

TOWN OF HAMBURG

PLANNING BOARD MINUTES

1-29-86

REZONING PETITION OF
JOSEPH FRACCICA ON PROPERTY
ON SOUTHWESTERN BLVD. & SHELDON
RD.

NO ACTION TAKEN

MR. HENRY KEARNS-STORAGE
BLDG. FOR FURNITURE SOUTH
PARK & SOUTHWESTERN C-2

TO REVISE SITE PLAN FOR
FEBRUARY 12TH

PETER FENN - GOLF DRIVING
RANGE 4535 SOUTHWESTERN BLVD.
REZONING PETITION

FAVORABLE RECOMMENDATION FORWARDED
TO TOWN BOARD UPON RECEIPT OF
PROPER LEGAL DESCRIPTION & SURVEY

CLOVER TREE MINIATURE GOLF
COURSE - JOHN & CAROL DOWDALL
5505 SOUTHWESTERN BLVD.
ZONED C-1

REFERRED TO ZONING BOARD OF
APPEALS FOR VARIANCE

EDUARDO'S RESTAURANT
SOWLES ROAD
SECOND DRIVEWAY

APPROVED CONTINGENT UPON SEAL
ON PLAN, PARKING LAYOUT OF 20
SPACES, 2 HANDICAPPED, & NARROWING
OF DRIVE TO 25' ON SOWLES RD.

BELL'S BAZAAR
REQUEST FOR DRIVE
TO DIVISION

NO ACTION TAKEN FOR LACK OF
INFORMATION

LANGUAGE FOR DAY CARE CENTER
& NURSERY SCHOOLS TO AMEND
ZONING CODE

ACCEPTED BY PLANNING BOARD &
FORWARDED TO TOWN BOARD FOR
SCHEDULING OF PUBLIC HEARING

TOWN OF HAMBURG

PLANNING BOARD MINUTES

1-29-86

The Town of Hamburg Planning Board met in regular session on Wednesday, January 29th, 1986 in the Planning Board room at 7:30 p.m.

Members attending were: G. Gerald Valgora, Richard Crandall, Elgin Cary, George Danyluk. Others attending were: Jay Pohlman, Esq. George McKnight, Terry Dubey, Stenographer. Excused: Tom Corcoran, Ray Joseph

Minutes of the meeting of 1-15-86 were approved on motion by Mr. Crandall, seconded by Mr. Cary. Carried.

EXECUTIVE SESSION:

1. Rezoning Petition of Joseph Fraccica for property on Southwestern Blvd. and Sheldon Road from R-2, R-C, & C-2 to C-2. Original intent for use of property was for an automobile agency. Plans for this project have since fallen thru. Matter to be discussed with Town Board on February 3rd as to over all view of McKinley Parkway rezonings.

MR. HENRY KEARNS - RON BUGAJ, ARCHITECT FOR STORAGE BUILDING FOR FURNITURE TO BE LOCATED ON SOUTH PARK AND SOUTHWESTERN BLVD.

Mr. Ron Bugaj, Architect, and Mr. Kearns, applicant, appeared before the Planning Board for a furniture storage building to be located on South Park and Southwestern Blvd. Mr. Kearns presently operates across the street in a remodeled gas station. He would like to put up a new metal structure, 48' x 75', and one story. The following memos were received:

PLANNING - GEORGE MC KNIGHT

The zoning is proper. Setback is adequate. The use is for furniture sales, not warehouse; but there is still more than enough parking. Handicapped parking should be identified. Any landscaping other than grass should be shown. Any lighting in the parking lot should have the pole locations shown. Public water lines should be located on the plan. If there is to be a free standing sign, it should be indicated.

BUILDING INSPECTION - JOHN J. LAUCHERT

The proposed dumpster and fence located at the Southwestern side of the building is within 35' of the front yard setback would interfere with line of sight. This therefore, should be placed at the rear of the property. The parking spaces should be indicated for green area. There are no elevations on the plan. Although there are arrows indicating drainage. Elevations should be indicated showing the existing first story of the building as well as the drainage for the parking lot. Allowances should be made for drainage off the roof to drain to the existing storm sewer as well as the paved areas in the parking lot. In the parking spaces 1-14, and 15-21, it shows pre-cast concrete wheelstops. These are fine but in other areas adjacent to the new blacktopped driveway the straight areas should have pre-cast curbs. The curved areas should be poured in place to stop people from driving off the blacktop on to the lawn area. The pre-cast curbs could be replaced if they were removed by the plowing of snow in winter. If a detached sign will be placed on the property, the location should be indicated on the plan

HENRY KEARNS - FURNITURE BUILDING - SOUTH PARK & SOUTHWESTERN

to conform to the ordinance. The new sewage treatment system location must be approved by the Erie County Health Dept. A copy must be included before any building permits are issued. I would like to see the drawings for the new proposed building to be sure they conform to the New York State Uniform Fire Prevention and Building code.

ENGINEERING COMMENTS WERE GIVEN TO THE ARCHITECT TO MAKE CHANGES AS INDICATED ON PLAN.

Revised site drawings are to be readied for the February 12th Planning Board meeting.

PETER FENN - GOLF RANGE - 4535 SOUTHWESTERN BLVD.

Mr. Peter Fenn appeared before the Planning Board on a rezoning petition for a golf range to be located on South Park and Southwestern Blvd. The applicant was advised to contact a surveyor for the proper legal description as the one presently in hand is inadequate. Applicant to contact owner's attorney for new survey and legal description.

Motion was made by Mr. Danyluk, seconded by Mr. Crandall to forward a favorable recommendation to the Town Board for the proposal upon receipt of the proper legal description and survey and to include the Bi-lo gas station property and Mr. Milford Saunders property in the rezoning. The property which Mr. Fenn has the option to purchase has a favorable recommendation based on the following:

1. It is a suitable use for the area.
2. The property on the other side of South Park is currently zoned C-2.
3. A large portion of the property is already used for commercial purposes.
4. The predominate use in the area is a C-2 zoning.
5. The intersection of South Park and Southwestern Blvd. is fully developed in a commercial character at the present time. Carried.

CLOVER TEE MINIATURE GOLF COURSE - JOHN & CAROL DOWDALL - 5505 SOUTHWESTERN BLVD.
MINI-WAREHOUSE FOR PERSONAL AND COMMERCIAL USE. ZONED C-1

Mr. John Dowdall appeared before the Planning Board with a proposal for a mini-warehouse storage building to be located on the Clover Tee Golf Course on 5505 Southwestern Blvd. The facility presently operates under a variance which was granted in 1981. The following comments were received:

PLANNING - GEORGE MC KNIGHT

There is no problem with the setback of the building. No parking will be required for the use. The proposal is to construct a warehouse type structure which will partly be used to store maintenance equipment for the existing uses of miniature golf and batting cages. The rest of the building will have self-contained storage areas that can be rented out. The zoning ordinance requires "warehousing" to be located in at least a C-2 zone. The area shown is zoned C-1. This proposal will have to go to the Zoning Board of Appeals.

BUILDING INSPECTOR - JACK LAUCHERT

The elevations for the building as well as the parking lot should be indicated on the plan. To assure that there is proper drainage from the storm sewer which is located in the front ditch, the amount of parking spaces should be listed in the parking area.

1-29-86

CLOVER TEE MINIATURE GOLF COURSE - 5505 SOUTHWESTERN BLVD. ZONED C-1

It could use pre-cast curbs or railroad ties in the straight areas. A detail of the paving should also be shown or since it says stoned drive, a detail of that should be indicated. The proposed elevations of the pre-cast drop inlet should be reflected. There are elevations for the building, but I would like to see them indicated in the parking areas as well as the front ditch. Plans are good but I would like to see the fire rating for the doors. This should be indicated on the door schedule on Drawing 85910-03, the downspouts connected to existing storm. Storm is spelled incorrectly in 2 places.

Engineering comments were given to the applicant for further revision.

Motion was made by Mr. Danyluk, seconded by Mr. Cary to reject the proposal as presented and refer it to the Zoning Board of Appeals for a Use Variance. Carried.

EDUARDO'S RESTAURANT - SOWLES ROAD ZONED C-2

Attorney Jim Sorrentino and the applicant Mr. Tarquini appeared before the Planning Board with a new drawing for the driveway location revision. It was recommended that both driveways be moved back on Southwestern Blvd. by 30'. The drive location could not be moved back any further as the State does not want the lip of the driveway to cross the property line. A preliminary sketch was presented for site plan approval. It was noted that the seal is missing from the drawing and one with a seal must be submitted for approval. The parking lot layout of 20 spaces should also be indicated on the plan. The following comments were submitted:

BUILDING INSPECTOR - JACK LAUCHERT

The proposed relocation of the west entrance--I feel that the proposed location for the new driveway, as long as it meets with the approval of the New York State Dept. of Transportation, Highway Division, and specifications and the proper permits are obtained from same, will no doubt be the best location for this new proposed driveway. The other existing driveway on Southwestern Blvd. as well as the new driveway on Sowles Road must be completely removed and blocked off, so no entrance or exit from the property can be obtained through these existing driveways. Please inform me when construction is started at the site, so that I can be at the site for the required inspections.

PLANNING - GEORGE MC KNIGHT

The amended site plan is showing the recommendation of the Planning Board--to move the Southwestern Blvd. driveway as far to the west as possible. Problems: The Sowles Road driveway is close to the intersection but because of a gas line and a fire hydrant no other location on Sowles is possible. In order for this driveway to be legal, the County Highway Dept. will have to approve the driveway and issue a curb cut permit. (2) The Southwestern Blvd. driveway will require New York State Dept. of Transportation approval and a curb cut permit. (3) Since individual parking spaces are not shown, a general comment to have some type of bumper blocks where parking is against the building, along any adjacent property line or facing and near to an existing road.

EDUARDO'S RESTAURANT SOUTHWESTERN & SOWLES

Motion was made by Mr. Crandall, seconded by Mr. Danyluk, to approve the new location of the driveway on Southwestern Blvd. and the existing driveway on Sowles Road, subject to narrowing to 25', and a stipulation that the parking layout of 20 spaces be indicated on the site plan, including 2 handicapped spaces, as well as an engineer's seal. Carried.

BELL'S BAZAAR - SOUTH PARK AVENUE

Memo received from Supervisor Quinn regarding Bell's proposal. Officials from P.J. Schmitt have requested the Town of Hamburg to consider a driveway leading from Division Street to the planned Bell's Bazaar parking lot. I would appreciate your comments and/or suggestions on this request as soon as possible.

Board members asked the following questions:

1. Is the proposal for a thru driveway or street from Division to South Park, or is it merely an second entrance to the Bell's parking lot?
2. We need additional information as to the exact location and purpose of the driveway. Is it for the first phase of the parking lot and when will it be built?
3. Is the intent that the P.J. Schmitt Co. provide it as a street or driveway. Who will maintain it and who will own it.
4. Tabled for lack of information.

NURSERY SCHOOLS AND DAY CARE CENTERS IN ALL DISTRICTS

A proposed amendment change was prepared by G. McKnight to include day care centers and nursery schools in all districts.

Motion was made by Mr. Cary, seconded by Mr. Crandall to forward a favorable recommendation to the Town Board for the adoption of the zoning amendment change and to schedule a public hearing. Carried.

Motion to adjourn the meeting was made by Mr. Danyluk, seconded by Mr. Cary. Carried. Meeting adjourned at 10:15 p.m.

RESPECTFULLY SUBMITTED,
George Danyluk
GEORGE DANYLUK, SECRETARY

NEXT MEETING
FEB. 12, 1986
7:30 P.M.

Town of Hamburg

Supervisor
JACK QUINN, JR.

Councilmen
D. MARK CAVALCOLI
JAMES F. CONNOLLY
DANIEL J. HENRY
SALLY A. STEPHENSON



Town Attorney
JEAN PETERSON

Town Clerk
PATRICIA A. MEAD

Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

S-6100 SOUTH PARK AVENUE - HAMBURG, NEW YORK 14075

TEL: (716) 649-6111

January 30, 1986

TO: ALL TOWN BOARD MEMBERS

Attached is a draft of a proposed zoning amendment change to allow Nursery Schools and Day Care Centers to be in all districts. Could you review the information for discussion at the Town Board work session on February 3rd while you are discussing the McKinley Parkway area with the Planning Board.

We will also need a resolution to schedule a Public Hearing for the February 24th meeting and prepare the Legal Notice.

Sincerely,

TOWN OF HAMBURG PLANNING DEPT.

George McKnight, Director

Town of Hamburg

Supervisor
JACK QUINN, JR.

Councilmen
D. MARK CAVALCOLI
JAMES F. CONNOLLY
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January 29, 1986

Nursery Schools and Day Care Centers

Article VI R-E Single Family Residence - Estate District

29-17 Permitted uses and structures.

A. (5)

(add) (b) Nursery schools and day care centers

Article VII R-1 Single Family Residence District

29-24 Permitted uses and structures

A. Principal uses and structures

(add) (7) The following uses by special permit authorized by the Planning Board (see Article XXX).

(a) Nursery schools and day care centers

Article XXX Special Use Permits

(add) 29-166.2 Nursery schools and day care centers

Permitted in all zoning districts provided that:

(a) Nursery schools or Day care centers shall not receive an occupancy permit until licensed by the State of New York.

(b) Adequate outdoor play space shall be provided based on the number of children. A minimum of 75 sq.ft. per child under the age of 3 and 100 s.f. per child 3 yrs. and older. No play area or equipment shall be located in a front yard.

c. Where a Nursery School or Day Care Center abuts a residential property or an area zoned residential, there shall be a minimum thirty (30) foot buffer with adequate screening as determined by the Planning Board.

d. Child discharge and pick-up areas shall not be in the public right of way.

e. There shall be one off-street parking space for each full time staff person and a minimum of three spaces for parents and visitors.

Article XXXII -- Definitions and Word Usage 29-172 Definitions

(delete) Day Care Center or Day Nursery--A place for the care of three (3) or more children, away from their own homes, who stay for a period of three (3) hours or more, but less than twenty-four (24) hours, during any day, irrespective of compensation, reward, or otherwise.

(add) Day Care Center or Nursery School--a place, person, association, corporation institution or agency licensed by the State of New York providing care for three or more children for at least 3 hours but less than 24 hours away from their homes and in which parents, guardians, or others responsible for care, place children. This does not include care provided in an after school program operated for the primary purpose of religious education.

(delete) Nursery School--A school designed to provide daytime care or instruction for two (2) or more children from two (2) to five (5) years of age, inclusive, and operated on a regular basis.

Town of Hamburg

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

January 31, 1986

TO: Supervisor Jack Quinn
Hamburg Town Hall

SUBJECT: Your memo dated January 28 on Bells
Bazaar

We discussed the proposed driveway from Division St. to Bells. We have the following questions:

1. Is the proposal for a thru driveway or street from Division to South Park, or is it merely a second entrance to the Bell's parking lot.
2. We need additional information as to the exact location and purpose of the driveway. Is it for the first phase of the parking lot, and when will it be built?
3. Is the intent that the P.J. Schmitt Co. will provide it as a street or a driveway? Who will maintain it and who will own it?
4. No decision was made for lack of complete information.

Very truly yours,

G. Gerald Valgora
G. GERALD VALGORA, CHAIRMAN
TOWN OF HAMBURG PLANNING BOARD

GGV:tad

TO: Richard Smith
Jerry Valgora
George McKnight
Norm Ryan

FROM: JACK QUINN, Supervisor

DATE: January 28, 1986

RE: Bells Bazaar proposal

Officials from P.J. Schmitt have requested the Town of Hamburg to consider a driveway leading from Division Street to the planned Bells Bazaar parking lot.

I would appreciate your comments and/or suggestions on this request, as soon as possible.

Very truly yours,


JACK QUINN
Supervisor