Mr. Jack Patterson appeared on behalf of Wegman's on an issue whereby he has been cited for using top soil and fill to regrade 4 other properties on McKinley Parkway. A site plan was presented to the Planning Board.

Chairman Crandall noted that it is his feeling that this is not an issue for the Planning Board but is a court matter that should deal with the violations. It was recommended that a memo be sent to the Building Inspector to request that hay bales be placed on the properties to prevent erosion problems with respect to the expensive detention pond which is already in place. Attorney Dan Gorman noted that he will draft a memo to the Building Inspector stating that this is not within the purview of the Planning Board but is rather a court matter.

BROMPTON HEIGHTS - PHASE I - BROMPTON PARKWAY 9 SINGLE FAMILY DWELLINGS

Mr. Terry Leavitt appeared before the Planning Board with a preliminary sketch of a proposed 9 lot subdivision to be located on East Highland Parkway for single family units.

Comments were received from the Building Inspector as follows: The plat shows 1 inch = 80'. Subdivision plats should be 1" = 30. The property in this area is zoned R-2. In looking at the sizes of the lots, it appears that they are designed for duplexes. On square footage, this should fit. On Brompton will there be 9 driveways or 18? Brompton Parkway is a short cut for Rich Stadium. However, the traffic pattern involves movement around the Seven Corners. Should there be that many drive cuts coming off a major highway? On design, it is a better idea to have the whole plot first and use the back yards or green area next to the road. In this manner there could be only 2 drive cuts to the road. Take a look at the overall view of the sub-division and make sure that there isn't a better use of the land than what is proposed.

ENGINEERING - Add "Map Cover 2303" to further identify the Skrip Subdivision. In a recent meeting it had been agreed that the future road would enter Brompton on a radial line. Add as identification "Part of Farm Lot 48, T-9, R-7. This proposed subdivision is part of Map Cover 925 "Highland Acres." Somehow the sublots that are going to be wiped out need to be shown.

TOPO--The receiver in Brompton Pkwy. where the future road will be will have to be relocated. We will need a lot grading plan, rear yard drainage, easements for drainage and plans for sanitary sewer and water.

On the issue of traffic, Mr. Leavitt noted that the only time the residents have difficulty is during the home football games which is 8 or 10 times a year.

1-27-88

BROMPTON HEIGHTS - CONTINUED

Motion was made by Mr. Valgora, seconded by Mr. Gaughan to schedule a Public Hearing for the next meeting pending submission of a legal description and a \$75.00 filing fee. Carried.

OTHER MATTERS

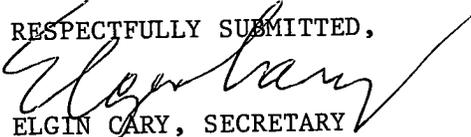
1. Cardinal Industries will be present for the next meeting as they are planning an expansion of the present Fairfax Park Apts. located on Southwestern Blvd. They will need a zoning change from C-2 to R-3 for multi-family units. This is the former Brad Haefner parcel.

2. At Town Board Work session on February 1, a request has been made to discuss policy on drainage in old subdivisions. Members encouraged to attend the session.

3. Conservation Board has requested time to consult with the Town Board on the issue of certain areas to be preserved in its natural state. To be discussed at next Town Board work session.

Motion to adjourn the meeting was made by Mr. Carnevale, seconded by Mr. Koenig. Meeting adjourned at 10:30 p.m. Carried.

RESPECTFULLY SUBMITTED,

  
ELGIN CARY, SECRETARY  
PLANNING BOARD

NEXT MEETING DATE:

FEBRUARY 10, 1988  
7:00 P.M.

# 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 27, 1988

TO: THE PLANNING BOARD

SUBJECT: BROMPTON ESTATES - PHASE I - PRELIMINARY PLAT

The plat shows 1 inch = 80'. Subdivision plats should be 1" = 30'. The property in this area is zoned R-2. In looking at the sizes of the lots, it appears that they are designed for duplexes. On square footage, this should fit.

On Brompton will there be 9 driveways or 18 driveways? Brompton Parkway is a short cut for Rich Stadium. However, the traffic pattern involves movement around the Seven Corners. Should there be that many drive cuts coming off a major highway? On design, it is a better idea to have the whole plot first and use the back yards or green area next to the road. In this manner there could be only 2 drive cuts to the road. Take a look at the overall view of the subdivision and make sure that there isn't a better use of the land than what is proposed.

JACK LAUCHERT, BUILDING INSPECTOR

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January 26, 1988

Richard Battaglia  
Niagara Mohawk Power Company  
535 Washington Street  
Buffalo, New York 14203

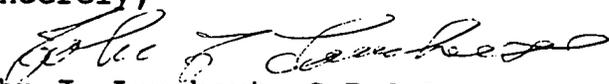
Dear Mr. Battaglia:

In our conversation today on the telephone I informed you of two situations that are existing on your right of way in the Town of Hamburg, West of Mckinley Parkway near Mckinley Plaza ( Wegmans).

The first one is that the contractor doing the site work for Wegman's is infringing on your property. We are aware of what is happening in the drainage area but, also further to the south the contractor has agreed to me through our proceedings in court that he would correct the situation as it exist and conform to the accepted site plan by the Town of Hamburg Planning Board and the Hamburg Town Board. I am aware the drainage area was mutually agreed by you, Niagara Mohawk and Hamburg Associates.

Another problem that I brought to your attention is that there is a old abandoned gas well located either on your property or property owned by Hamburg Associates. It is on the westerly part of your property and a copy of that area of the pond is included on the plan (the approximate location). I would appreciate if you would have your people check to see who owns it as we would like to continue on with the procedure that we did in the past with another old well that we found at the base of the detention pond which was cleaned to about 80 feet down from the top of the well and filled with concrete with a 4 ft X 4 ft cap poured concrete on the top of it. This stopped any leaking from the existing well as we feel that no doubt this will solve the problem from any more leaking on to adjacent properties. Your cooperation would be appreciated. Looking forward to a response from you at your earliest convenience.

Sincerely,

  
John J. Lauchert, C.P.C.A.  
Code Enforcement Officer

cc: Hamburg Associates, Russ Bailey, Pat Franklin, Ed D. Dillape  
cc: Town Board, Planning Board

# TOWN OF HAMBURG

5-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111



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January 26, 1988

## SITE PLAN REVIEW

RE: Property south of Wegmans ( Sublot 75, 76, 77 ) Map cover 25

This property at the present time is being filled by the sub contractor working for Wegman's by the name of Anastasi They have been using top soil and fill which is owned by the Town of Hamburg to re grade these lots to dump and fill in and also property owned by Niagara Mohawk Power Company. I have them in court along with William Bunte and Victor Liberatore.

They have had a mutual agreement amongst themselves to use the excess topsoil and fill from the Wegman's site and it should have been delivered to 65 acres. About 700 cubic yards, plus minus, has been delivered by Anstasia to the site at 65 acres. As agreed upon during site plan review. I have not contacted Gary or Mary Ricci reported owners to the west of Paper Street Burke Parkway. The plan is the results of the court case which is pending your approval with the understanding that they are going to remove all the excess fill that they replaced on the Niagara Mohawk property line with the exception of that which is required in the drainage area where the culvert pipe drains the mall itself. I have requested the contractor not to dump in there but it contined on anyways and he did not do it properly because he did not strip the topsoil from the site. We could have future problems with this type of a procedure. When any buildings are built on this site, no doubt it will require stronger foundations because it is not on standard normal compact soil as it filled over the top of the top soil.

Past procedures is that the town has sold some topsoil and the cost have been a \$1.00 a yard this includes the fill. On this site alone it amounts approximately 6,280 cubic yards as listed under plan. Plus what they have to remove from the Niagara Mohawk Power line right away.

My concern is that they have proper drainage off this site as approved by you the Planning Board for the Wegman's location and that future drainage problems don't occur from them placing this

fill. I also feel that environmental impact statement should be done for this area and proper procedure should be followed. If I can be of any more assistance, feel free to contact me.

Sincerely,



John J. Lauchert, C.P.C.A.  
Building, Zoning & Plumber Inspector  
Code Enforcement Officer  
Town Of Hamburg

JJL/cac

ouncilmen  
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TO : Town Planning Board  
 FROM: Town Engineer Gilbert  
 DATE: 1-27-88  
 SUBJ: SITE PLAN REVIEW  
 GRADING - SOUTH OF WEGMANS

Following are our comments on a plan dated 1/18/88:

The initial comment is that it is always interesting to review a site plan where the work has already been done.

- Does the filler have permission of the several owners to place fill on their property. This would include the Town of Hamburg because of Burke Pkwy.?
- Was the topsoil stripped from the existing ground before placing the fill? Test holes or borings would answer this question?
- Were stumps, tree limbs etc. buried in the fill?
- There should be a drainage swale placed along the south line of Wegmans to stop offsite drainage flow.
- The site should be seeded.
- Our field inspection appears to show the fill to be closer to the house than is shown on the drawing. If this is correct the drawing should be revised to show the true conditions.

Jack Gilbert, Jr.

JJG,Jr./jnl

cc: R. Lardo  
 J. Lauchert

The attached plans, with comments, are to be returned with next submission for review process to continue.

Hamburg, N.Y.

DRAWING NUMBER

# TOWN OF HAMBURG

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January 28, 1988

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

SUBJECT: Change in Use of Kraft Iron - Caesar Fabrizzi  
4690 Camp Road

At the Planning Board meeting held on January 27, 1988  
Caesar Fabrizzi came before the Board for a proposed change in use of the  
Kraft Iron shop which is adjacent to Anna's Pizzeria.

He would now like to use the other half of the building for  
a Consumer Beverage type use. He was given conceptual approval and advised  
to update his site plan. Are there any other requirements that will be  
needed by your department?

Very truly yours,

*Richard Crandall*  
RICHARD CRANDALL, CHAIRMAN  
PLANNING BOARD

RC:tad

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January 28, 1988

TO: THE HAMBURG TOWN BOARD

SUBJECT: Rezoning Petition of Eagle Crest from R-2  
to R-4 off Big Tree Rd.

At the Planning Board meeting held on January 27, 1988, a favorable recommendation was made for the rezoning of 10 acres of land from R-2 to R-4 for a mobile home park.

Motion was made by Mr. Strnad, seconded by Mr. Koenig to forward a favorable recommendation for the following reasons:

1. The property is adjacent to an existing mobile home park.
2. It is a logical extension of the existing development to R-4.
3. The eastern boundary of the development is an ideal buffer and will not affect other residential properties.
4. This is an excellent use of the land and is compatible with the Master Plan.

Very truly yours,

TOWN OF HAMBURG PLANNING BOARD

*Richard Crandall*  
Richard Crandall, Chairman

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January 28, 1988

TO: THE TOWN BOARD

SUBJECT: Recommendation of Shoreham Drive Property

At the Planning Board meeting held on January 27, 1988, motion was made by Mr. Valgora, seconded by Mr. Koenig that the Planning Board recommends to the Town Board that the property on the east side of Shoreham Drive be rezoned back to R-1. Carried.

1. This appears to be inconsistent with our earlier recommendation but is not because of the following reasons: (a) It appears that the property on the east side was originally zoned R-1. (b) The Planning Board has always tried to keep property zoned the same on both sides of the street. (c) The property on the east side is more developed than the west side and in general, the developed lots meet the R-1 standards.

TOWN OF HAMBURG PLANNING BOARD

*Richard Crandall*  
Richard Crandall, Chairman

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TO : Town Planning Board  
FROM: Town Engineer Gilbert  
DATE: 1-27-88  
SUBJ: SUBDIVISION REVIEW  
BROMPTON HEIGHTS SUB

Following are our comments on the preliminary plat and the topo map received in this office on 1-26-88.

## Preliminary Plat

- Add "Map Cover 2303" to further identify the Skrip Subdivision.
- In a recent meeting it had been agreed that the future road would enter Brompton on a radial line.
- Add as identification "Part of Farm Lot 48 Township 9 Range 7".
- This proposed subdivision is part of Map Cover 925 "Highland Acres". Somehow the sublots that are going to be wiped out need to be shown.

## Topo Map

- The receiver in Brompton Pkwy where the future road will be will have to be relocated.
- We will need a lot grading plan, rear yard drainage, easements for drainage and plans for sanitary sewer and water.

The attached plans, with comments, are to be returned with the next submission for the review process to continue.

  
John J. Gilbert, Jr.

JJG, Jr./jnl

cc: R. Lardo  
J. Lauchert

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TOWN OF HAMBURG PLANNING BOARD

*Richard Crandall*  
Richard Crandall, Chairman

LEGAL NOTICE

TOWN OF HAMBURG PLANNING BOARD

Notice is hereby given that the Planning Board for the Town of Hamburg will hold a Public Hearing at Town Hall, S-6100 South Park Avenue on the 10th day of February at 8:00 p.m. for the purpose of approving a residential subdivision known as DEERFIELD HEIGHTS SUBDIVISION.

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 43, Township 9, and Range 7 of the Holland Land Company's Survey, being more particularly described as follows:

Beginning at a point in the west line of Lot 43, being the centerline of McKinley Parkway, 225.00 feet southerly of the north line of Lot 43 as measured along said west line; thence easterly, parallel with the north line of Lot 43, 200.00 feet to a point; thence northerly parallel to the west line of Lot 43 and the centerline of McKinley Parkway, 225.00 feet to the north line of Lot 43; thence easterly along the north line of Lot 43, 1805.6 feet to a point; thence southerly, at an interior angle of  $89^{\circ} - 32' - 44''$ , 1583.7 feet to a point; thence westerly at an interior angle of  $90^{\circ} - 15' - 49''$ , 873.55 feet to a point; thence northerly at right angles to the last described line 205.65 feet to a point; thence westerly at an exterior angle of  $89^{\circ} - 48' - 13''$ , 1124.75 feet to the centerline of McKinley Parkway, being the west line of Lot 43; thence northerly along the centerline of McKinley Parkway and the west line of Lot 43, 1150.2 feet to the point or place of beginning, containing 66.3 acres of land more or less.

RICHARD CRANDALL, CHAIRMAN

PLANNING BOARD

DATED January 20, 1988

LEGAL NOTICE

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RICHARD CRANDALL, CHAIRMAN

PLANNING BOARD

DATED January 20, 1988