

Town of Hamburg Planning Board
Meeting - March 19, 1997
Actions taken

Heritage Square II
McKinley Parkway
Glenn Oberacher

Preliminary cond. approved,
based on Eng. requirements

Creek View Subdivision
65 sub-lots
Camp & Howard Rd.
Eaglecrest Inc.

Tabled for Traffic Safety
input & DOT resolution on
maintenance of signal.

Queen's Lane Subdivision
8 lots
Patrick Burke

Preliminary approval given.

John Ognibene
2 lot subdivision
Old Lakeview Road

Hearing set for April 16th

R. D. Murray
to relocate to Grossman's
Camp Road
from C-2 to M-2

Favorable recommendation given.

Master Plan
Update

Referred to Town Board. Hearings
scheduled for April 19th and
21st

Emerald Green
Negative Declaration

To be discussed at next meeting

Frontier Cellular
Hopevale site

Site plan review to be waived.

Southtown's Auto
Camp Road

Tabled. On agenda for April 2nd.

**Town of Hamburg Planning Board
Meeting - March 19, 1997**

The Town of Hamburg Planning Board met in regular session on Wednesday, March 19, 1997 at 7:30 p.m. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Dick Pohlman, Don Fitzpatrick, Sue Ganey, Paul Eustace. Others attending included: Drew Reilly, Rich Whipple, Rick Lardo, Don McKenna, Attorney, Councilman Mark Cavalcoli, and Terry Dubey, Stenographer.

Public Hearing, Heritage Square II, McKinley Parkway

Secretary Koenig read the following Legal Notice of Public Hearing:

**LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
HERITAGE SQUARE SUBDIVISION**

PART II

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 17-lot subdivision known as Heritage Square, Part II on March 19, 1997 at 7:30 p.m. in Room 7 of Hamburg Town Hall.

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. 54, Township 9, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the westerly line of McKinley Parkway 1293 feet north of the center line of Bayview Road and Sowles Road; thence northerly along the west line of McKinley Parkway, 70.00 feet; thence westerly at right angles 200.00 feet; thence northerly at right angles, 265.23 feet to a point in the northwest corner of the Map filed in the Erie County Clerk's Office under Cover 2615; thence southwesterly along the southeast line of Wolf by Liber 71 of Deeds at Page 382, at

an interior angle of 52°-40', 363.10 feet to a point in the easterly line of Erie Railroad (formerly Buffalo & Southwestern Railroad Company); thence southerly along said easterly right-of-way line, 464.83 feet to the northeast corner of premises conveyed by Alessandro DiDomenico by Liber 8640 of Deeds at Page 377; thence southeasterly along the northerly line of premises so conveyed and the northerly line of premises conveyed to James J. Haley and Dianna L. Haley, his wife by Liber 7547 of Deeds at Page 459, 313.00 feet; thence northeasterly along a part of the northwesterly line of a triangular parcel conveyed to Roderick A. Bernick by Liber 7177 of Deeds at Page 271 at an interior angle of 84°-41'-34", 166.88 feet; thence north parallel to McKinley Parkway 135.00 feet; thence easterly at right angles, 20.00 feet; thence northerly and parallel to McKinley Parkway, 100.00 feet; thence easterly at right angles 30.00 feet to the southwest corner of Map filed in the Erie County Clerk's office under Cover 2615; thence northerly at right angles 200.00 feet; thence easterly at right angles 200.00 feet to the point of beginning.

RICHARD CRANDALL, Chairman
GERARD KOENIG, Secretary
Planning Board

Attorney William Murray and Glenn Oberacher appeared before the Planning Board on a proposed 17 sub-lot patio home proposal known as Heritage Square II on McKinley Parkway. Each lot will range from 5,000 s.f. to 8,000 s.f. with a floor plan of approximately 1400 s.f. Porches can be added on if desired. The term "patio" home is a marketing tool and the complex is designed for empty-nesters who wish to down-size from a larger home. Each homeowner will have their own individuality with their own lot. The homes will range from \$130,000 to \$140,000, be a private-gated community, with a homeowner's association supplying all services. Mr. Oberacher brought in a model to give the Board a chance to look at what is proposed. There will be deed restrictions on painting, and other amenities. These are not townhomes. The road will be private; there will be walkways, a pond, and a fountain.

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**RICHARD CRANDALL, Chairman
GERARD KOENIG, Secretary
Planning Board**

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Heritage Square II (Continued)

Roads will be built according to Town Engineering specifications.

Chairman Crandall asked how taxes are established? Mr. Oberacher responded that each homeowner will be taxed for a portion of the open space in the community. The common area will be owned by the association. Mr. Crandall noted that if for some reason the association goes out of business and taxes are not paid, I have a concern as to what happens to that property.

Attorney Murray responded that if the common area property and if the association ceases to exist, the homeowners would still bear an interest in the property. There would still be a responsible party. There are guidelines and regulations set up by the Attorney General's office and once they approve the association, it is on an on-going basis and would not happen.

Reference was made to the **Engineering** concerns: In a memo dated 3-19-97, the following was discussed: 1. The site is within Erie County Sewer District No. 3. The district should be contacted to determine if there is sufficient available capacity in their system to service the site. 2. The Erie County Water Authority should be contacted to determine if there is sufficient water system capacity to service the site. 3. Town Subdivision regulations, Section 31-22(D-3), require that the centerline road radius be a minimum of 150 feet. This is to be appropriately revised. 4. The proposed 700 feet long dead-end cul-de-sac exceeds the maximum street length of 500 feet required in Town subdivision regulations Section 31-22(H). The road is to either be shortened, or a variance obtained from the Planning Board. 5. The Erie County Highway Dept. should be contacted to determine if the proposed road connection to McKinley Parkway is acceptable. 6. The proposed road access will be private. Private roads are not named. Remove the name from the plan. 8. Sidewalks will be required unless they are waived by the Planning Board.

Ms. Ganey brought up the subject of sidewalks noting that senior adults need sidewalks for better footing. It is difficult walking on grass and land that is uneven. Other board members felt that sidewalks were not necessary as long as there is a hard-surface path.

Chairman Crandall asked if anyone wished to speak for or against the subdivision.

Mr. Gary Jabczynski of 4747 McKinley Parkway noted that there is periodic flooding in that area. Mr. Reilly responded that he will discuss the matter with the County.

Betty Cruz of Orchard Park asked about garbage pickup.

Response given is that this will be maintained by the homeowner's association thru their fees. CID refuse is the company that they will be using.

The issue of green space fees was discussed. Mr. Koenig commented that a one time recreation fee of \$600 per dwelling unit will be required. Hearing was declared closed.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to conditionally approve the preliminary based on resolution of the Engineering items; issue a Negative Declaration on the project; waive the 700' cul-de-sac requirement; waive the sidewalk requirement; require a \$600 recreation fee for each dwelling unit; that a fence be placed at the back portion of the property to act as a barrier between the property and the railroad tracks; height and screening to be of proper height according to Town code. Carried.

Public Hearing - Creek View Subdivision 65 lots - Camp and Howard Rd.

Secretary Koenig read the following Legal Notice of Public Hearing:

LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
CREEK VIEW SUBDIVISION
Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 65 lot subdivision known as Creek View Subdivision on March 19, 1997 at 7:35 p.m. in Room 7 of Hamburg Town Hall.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York being part of Lot 14, Township 9, Range 8 of the Holland Land Company's Survey being further bounded and described as follows:
BEGINNING AT A POINT in the centerline of Howard Road, 66.0 feet in width, said point being 1112.85 feet east of the east line of Lot 14 as measured along the centerline of said road;

THENCE southerly parallel with the west line of Lot 14, 1862.0 feet to the centerline of a creek;
THENCE northwesterly and northerly along the centerline of said creek as it meanders, 2700.0 feet, more or less, to the centerline of Howard Road;
THENCE easterly along the centerline of said road, 118.91 feet to an angle point in said road;
THENCE continuing easterly along said centerline, 806.48 feet to the point of beginning, containing 29.2 acres more or less.

Chairman Crandall declared the hearing open:
This is a proposed 65 lot subdivision (the former Dennies property) on Camp Rd. and Howard. Mr. Robert Pidanick of Pratt & Huth appeared before the Board along with Lee Webber and Gary Filipiak. Comments from **Engineering** are as follows: 1. Note that subplot Nos. 1, 68, 41, and 42 do not have driveway access to Howard Road. 2. The developer will be required to install curbs and storm sewers along the south side of Howard Road. 3. We have received and reviewed the March 1997 report on the traffic impact study performed by EMS Consulting, and have the following comments: (a) The study has determined that a traffic signal is warranted at the Camp Road/Howard Road intersection under existing conditions. The report should be sent to NYSDOT for their review and concurrence. The Town has previously requested a signal at this location; but NYSDOT determined that it was not warranted. Based on the EMS analysis, NYSDOT should proceed to install a signal as soon possible. (b) The study should analyze and discuss the possible need for stop signs along Howard Road at the Heatherwood Drive/Western Subdivision Road intersection, in order to provide a 4 way stop situation at this location.

Mr. Reilly commented that copies of the report were submitted to the Engineering Dept., Traffic Safety, the New York State DOT, and Planning Dept. He is waiting for responses from the DOT and the Traffic Safety Board. The problem will be in solving who will be responsible for payment of the signal. The issue of the Conservation easement is yet to be resolved. A temporary turn-around is acceptable to the Engineering Dept. Sidewalks will also be required along Howard Road.

Mr. Pidanick noted that the applicants would like to get started with the project. Issues yet to be determined: resolution of the signal and maintenance, conservation easement. Mr. Reilly is to work with the Traffic Safety Board and the applicant was advised to call the State Dept. of Transportation.

Motion was made by Mr. Phillips, seconded by Ms. Ganey to Table for the April 2nd and 16th meetings. Carried.

Queen's Lane Subdivision - Camp Road and Queen's Lane

Secretary Koenig read the Legal Notice of Public Hearing:

LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
MEETING MARCH 19, 1997
Notice is hereby given that the Planning Board will hold a Public Hearing on an 8 lot subdivision known as Queen's Lane Subdivision, Camp & Queen's Lane, on March 19, 1997 at 7:45 p.m. in Room 7 of Hamburg Town Hall.
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. 22, Township 9, Range 8 of the Holland Land Company's Survey, and more particularly described as follows:
BEGINNING at a point which is the intersection of the south line of Orchard Road (50' wide) being an unimproved
Community Action Organization
is under way in its third year at the
they otherwise would never own

the said south line of Orchard Road from the westerly line of Camp Road; thence southeasterly and along the said center line of Sickmon Avenue as extended southerly, 459.40' to a point in the northerly line of Queens Lane, an improved street shown on a map filed in the Erie County Clerk's Office under Cover No. 2784; thence westerly and along the said northerly line of Queens Lane, 385.74' to a point; thence northerly and at an angle of 90° 12' and along the extension southerly of the center line of Emery Road, an unimproved street, (50' wide) as shown on said map filed in the Erie County Clerk's Office under Cover No. 1162, 445.42' to a point in the said southerly line of Orchard Road; thence easterly and along the said southerly line of Orchard Road; 273.28' to the point or place of beginning.
Dated: 2-27-97
Richard Crandall, Chairman
Gerard Koenig, Secretary
3-6
Planning Board

Applicant Patrick Burke appeared before the Planning Board on his proposed subdivision for zero lot line townhouses and looking for approval of the 8 lots with a future phase of 6 lots. A wetlands delineation has been completed and submitted to Engineering. The legal description is now correct which was compiled by Attorney Don McKenna.

Queen's Lane Continued

Chairman Crandall stated concern about a piece of vacant land being landlocked on a paper street. Response given by Attorney McKenna is that the town is protected and is not liable. There should be no problem in approving this subdivision which is no different than other ones in the same situation. A question arose as to sidewalks. Mr. Burke responded that they are already in place.

Engineering: It appears that the developer proposes to construct zero lot line, two-family townhouses. The associated zoning requirements should be shown on the plan. 2. The site is located within an existing sanitary sewer district. A mainline extension will be required to service the site. 3. Water service is available along Queen's Lane. 4. Show the Federal Jurisdictional wetland areas which are located within the site. 5. Infrastructure improvements along Orchard Road will be required for the development of the northerly portion of the property (shown as "future phase").

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

Motion was made Mr. Phillips, seconded by Mr. Fitzpatrick to approve the preliminary for Queen's Lane contingent on the Engineering memo of 3-17-97; that a recreation fee is required. Carried. *neg dec.*

Emerald Green Apartments - No Negative Declaration-Discussion Only

Mr. Crandall explained that in reviewing the files, there is no record of a Negative Declaration being filed for the Emerald Green Apartments. The site plan was approved but the document was never voted on.

Mr. Burke noted that in 1991 the procedures changed. It was erroneously bypassed. In connection with the SEQOR approval, there was discussion as to whether the original entire Brierwood was covered initially. We were instructed to do a supplemental impact statement which took about 18 months to complete. This was about the same time that we were working on the Old Tyme Village Plaza. We had a number of projects going at the same time. We came back with a detailed drainage and recreation study, a traffic study that addressed all intersections, a wetland delineation on the 467 acres of Brierwood. They were accepted by the Planning Board. At the same time, the Old Tyme Village was approved and we tried for all the approvals at the same time. SEQOR's were approved on a number of projects. Erroneously, there was never a formal action on those individual projects. The master approval was intended to address Emerald Green and Sawgrass Court and Old Tyme Village. People on this board should remember in detail all the environmental impacts

John Ognibene 2 lot subdivision - Old Lakeview Road

Mr. John Ognibene of Old Lakeview Road appeared before the Planning Board on his proposed two lot subdivision. Comments from **Engineering:** 1. The proposed sublots should be numbered on the plan. 2. Public water service is available to the site. 3. Sewer service is available to only the proposed easterly subplot. Erie County Sewer Dist. No. 3 has agreed to allow the existing House No. 3552 (westerly subplot) to continue to use their septic system, instead of requiring connection to the sanitary sewer. However, a sewer easement should be reserved across the easterly subplot, in order to allow for a possible future sewer connection, if necessary. 4. We have no objection if the map cover requirement is waived.

Motion was made by Mr. Koenig, seconded by Mr. Eustace to schedule a Public Hearing for April 16th at 7:30 p.m. Carried.

Rezoning Petition of R. D. Murray to locate in the former Grossman's facility on Camp Road.

Mr. Bill Savage appeared before the Planning Board on a proposed relocation and merger of their facilities on Pleasant Avenue and Maelou Drive to the Grossman's facility on Camp Road. The request for the rezoning is from C-2 General Commercial to M-2, Light Industrial.

Mr. Drew Reilly stated that he wrote a memo dated 3-5-97 relative to the matter. On the Zoning Issue: Use: Assembly and re-manufacturing of fire apparatus, and including their office/design location. M-2 Light Industrial--2. The following uses, when conducted within a completely enclosed building: (b) the manufacture, compounding, assembly or treatment of articles or merchandise from previously prepared materials, but not including any use first permitted in the M-3 District.

Explanation: This use is the remanufacturing and assembly of previously prepared materials. They get parts in or old apparatus in and assemble or reassemble the fire apparatus. Upon review of the thirteen (13) allowable uses in M-3, the only use that is comparable to the proposed use is (8) automobile assembly or fabrication. It is our opinion that this is not an automobile assembly plant.

Master Plan Issue: Therefore, to accommodate this business the property would need a rezoning to M-2. The proposed location is in the "PUD Area" and the Camp Road Regional Commercial area of the Master plan update. The PUD area allows for the proper mix of residential, commercial, office and Light Industrial. Rezonings must consider how the proposed zoning/use fits into the overall plan of the area and the surrounding properties.

R. D. Murray Rezoning (Continued)

Due to the existing C-2 zoning and the existing buildings, the location along Camp, the proximity to other M-2 zoned land, the low traffic generation, the existing buffer to the residential property to the rear of the site and the other surrounding uses. This zoning/use could be acceptable to this property. To ensure compatibility with surrounding uses, the following site plan issues will need to be addressed: Maintaining buffer/screening to residential property to the rear, no outdoor storage of materials, improvements to aesthetics of the property, no atmospheric pollution, noise vibration, or odor beyond the boundaries of the premises, screening of side yard to residential property along Queen's Lane, etc.

Mr. Phillips commented that Camp Road is one of the gateways to the town and he does not want to see vehicles stored outside, as well as rusted vehicles and other components. A question was also raised as to how much painting is done on premise. Board members stated that they will want to see MSDS sheets at the site plan review process.

Motion was made by Ms. Ganey, seconded by Mr. Pohlman to forward a favorable recommendation to the Town Board on the rezoning from C-2 to M-2 for the following reasons:

1. This is a re-use of an empty, existing building that will again be utilized.
2. This is an existing C-2 zoning with proximity to other M-2 zoned land.
3. The proposed use will be a low traffic generator.
4. There is an existing buffer to the residential property to the rear of the site and surrounding uses.
5. The proposal will be in harmony with the recently updated master plan. The location is in the PUD area and the Camp Road Regional Commercial area. The PUD areas allows for the proper mix of residential, commercial, office, and light industrial. Carried.

Master Plan Update

Chairman Crandall stated that the Planning Board has had 2 weeks to review changes to the master plan. Since there is no further comment, the Planning Board can now refer the matter to the Town Board.

Resolution:

Whereas, in accordance with Section 272-A (Comprehensive Plan) of New York State Town Law, the Town of Hamburg Planning Board has been working with Wendel Associates in updating the Town's 1983

Master Plan, and

Whereas, the Planning Board has thoroughly reviewed the document and requested revisions through a two year process, and

Whereas, the Planning Board has held its required Public Hearing, and authorized amendments to said plan based on that Public Hearing;

Therefore, Be It Resolved, that the Town of Hamburg Planning Board finds the 1997 Master Plan Update (2010 Comprehensive Plan) as amended, in accordance with the Town's goals and objectives and will promote the health, safety and general welfare of the people of the Town of Hamburg, and

Be It Further Resolved, that the Hamburg Planning Board recommends the adoption of the Master Plan Update to the Hamburg Town Board.

Second resolution to be submitted by the Town Board

Whereas, Wendel Associates with direction from the Hamburg Planning Board, has completed the 1997 Master Plan Update, and

Whereas, the Planning Board and Wendel, following Town Law Section 272-A have held a Public Hearing on the plan and,

Whereas, the Planning Board has recommended adoption of the Master Plan Update;

Therefore, Be It Resolved, that the Hamburg Town Board authorize Wendel to make copies of the Master Plan Update available to the public, and

Be It Further Resolved, that the Hamburg Town Board set Saturday, April 19th, 1997 at 9:00 a.m. and Monday, April 21st at 7:00 p.m. as the Public Hearing dates for the proposed plan.

Motion was made by Ms. Ganey, seconded by Mr. Pohlman to submit these resolutions to the Town Board. Carried.

Councilman Cavalcoli thanked the Planning Board for their diligence with respect to the many hours spent on this project. Wendel will now prepare updated copies for the various agencies.

Frontier (Upstate Cellular) Hopevale Site

Drew Reilly stated that Frontier Cellular now plans to co-locate on the Sprint Tower at Hopevale. They have requested a larger equipment building than was originally planned. Board members agreed that a site plan waiver can be used and that the Planning Board does not need to review it.

Southtown's Auto Sales 5873 Camp Road

Mr. Reilly explained that Southtown's Auto would like to do another addition on Camp Road. However, the site plan has not as yet been complied with. Mr. Nigro wrote a letter stating that most of the items will be addressed with the exception of the southern rear property line. Instead of green area, the land was paved and parking has been moved to the front. Mr. Crandall would like to know if NYMO removed the trees as stated. Item is to be on for the April 2nd agenda for discussion. No action was taken.

Minutes of the meeting of February 19th were approved on motion by Mr. Phillips, seconded by Mr. Koenig. Carried. Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Gerard Koenig
Gerard Koenig, Secretary
Planning Board

Next Meeting: April 2, 1997
7:30 p.m.