

T.C.

Town of Hamburg Planning Board  
Meeting - March 20, 1996  
Actions Taken

Rezoning petition of John & Sally  
Armbruster - R-A to R-2 -  
5457 Abel Rd.

Favorable recommendation  
to Town Board Public Hearing -  
5-13-96

Norfolk Southern Dist. Ctr.  
Ravenwood Park North

Approved contingent upon  
Engineering & landscaping plan

McAllister Sub.  
3 lots  
1748 Schoellkopf Rd.

Tabled

Caesar Fabrizzi  
36 Unit Townhouse Dev.  
Big Tree Rd.

Public Hearing 4-17-96  
7:30 p.m.

Berkley Square Condos  
Big Tree Rd.

Public Hearing 4-17-96  
7:35 p.m.

Tasseff Rezoning  
East Eden Rd.  
R-A to R-1

Need recommendation on  
April 3, 1996

Copper Penny  
Southwestern & Rogers  
Office Use

Need revised drawings and  
Legal Agreement.

**Town of Hamburg  
Planning Board Meeting  
March 20, 1996**

The Town of Hamburg Planning Board met in regular session on Wednesday, March 20, 1996 at 7:30 p.m. in Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Dick Pohlman, Paul Eustace, Don Fitzpatrick. Others attending included Drew Reilly, Rich Whipple, Rick Lardo, Don McKenna, Attorney, and Terry Dubey, Stenographer. Excused: Sue Ganey.

**Rezoning Petition of John and Sally Armbruster from R-A to R-1 located near 5457 Abel Road.**

Mr. John Armbruster appeared before the Planning Board on a rezoning petition for single family dwellings located near 5457 Abel Road. Applicant was advised that before the rezoning is considered, the public sewer must be installed. Mr. Armbruster responded that he realizes that this is a consideration and would now like to rezone the property to R-2 in order to recoup the expense of the line from the other future homeowners. This would be in keeping with property across the street, which is zoned R-2, as well as the property on Rogers Road, and in Country Woods Subdivision. An amended application will be required.

Mr. Reilly noted that various options were reviewed for Mr. Armbruster's property as to how to subdivide the land. Since there were problems with septic systems, & after discussion at the work session, the general opinion from the various departments was that they didn't want to proceed with R-1 lots unsewered. We said we would not allow a rezoning without sewers. The applicant then decided to go to R-2 to fit one more lot and recoup some of the expense of extending a line.

**Engineering Comments:** Proposed S.L. 1 is within 300 feet of the Abel Rd. terminus of the public sanitary sewers approved for the nearby Country Woods Subdivision. Therefore, a mainline sanitary sewer extension will be required to be constructed by the developer to service the proposed sub. (Erie County Health Dept. requirements). 2. Water service is available to the site.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to forward a favorable recommendation to the Town Board to rezone property on Abel Road from R-A to R-2 with a condition that the developer install a sewer line; that this is not in conflict with the master plan; that the proposal is in conformance with other R-2 property, such as Country Woods, Rogers Rd. and would be consistent with the neighborhood. Carried.

**Norfolk-Southern Auto Parts Distribution Center - Ravenwood North Industrial Park**

Mr. William Watkins appeared before the Planning Board along with Phil Silvestri, Larry Birdsey, Chris Hogan, Rob Klein on a proposed 72,000 s.f. warehouse and distribution center for auto parts with rail access. The Distribution Center meets the criteria as outlined in the deed restrictions of the park. The operation includes bringing in parts by truck and shipping them out by rail. Approximately 40 truck trips will be generated per day. Revisions have been made to the site plan as required by Engineering.

Mr. Michael Chiacchia, Building Inspector for Blasdell, appeared on behalf of Mayor Jewett. He noted concerns about the truck traffic generation within the industrial park. The Village Board has been under attack by residents of Maple Avenue who have complained about trucks using their street as a cut thru. The owner responded that their company determined the number of trips per day generated for their specific operation.

Mr. Watkins explained that meetings have been held with the residents thru the Ravenwood Committee. 99% of the traffic is not from Ravenwood clients. They are coming from the neighbor across the street who is not a part of this park. We are making every effort not to use Maple Avenue. We are trying to solve that issue. For example, TNT Holland has signed an affidavit stating they will make every effort not to use that street as a cut thru. Georgia Pacific also will not use that street as well as Norfolk Southern. The tenants are complying with the regulation, and the road is posted. We have also had a meeting with Fran Pordum's office, Senator Stachowski's office and Dick Smith of Highway and are actively trying for a resolution.

Mr. Reilly explained that a Traffic Update on the park has been completed. A generic impact statement was done on Ravenwood Park. The study predicted that there would be 343 trucks per day upon total completion of the park. They cannot exceed that number without a supplemental impact statement. There are presently 209 truck trips per day which represent 61% capacity and well within the thresholds of the usage for the park. The problem will continue as the park develops. It was approved in 1992. There are other conditions that developed. Falcon Trucking is now across the street without approval of the Town. The Town tried to take them to court but could not stop it. The Village is planning a transfer station in the area also. We have asked everyone who comes into the park not to use Maple Avenue. We are having trouble controlling Falcon Trucking. The report was prepared to show the status of the traffic problem.

Mr. Chiacchia also inquired as to a fuel separator and drainage easments.

Planning Board Minutes, Page 3, 3-20-96

Chairman Crandall noted that the Planning Board is concerned also about the truck traffic. It is a problem that applies to everyone and as a group there must be a consensus on a direction. I would like to see a better effort made between the Village and the Town and Ravenwood to come up with a concept. I think we need another exit or to remove the homes on Maple. That may not be the ideal solution but rather an alternative. I am concerned about restricting traffic on Maple, which we have done, but as we continue to grow, we will end up with traffic being overloaded at the other end of Ravenwood. All that we have done is taken one problem from one area and put it in another. We are concerned and we don't have any more answers, but are required to work within the SEQR for the park.

Mr. Reilly noted that he would like to do a field check with respect to the landscaping.

Motion was made by Mr. Pohlman, seconded by Mr. Koenig to approve the site plan for the Norfolk Southern Distribution Center contingent upon Engineering and landscaping approval. Carried. It was noted that the proposal still falls below the threshold on traffic as outlined in the original E.I.S.

**McAllister Subdivision - Doug McAllister - 3 lot minor subdivision  
1748 Schoellkopf Rd.**

Mr. David Pettit of Nussbaumer & Clarke appeared before the Planning Board on a proposed 3 lot subdivision for Mr. McAllister. The applicant would like to sell off 2 sub lots and put a condition on the existing S.L. #1 that the other buildings will not be used for rental properties.

Chairman Crandall noted that he has a problem with the concept. When I reviewed the drawing and compared it to the Town map, there seems to be some discrepancy in the way the lot lines are drawn. All lot lines are at an angle to Schoellkopf whereas the drawing shows it at 90 degrees. I did an on-site inspection and 1748 is one huge lot. Are we talking a 3 lot subdivision or 4 lots?

Mr. Lardo noted that the parcel was split a long time ago, back in 1982. The farm lots have not been updated since 1972. The old survey showed the parcel as squared off. The single lot is 500' x 403'. Mr. Crandall noted that the second concern relates to a note on the drawing stating that the buildings will not be used. There are 3 framed dwellings presently occupied. I don't see how a note on the drawing will control that without putting another burden on the Building Inspector to monitor that situation. Perhaps the solution to this would be to create some flag lots.

Mr. Reilly noted that after the Work Session, that was the message he conveyed to the applicant. However, the applicant

stated that he cannot afford to change the drawing. He would like to proceed with this as is and perhaps in the future do the flag lot concept or just sell the lot with the note on it. Board members noted that they will not approve the subdivision with a note. There is no way that the buildings will remain empty.

Motion was made by Mr. Phillips, seconded by Mr. Fitzpatrick to **Table** for further solution and to discuss the matter with the applicant. Carried.

**Caesar Fabrizzi - 36 Unit Townhouse Development - Big Tree Rd.**

Mr. Mike Metzger, Attorney for Mr. Fabrizzi appeared before the Planning Board for conceptual approval of a 36 unit townhouse development to be located on Big Tree Rd. Comments are as follows from Engineering on the preliminary: 1. Sewer and water service is available to the site. 2. This department will review detailed construction plans for the project after the preliminary plot approval is granted by the Planning Board. 3. A map cover will be required. The length and width of each unit is to be shown on the preliminary plot plan. 4. A New York State approved Homeowners Assoc. must be formed for maintenance of the site. 5. Note on the plan that Big Tree Rd. is a County highway.

Motion was made by Mr. Phillips, seconded by Mr. Fitzpatrick to grant conceptual approval of the plan and set a Public Hearing for April 18th, at 7:30 p.m.; and to also include a note on the drawing about the expansion and deletion of the access road, as well as incorporating Engineering comments. Also, there is to be no additional dumping on the site, and what fill is there is to be removed; and to improve the landscaping on the preliminary. Carried.

**Berkley Square Condominiums - Big Tree Road**

Attorney George Grasser and Dave Pettit appeared before the Planning Board on a change in the Berkley Square Development from apartments to condominiums. The developer is not changing anything physically. Originally, it was projected to be apartments. The developer felt that there is a market to sell these units, rather than to rent them, and to sell them as 4 unit buildings or 4 apartments in each building; or to sell them individually as condominiums. New York State law does not permit one to phase a condominium project. You would have to do multiple condominiums or take a risk that you do a condo and hope to sell all the units. That's difficult in the present day market. The second problem is, to finance these, very few banks will finance anything without selling the mortgages that they take in the secondary mortgage market. The secondary mortgage market has different requirements for a condominium than other site development. Some of those requirements are that 50% of the units in the condo be sold before they will take any mortgage in the project and 70% of the units must be owner-occupied. If we were selling these as 4 unit

buildings, we would be selling them for people to buy as an investment. So we would not qualify for condo financing on the secondary mortgage market. The other solution was to do a subdivision in the air, where we use air rights and divide the property by a plain above sea level for the floor and ceiling. It creates a problem for the developer construction-wise, because, when you have a subdivision lot line separating a dwelling party wall, you must have a firewall. But if you build a condo, you don't have to have the same firewall. They will be more expensive to construct as we will need a firewall between every fourth unit including the floor and ceiling. The developer recognizes that. Some of the buildings have already been designed and approved and they will be sold as 4 unit buildings as we cannot put firewalls to separate them. The balance will have firewalls. We are not changing density, & the buildings will be in the same place. But because it is now a subdivision, we need to go thru the subdivision process. I have done some of these before, one in Chatauqua County, and one in Cattaraugus County. They work. The title companies will insure them. The banks will lend on them. We put documentation in for a normal homeowners assoc. There will be common fire insurance. The association will own the grounds around the buildings and maintain them. There will be common exterior maintenance so that everything will look the same. It will be better than an apartment complex as you will have owners. It's an interesting concept that works and makes the marketing better. We can sell them to rent or individual owners which gives the developer greater flexibility. We can phase them and build as they sell and not have unsold units.

Chairman Crandall asked how the Building Inspector will know which unit is which? The buildings with no firewalls will be a single subdivision lot. They cannot be subdivided. They will be shown that way ahead of time. The question was also raised as to the impact this will have on the other owners in Berkley Square?

Mr. Reilly responded that a meeting was held with Brian Maslowsky and Mr. Rapple, President of the Association. They have no problem with the concept. They would rather see these individually owned.

Motion was made by Mr. Pohlman, seconded by Mr. Eustace to schedule a Public Hearing for the subdivision. Carried.

#### **Tasseff Rezoning Application - East Eden Road**

Board members were advised that this rezoning is coming back before the Board as a result of a legal agreement that has been reached with the Town Board. The applicant must go thru the process all over again. A recommendation is needed for the April 3rd work session. A public hearing has been set at the Town Board level for April 22nd.

Legal notice is to be put in the paper and residents notified.

**Copper Penny - Change in Use for Offices - Southwestern & Rogers**

Mr. Rick Matthews appeared before the Planning Board on a change in use for the Copper Penny to a general office for a transportation broker and a chiropractic practice. Planning Board members noted that there should be no trucks coming in and out of the premises and applicant should be advised of same. Planning Dept. is waiting for the Legal Agreement. Also, drawings are to have a seal.

**Bert's Bikes - Southwestern Blvd.**

In response to a request for a signal for 1996, State D.O.T. has advised that it is scheduled for 1996 and cannot be moved up.

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

Respectfully submitted,

*Gerard Koenig*  
Gerard Koenig, Secretary  
Planning Board

Next meeting: April 3, 1996