Town of Hamburg Planning Board
Work Session - April 6th, 2005

Hruschak 2 lot Subdivision **Dorothy Place**	**Preliminary Approved**
P.W. Playland - 2 lot subdivision **Southwestern Blvd.**	**Conditional Preliminary Approval given** **Need determination on wetlands**
Amendment to South Park Woods **South Park & Big Tree**	**Granted amendment on setbacks**
Taylor Woods Subdivision **East Eden Road**	**Change in setbacks approved**
BFG Manufacturing **Jeffrey Blvd.**	**Tabled**
Judy Pickhardt Dance Studio **Lake Shore Rd. - Woodlawn**	**On for April 20th meeting**
Hickey Farms Project **Mark Trammell** **Sr. Housing & Single family dwellings**	**Environmental Review set for April 20th**
Spruce Ridge Subdivision **J. Armbruster** **Abel Rd.**	**To resolve issues with Eng. & Assessing**
Hogg/Dairy-Subway **5357 Old Lakeshore Rd.**	**On for April 20th meeting**
Burke Business Park	**Scoping document to be formulated**
South Park Garage **South Park & Howard Rd.**	**On for April 20th agenda**

Town of Hamburg
Planning Board Meeting
April 6, 2005

The Town of Hamburg Planning Board met for a Work Session on Wednesday, April 6th, 2005 at 7:30 p.m. in the Conference Room at S-6122 South Park Avenue. Those attending included: Chairman Gerard Koenig, Vice-Chairman David Phillips, Secretary Paul Eustace, Bob Reynolds, Steve McCabe, Sasha Yerkovich. Others attending included: Councilman Cavalcoli, Attorney Michael Fruth, Attorney, Don McKenna, Drew Reilly, and Terry Dubey, Stenographer.

Excused: Karen Rogers

Hruschak 2 lot Subdivision - Dorothy Place

Secretary Eustace read the following Legal Notice of Public Hearing:

TOWN OF HAMBURG
LEGAL NOTICE —
PLANNING BOARD:
HRUSCHAK SUBDIVISION —
DOROTHY PLACE

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 2-lot subdivision known as Hruschak Subdivision to be located on Dorothy Place for the construction of a duplex, on Wednesday, April 6th at 7:30 p.m. in Room 7B 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 442, Township 10, Range 7 of the Holland Land Company Survey and being further described as follows:

Beginning at a point in the south line of Dorothy Place distant 110.00' west of the southwest corner of South Lyth Road; thence south at an interior angle of 89°-56'-00", a distance of 150.00' to a point; thence west parallel with said Dorothy Place a distance of 90.00' to a point; thence north at an interior angle

Chairman Koenig declared the hearing open:

Mr. Michael Hruschak appeared before the Planning Board on his proposed subdivision on Dorothy Place. A variance of 10' on the lot width at the building line was granted at the Zoning Board of Appeals meeting on April 5th, 2005.

Sub lots are to be indicated on the drawing.

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

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to issue a Negative Declaration on the project; approve the preliminary, waive the sidewalk requirement and filing of a map cover. Carried.

Engineering Comments: 1. The sub-lots should be numbered. 2. Public sanitary sewer and water service are available to the site. 3. Currently, there are no public sidewalks in the area. We have no objection to waiving the sidewalk requirement. 4. We have no objection to waiving the map cover requirement.

P.W. Playland 2 lot Subdivision - Southwestern Blvd.

Secretary Eustace read the following Legal Notice of Public Hearing:

LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
P.W. PLAYLAND SUBDIVISION

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a two lot subdivision known as P.W. Playland for a single family dwelling located on Southwestern Blvd. on April 6th, 2005 at 7:45 p.m. in Room 7B 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 37, Township 9, Range 8 of the Holland Land Company's Survey, being further described as follows:

BEGINNING AT A POINT on the southeasterly line of Southwestern Boulevard, 100 feet in width, at the northeast corner of lands conveyed by Liber 19 of Deeds at Page 533; thence southerly parallel with the easterly line of Liber 1813 of Deeds at Page 76, 339.63 feet to a point; thence southwesterly parallel with Southwestern Boulevard, 693.98 feet to the easterly line of lands conveyed by Liber 1813 of Deeds at Page 76; thence northerly along the easterly line of lands last mentioned, 339.63 feet to the southeasterly line of Southwestern Boulevard; thence northeasterly along the southeasterly line of Southwestern Boulevard, 693.98 feet to the point of beginning, containing 4 acres more or less.

Dated: 3-17-05

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

3-24

Chairman Koenig declared the hearing open:

Craig Clark appeared before the Planning Board on a proposed 2 lot subdivision to be located on Southwestern Blvd., across from the Beefers Restaurant. The proposal is for a single family dwelling consisting of 1.99 acres for each sub-lot. The Building Inspector, Kurt Allen, waived an appearance before the Zoning Board on the lot area requirement. The only other issue remaining is the hydric soil which encumbers the front of the site. A wetlands consultant must determine if the property is buildable.

Chairman Koenig 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 by Mrs. Yerkovich seconded by Mr. Phillips to give conditional preliminary approval for the 2 lot subdivision, pending the resolution of the hydric soils for buildable lots, that the acreage is 1.99 for each sub lot, waive the sidewalk requirement, issue a Negative Declaration, that the water line extension is not in the Town's realm, and subject to Engineering requirements in the memo of 4-6-05 relative to item 3. Carried.

Amendment to South Park Woods Subdivision - South Park and Big Tree

Messrs. Cliff Krumm, and Vic Martucci of Marrano Homes appeared before the Planning Board on an amendment to the South Park Woods Subdivision that was approved on 9-03.
The following resolution was passed by the Planning Board:

Amendment to South Park Woods
Subdivision - South Park & Big Tree
Marrano Project

April 6, 2005

Motion was made by Mr. McCabe, seconded by Mr. Reynolds to amend Item 10 of the original approval for South Park Woods (9-17-03) Subdivision and South Park Village Subdivision preliminary as follows:

All sub-lots, lots 1-106 and patio home lots 1-50, shall be in accordance with the yard requirements as set forth in the cluster development zoning requirements. With the exception of the existing front yard, minimum setback shall be 25 feet. In lieu of this amendment, the developer/builder shall impose the following restrictive covenants to each lot in the development as follows:

1. No fences are to be allowed between buildings. Fences are only allowed from the rear wall of the building to the rear property line.

2. No shrubbery or trees are allowed between buildings. Small shrubbery is allowed adjacent to the building only.

3. No air conditioning units are allowed between buildings; they are to be located in the rear or the front of buildings only.

4. Side yard fireplaces shall measure a minimum distance of 10 feet separation between Face of fireplace to adjoining building or adjoining fireplace.

5. The building's walls shall be constructed with a fire rating of 1 hour, windows are not fire rated. Restrict window size in accordance with State building code.

6. This amendment is to be approved by the Town Attorney to allow enforcement by the Town of Hamburg.

The SEQR status remains the same and does not impact the Negative Declaration. This will affect the infrastructure as stated in a memo by the Engineering Department dated 4-6-05.

Carried.

Taylor Woods Subdivision - Taylor Rd. & East Eden Rd.

Ryan Homes has also asked for an amendment to the Taylor Woods Subdivision on setbacks.

The front yard requirement will be 30', the rear yard 20', and the side yard requirement from 10' to 7.5'. The total side yard between buildings shall be 15'.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the amended plan with these setback requirements. Carried.

BFG Mfg. Co. - Jeffrey Blvd.

This matter was tabled from the last meeting in an attempt to work out a compromise between BFG Manufacturing and the Natural History Society with respect to location of the 150 foot radio tower and interference of the astronomy program.

Mr. Marie noted that he has the same plan as there is not much that can be done in relocating the tower. The Erie County Sheriff's has notified the Planning Department that a steady red light on the radio tower is required for safety of their helicopter flights. The bird kill issue is minimal. However, there is an impact to the natural resource of the Penn Dixie site, and an attempt must be made to lessen the impact.

Mr. Marie noted that if the tower is located to the north of the property, this could result in snow hitting cars in the parking lot. There is no guarantee that the tower would collapse straight down. The tower is needed for communication between BFG's two facilities, as there is a dramatic cost savings. This is the only alternative, otherwise with a hard wire, the cost would be $5,000 per month.

Mr. Reynolds stated that he is against the tower proposal as this will be a disruption to the Penn Dixie site. Mr. McCabe is of the same opinion. Mr. Phillips stated that there are other alternatives. The Planning Board must decide on what's best for the Town. In the original approval, lighting was discussed and BFG knew who the adjacent neighbor was. This proposal will place a hardship on the adjacent neighbor and kill the astronomy program.

Councilman Cavalcoli noted that a meeting should be arranged to discuss this further with the Natural History Society. The Ravenwood Park also has covenants in place that restrict certain things.

The following letter was read into the record from Eileen Eich:

April 5, 2005

To Hamburg Town Planning Board,

This letter is about the 150 ft. tower that B & G Metal Plating Co. wants to put up in back of their building in Ravenwood North Industrial Park.

The "Restrictive Covenants" of the Park drawn up in 1992, calls the "Penn Dixie" site a valuable resource. In Section 6 on page 58, it states - One of the Key requirements imposed by SEQR is that agencies insure that adverse environmental impacts are minimized or avoided. This tower would certainly be detrimental to the fossil site because of the astronomy and other programs.

As far as the Lighting Law of Hamburg, it states "No artifical lighting shall shine upon any neighboring property or be so established that it shall shine directly upon any neighboring property or shall shine directly on or into any room or rooms, porches or patios of any neighboring property, nor shall any artificial (lightening) lighting be maintained or operated from any structure or land in such a manner as to be a nuisence or any annoyance to neighboring properties or as to interfere with the physical comfort of the occupants of neighboring properties. This is a real law of Hamburg and should not be ignored.

C.C. Hamburg Town

Mrs. Eileen Eich
1066 State St.

BFG Mfg. Continued

Engineering Comments: 1. The location of the tower should be shown on the parcel site plan. 2. Previously, Mercy Flight and the Erie County Sheriff have requested that aircraft warning lighting be provided at the top of all telecommunication towers, due to their frequent low level flights over the Town. A steady red light (non-flashing) should be used.

Motion was made by Mrs. Yerkovich, seconded by Mr. Eustace to Table for further discussion and resolution. Carried.

Judy Pickhardt Dance Studio - former Dickie Donuts Site - Woodlawn

Mr. Reilly noted that the drawing submitted is a very old plan and an up to date survey will be required. A variance will be required on parking. The Route 5 overlay will be adopted soon and the applicant should attempt to meet some of the requirements. The Engineering Department has no comments. On parking, 30 spaces will be required, 13 are available.

Mr. Giolanda explained that Judy conducts classes now in the Woodlawn Elementary school, four days a week consisting of 12 students, for 4.5 hours. In the new facility, there will be two studios; one being 760 s.f., and the other 430 s.f. for a total of 1600 s.f. Hours are 4:30 to 9:30 p.m. and on Saturday, from 10:00 a.m. to 2:30 p.m. No food or beverages will be served.

Motion was made by Mrs. Yerkovich, seconded by Mr. Eustace to Table. Carried.

Hickey Farms - South Park & Big Tree

Messrs. Mark Trammel, Mr. Merritt, Engineer and Larry Wood of GM Financial, appeared on behalf of this project for single family dwellings and apartments to be located on South Park & Big Tree. The greatest concern is the resolution of environmental matters so that a negative declaration can be issued. Mr. Trammel has been asked by the County to consider installation of a Rush Creek interceptor. A wetlands map will be finalized when the vegetation returns.

For the next agenda, Mr. Reilly noted that the Environmental Assessment will be reviewed.

1. Impact on land–avoiding steep slopes and other important areas.
   Will there be exposed bedrock?
   Since there will be construction over 1 year, there will be other impacts, such as noise, erosion, drainage, dust, etc.

2. Impact on water:
   -Wetlands delineation–(will it be accepted by the Army Corps of Engineers).
   -Avoiding almost all areas.
   -Sewer & water capacities
   - Acceptance by County, Easement, Long term plan

-Drainage
Ponds
Water Quality
Erosion–Sediment Control

3. Impact on Plants & Animals
-Vegetation - Endangered Species

4. Aesthetic Resources
-views from South Park and Big Tree
-Preservation of features

5. Historic & Archaeological –study, no historic
6. Impact on Open Space & Recreation
-Percentage land disturbed & % land protected
-possible tie in to adjoining Town
-site for passive recreation, active recreation

7. Transportation–public transportation, sidewalks, entrance on South Park
-Acceptance of TIS NYSDOT needs more time to review
-Other mitigations

8. Noise and Odor Impacts
-During construction

9. Impact on Public Health - issue with the railroad
No construction equipment on the raised bed of the railroad (50' buffer)

10. Growth and character of community–according to comprehensive plan, Impact to fire, schools, etc. Benefit of project.

Spruce Ridge Subdivision - J. Armbruster - Abel Road

Mr. Reilly noted that the sewer is available on this project. Lot 3 was illegally subdivided and will be included in the proposed new subdivision. There is one lot that has been split off and there is a wrong legal description. There is a discrepancy on ownership of one of the lots. Issue to be resolved thru Engineering and Assessing. No public hearing can be set as yet.

Hogg Dairy/Subway - 5357 Old Lake Shore Road

Mr. Dean Hogg appeared before the Planning Board on a proposed addition of the Subway franchise that will be offered to their customers. An appearance was made at the Zoning Board to come up with more parking spaces, to lessen the amount of variances needed. It was suggested that Mr. Hogg bring his copy of the survey to the meeting for review. Eng. Comments Attached.
Motion was made by Mr. McCabe, seconded by Mr. Eustace to table. Carried.

TOWN OF HAMBURG
ENGINEERING DEPARTMENT

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VINCENT J. SORRENTINO

Town Clerk
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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 4/6/05

SUBJ: 4/6/05 PLANNING BOARD WORK SESSION AGENDA
Hogg Dairy/Subway - 5357 Old Lake Shore Road

The following are review comments on a site plan dated 1/05:

(1) The Planning Board previously approved a site plan for this site in 1982. The site improvements included in the original site plan have not been complied with. The required work included grass and plantings along the north and west sides of the building, and modifications to the driveways and parking area.

(2) There are currently two garbage dumpsters located within the Triangle Road right-of-way. These are to be located on the property, placed on concrete pads, enclosed with fence, and shown on the drawing.

(3) Handicap parking spaces should be designated on the drawing.

(4) The seven (7) parking spaces along Route 5 are partially located on the State right-of-way.

(5) Ingress and egress to the site should be restricted along Old Lake Shore Road to one driveway opening. The Erie County Highway Dept. should be contacted to review and approve the site access.

(6) The new vacuum island should be relocated so that vehicles using the facility are within the site and not on highway right-of-way.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

Burke Business Park–

The positive declaration will be declared at the Town Board level on April 18th. Board members are to help scope the project out.

South Park Garage - New plan submitted. There are many problems. Engineering comments attached.

Rezoning Petition of McKenzie's on property next door for expansion of parking lot.

This will be the first rezoning in the W-C district.

Other Matters:

Special meeting of Planning Board on April 27th.

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Paul Eustace, Secretary
Planning Board

TOWN OF HAMBURG
ENGINEERING DEPARTMENT

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Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 4/6/05

SUBJ : 4/6/05 PLANNING BOARD WORK SESSION AGENDA
Proposed Auto Shop - South Park Avenue at NYS Thruway

The following are review comments on a site plan dated 3/30/05:

(1) The site is located in the South Park Overlay District.

(2) Note on the plan that a New York State Dept. of Transportation (NYSDOT) permit is required for work within the South Park Avenue highway right-of-way. We are unable to approve these plans prior to NYSDOT review and approval of work on their right-of-way.

(3) Provide documentation that the soils are conducive for a french drain detention system.

(4) It appears that the building may not meet the 400 feet fire hydrant requirement of the New York State Fire Code. Show the location of the nearest fire hydrant and contact the Town Building Inspector for direction.

(5) The site Landscape Plan is to be approved by the Planning Board.

(6) Revise the typical pavement section. A minimum of 10" of #2 stone base is required.

(7) Provide additional site design elevations in the parking area.

(8) Specify the pipe size and material (SDR 35) for the roof down spout line. Provide design elevations for the detention system.

(9) Include a site location map.

(10) The septic system is to be approved by the Erie County Health Department (ECHD). We are unable to approve these plans prior to ECHD review.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

April 4, 2005

Memo To: Hamburg Planning Board

From: Planning Department

Re: 4-6-05 Work Session Agenda

The following are the Planning Department's general comments and status of the Work Session items for the 4-6-05 meeting:

A. The following items were advertised as regular items and can have formal action taken:

1. Hruschak 2 lot Minor Subdivision
   -The project is a Minor subdivision with a Public Hearing being held tonight.
   -The applicant needs variances from the ZBA, and Terry will report on these. (Meeting 4-5-05).
   -See memo from last month for reasons recommending the variance
   -Project (if variances received) is set for approval tonight (may need some revisions to the drawing).

2. P.W. Playland 2 lot Minor Subdivision
   -The project is a minor subdivision with a Public Hearing being held tonight.
   -Building Department ruled that variances for lots are not required (they are essentially 2 acres in size).
   -Issue raised concerning hydric soils at the front of the site.
   -If no other issues, could give conditional approval based on resolution of potential wetland issue.

3. South Park Woods Preliminary Subdivision approval amendment

   -Project has been discussed at several meetings. Applicant is requesting that a condition of the Preliminary Subdivision approval be changed (setbacks meeting cluster, not underlying zoning).

4. BFG Radio Tower - site plan approval
   -At the last meeting, several issues were raised by adjoining property owners (Penn Dixie site).
   -The issue of the location of the tower was discussed and the applicant would look at alternative locations.
   -Lighting issues were also discussed. The Sheriff's Department would like to see

the tower have a steady red light.
-Other environmental issues were also discussed: birds, aesthetics, views, cultural resources, etc.

5. Taylor Woods–Subdivision Approval amendment.
-The drawing approved by the Planning Board included standard setbacks. The applicant would like to amend the drawing to allow some cluster setback requirements. This was not a condition of the approval; they are just requesting a modification to the approved plan.

B. The following are our comments on the Work Session items (no approvals)

1. Judy Pickhardt Dance Academy site plan approval

-Old approved plan submitted - we should probably get an updated survey, and plan for the dance studio.
-Parking requirements will not be met and will require a variance.
-Although the Route 5 Overlay is not adopted yet, it probably will be adopted on 4-18-05 or 4-25-05. The applicant should attempt to meet some of the requirements.

2. Spruce Ridge - 4 lot minor subdivision

-Zoning chart needs to be updated to present standard, but the proposal does meet all new requirements for single family homes.
-Lot 3 was "illegally" subdivided and will be included in this subdivision approval.
-The County may consider this a subdivision and require Realty subdivision approval (5 lots in 5 years).

3. Hogg Dairy - Subway Expansion–site plan approval.
-No exterior changes proposed, but addition of Subway in building will require additional parking. The applicant is pursuing a variance for this.

4. Burke Business Park - Rezoning - SEQR & Recommendation
-The Town Board has requested SEQR Lead Agency status, and it is their intent to Positive Dec. the project.
-The Planning Board needs to assist with the scoping of the DGEIS (copy of scoping issues attached).
-The Planning Board will also be concurrently reviewing the rezoning application (And DGEIS when it comes in) and making a recommendation on it. You will also be reviewing the site plan.

April 7, 2005

To: Kurt Allen, Supvr.
Building Inspection

Subject: Amendment to South Park Woods Subdivision & Taylor Woods

Attached are changes in setback requirements for the aforementioned subdivisions.

For your information.

Gerard Koenig, Chairman
Planning Board

GK:tad

Agenda PB 4-20-05
(for 876-0667
Andy)

Amendment to Taylor Woods Subdivision - April 6, 2005

Ryan Homes has asked for an amendment for Taylor Woods Subdivision on setbacks.

The front yard requirement will be 30', the rear yard 20', and the side yard requirement from 10' to 7.5'. The total side yard between buildings shall be 15'.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the amended plan with these setback requirements. Carried.

Gerard Koenig, Chairman
Planning Board

Dated: April 6, 2005