

TOWN OF HAMBURG

PLANNING BOARD MINUTES

4-16-86

The Town of Hamburg Planning Board met in regular session on Wednesday, April 16th 1986 at 7:30 p.m. in the Planning Board room.

Members attending included: Chairman G. Gerald Valgora, Messrs. Cary, Crandall & Mrs. Saunders. Others included: G. McKnight, J. Lauchert, Jay Pohlman, Esq., Terry Dubey Stenographer.

EXCUSED: Messrs. Joseph, Corcoran, & Danyluk

Minutes of the meeting of 3-26-86 were approved on motion by Mr. Cary, seconded by Mrs. Saunders. Carried.

EXECUTIVE SESSION

1. Bell's Bazaar - Project was approved last year. Needs some modification in parking spaces.

2. Liasion meeting held with Town Board. Committee advised to draw up a policy statement for rezonings in the McKinley Mall area. The Planning Board will meet at 7:00 p.m. on April 30th to consider such policy statement.

3. Rezoning referral of Rick Vanderbush - Great American Trucking referred to Planning Board for consideration. Mr. Vanderbush stated that he has an opportunity to purchase 24 acres of land to be used for a truck dispatch office. At the present time he is in the NDC building but would like a facility of his own and noted that the local trucker is having a great deal of difficulty in finding suitable locations at an affordable price. They plan to clear 2 acres of land and set a mobile on the property for their office. It was also noted that the provisional amendment could be applied in this case for the rezoning. No action was taken on a recommendation.

JOHN REINHOLD - MINOR SUBDIVISION - 6079 OLD LAKESHORE RD.

Mr. John Reinhold brought in a Legal Description for property which he would like to subdivide on the Old Lakeshore Road. The applicant was advised that the Legal Notice for the Public Hearing can be submitted to the Legal Dept. and that a public hearing will be scheduled for April 30th at 8:00 p.m.

JOHN MAROONE - TOYOTA DEALERSHIP 4141 SOUTHWESTERN BLVD.

Mr. John Maroone appeared before the Planning Board with a site plan for a proposed Toyota dealership to be located at 4141 Southwestern Blvd. The following comments were received: BUILDING INSPECTION - JACK LAUCHERT It appears that there is sufficient parking. I will need a set of floor plans to review the building. There should also be designated a detail of paving, proposed elevations, storm receivers, location of all utilities, underground drainage, landscaping, green area, curbs and paving. The Zoning Board approval will be required for setback in parking.

PLANNING - GEORGE MC KNIGHT:

The architect is proposing to keep the existing grades as much as possible.

4-16-86

JOHN MAROONE SITE PLAN (CONTINUED)

The area to be paved will be stoned for 6 months to a year to build up a decent base. The new and used car areas are proposed to remain stone to facilitate drainage. The sanitary sewer is proposed to tap-in at Southwestern and not Big Tree. Adequate off-street parking is provided. A free standing sign is located at the eastern Southwestern entrance. A variance will be required for parking setback along Southwestern.

Motion was made by Mrs. Saunders, seconded by Mr. Cary to forward a favorable recommendation to the Zoning Board, and that site plan approval is contingent upon Z.B.A. approval. Carried. A 25' variance on the parking setback is required as well as permission for the second sign to be located at the west side of the driveway.

BEST PRODUCTS - JOSEPH DAHLKEMPER - CATALOG SHOWROOM - MC KINLEY MALL PARCEL

Mr. Greg Quatchak, Engineer from SRW Associates, appeared before the Planning Board on the Best Products/Joseph Dahlkemper Catalog showroom to be located across from the McKinley Mall. Drawings were presented on storm water drainage, a profile and cross section of the proposed temporary storm water drainage, site grading plan, parking lot layout and landscaping plan, utility layout and traffic sign tables. The Dahlkemper's presently have 5 locations in the Pennsylvania area.

Mr. Quatchak noted that he was present at the Planning Board last fall on behalf of Best Products in terms of preparing the building area prior winter weather. Since that time, there have been some changes in the site development from the original plans. In terms of site development the showroom will occupy the same area; the major difference being that the Ashby's wing which is 100' x 100' has been removed. The setbacks from McKinley and Milestrip Rd. will remain as originally planned with access coming from Milestrip and a new access road from McKinley Parkway at Drive B. The 30' access road will meet the new fill that has been placed on the Zamias property. The second access will be from Milestrip Rd. which is directly across the street from the curb cut from Toys R Us. Delivery trucks will come in from Milestrip. There is a recessed loading deck that will be utilized.

The following comments were submitted by the Building Dept: I am assuming that this will be Type 2B construction and requires a 50' fire lane. Therefore the building will have to be moved 2' to the north. A road cut permit is required for the driveway to Milestrip. Traffic signs are okay but detached tenant signs need Zoning Board approval. The surface water should drain to swails to Catch basin #1. They should install a new catch basin 170' north to Catch basin 9. Install bumpers north of Catch basin #7. All excess topsoil and fill is to be hauled by the owner to Town property as per the Environmental Impact Statement. The 36" CMP should be extended 100' to the south plus or minus with a 45° angle to the s.west with permission from Niagara Mohawk through a drainage easement to the existing storm water control facility for McKinley Mall. This can be accomplished through an open swail.

Planning Board and Town Board approval will be required. Motion was made to recommend approval to the Town Board with a provision that the site plan reflect a modification by shifting the building 2' closer to Milestrip, by Mrs. Saunders, seconded by Mr. Crandall. Carried.

BEST PRODUCTS/JOS. DAHLKEMPER CATALOG SHOWROOM (CONTINUED)

It was noted that Zoning Board approval will be required for signage.

SILO - GREG QUATCHAK - OUTPARCEL MC KINLEY MALL

Greg Quatchak informed the board that this is an initial presentation for Silo which will occupy a McKinley Mall out-parcel. We have no architectural drawings as yet, just site drawings. The parcel is located next to the Red Lobster Restaurant at Driveway "C" to the new relocated Milestrip. This is an appliance store of which the Zamias Corp. is doing the in-house drawings. The grading is very simple for this site as the land is flat. There are no slopes and there is existing drainage in the rear. They would like to begin construction about the 5th of May. They will require a variance on the parking requirements based on the ratio of 175 s.f. for one space. The truck loading dock will be located at the rear of the lot. The plan must be submitted to the Conservation Board for a determination. The following comments were received:

BUILDING INSPECTOR: JACK LAUCHERT

According to 29-91E, 1 parking space is required for each 175 s.f. Therefore, 123 space are required as well as 5 handicapped spaces. A 20' fire lane is required in front of the building. These spaces may violate the required setback. A letter from the mall developer will be required if there is a waiver on parking spaces. All fill and topsoil should be given to the Town of Hamburg as outlined in the Environmental Impact statement. Electricity should be underground. Detached signs will require Zoning Board approval.

ENGINEERING DEPT. - RICK LARDO

Suggest concrete not asphalt curbing be used. Extend curbing in the rear corner west side to the property line about 70'. Show an easement for the storm and gas not on Silo property. Why is the waterline located so far from access road? Extend the water line dead end at least 10' from the edge of the pavement. Provide temporary bumpers or a fence to keep people off the next parcel to the west.

PLANNING - GEORGE MC KNIGHT

A rough measurement of the building is 175 by 120 or 21,000 square feet. This would require 120 parking spaces and 117 are shown. The building is very close to the edge of the drainage ditch. Is there sufficient stability? Some of the underground utilities are not on the Silo property. It would help to have the building dimensions and entrance shown on the site plan.

Revisions are to be incorporated in the Silo site plan. Conceptual approval was given by the Planning Board. Final approval on the site plan will be made at a Town Board work session. (May 5th session)

B&F DEVELOPMENT - ROSA CENTER - FRANK FAVA - MR. ROSA

Mr. Frank Fava appeared before the Planning Board upon approval of the building variances for the Rosa Center which is to be located on McKinley Parkway. Director of Planning McKnight informed the board that Mr. Barrio who is the neighbor to the rear would like to have a stockade fence as the

4-16-86

B&F DEVELOPMENT (CONTINUED)

plaza will be so close to his property line. This is something that our ordinance requires when a residential area abuts a commercial zone. In some instances, the plaza is within 10' of the property line. Dimensions were not known, but enough fencing will be required to buffer his residence. The Planning Board has the option of requiring shrubbery, evergreen hedge, or a stockade fence. Mr. Barrio stated that he would prefer a stockade fence.

Attorney Pohlman noted that Mr. Walsh and he have tried to map out a strategy to come up with an orderly form of development for these parcels. We have a letter drafted to all the property owners asking them to sign a reciprocal easement on an access road parallel to McKinley all the way down and plan to lay down a planned driveway entrance under the present approval of the rezoning or ask the Zoning Board for the second drive further down towards the Zamias property. This will be an agreement with consistent setbacks including the width of the driveway and green area. If we have the reciprocal agreement to provide the access, no matter what happens we do not have the authority to grant permission for the second driveway. That must be answered by the Zoning Board or the Town Board. Our original proposal was for 2 driveways. This is the first commercial development here and Mr. Rosa is looking for a driveway. The proposal is consistent with everything else. The agreement will be similar to the one written for Hills Plaza which sets forth the responsibility for maintaining driveways, snow removal, etc.

Mr. Don McKenna, legal counsel for the Zamias Corporation spoke in opposition to the proposed drive cuts. We started out with a 1,000' rule with respect to the mall, whereby there would be two entranceways to the mall. Then came the adjacent parcels, and then the Town Board resolution whereby one cut would be allowed north of Highland and one south. Now we have Mr. Rosa taking the first cut. The question is, where are we on curb cuts for the whole adjacent parcel or the east side of McKinley. Mr. Zamias feels there is a great problem traffic-wise. The Director of Planning prior to the resolution recommended no curb cuts at all; that Highland and Burke Parkway be used instead.

Attorney Pohlman stated that after many meetings and input from a traffic safety standpoint, made a recommendation for one driveway on one side of Highland and two driveways on the Milestrip Rd. The Town Board decided one and one. We don't want to prohibit anyone from developing nor do we want traffic safety problems. It will be a busy stretch. There will be a signal at the corner of Highland and McKinley. How it develops, whether it will be one big piece or several individual pieces, we want to make sure that everyone has access. It is our hope to match up to the Zamias property. There is a plot plan available at Jim Walsh's office. He has some clients who are in the center of that entire stretch on 100' lots.

Councilman Mark Cavalcoli noted that when the Town Board first viewed the proposal they were thinking in terms of a parallel access road without any curb cuts at all. Then, when the Planning Board came in with 3 cuts, 1 south and 2 north, we felt that was not consistent with our original intent and therefore compromised with one and one.

Chairman Valgora noted that the problem which exists now is 1 and 1. We are putting the driveway on the first property adjacent to Highland and unless we can shift the driveway and get some agreement, there is no answer. We don't know how the rest of the parcels will develop.

B&F DEVELOPMENT (MC KINLEY PKWY.) CONTINUED

The mutual reciprocal agreement is necessary. There is a concern for traffic, long-term. This is one of the reasons why the Planning Board suggested moving the existing driveway in front of the Rosa Center store to tie in better with adjacent properties and to center it more with the total strip.

Mr. Fava noted that if they have to move their driveway further down, it would be awkward and hazardous from their point of view. There is only 1 driveway for the entire stretch. Mr. Rosa noted that they plan on sharing one drive. They don't know how the piece will develop. Mr. Rosa noted that he feels uncomfortable with the Zamias people and attorney present. For the past year, Mr. Rosa commented that he initially tried to locate on the Zamias property but could reach no satisfactory conclusion. Since the awareness of this development, suggestions have been made to sell and we have been offered a sizeable profit. We see undercurrents which I do not like. Mr. Rosa commented that he owns his own business and that the Zamias people are more corporate. I am not the size nor the dimension of the prior applicant. However, we do feel we have a right to the curb cut.

Chairman Valgora explained that the Planning Board has been limited to one curb cut for the entire stretch, from Highland to the Zamias property. Mr. Rosa responded that he feels a longer stretch is more hazardous.

Attorney Jay Pohlman explained that the drive situation was an issue at the time of the rezoning. It has nothing to do with the development of this parcel. In answer Mr. Rosa stated that they have found a way to share the drive and live within the guidelines outlined. It was the recommendation of the Planning Board to move the driveway to the edge of the property line. Mr. Rosa was not satisfied with the arrangement as it would interfere with the flow of the property. They are agreeable to a reciprocal agreement to reach one side or the other. The recommendation was made to move the drive 60' to the edge of the property line. Mr. Rosa stated that they did try to purchase other parcels but that no agreement could be reached.

Councilman Mark Cavalcoli stated that initially the Town Board did not want any curb cuts on McKinley Parkway. We wanted an access road where all the traffic would be internal except for 2 exits on Highland or the north end of the property. The Planning Board came back with a proposal for 2 cuts. The Town Board wrestled with that as a board and felt that this would create a greater traffic problem. We over-rode them with our decision stating that we would allow one curb cut at Highland and one south. However, I see the problem that this is creating. What we pictured was a centrally located driveway to go either left or right and use that as a parallel road and thought that was the compromise. The Planning Board must deal with what we have acted on. The only alternative is to have someone come in to the Town Board and explain the need for 2 driveways. For now, the Planning Board must deal with what they have.

Attorney Pohlman stated that an agreement is presently being negotiated with respect to setbacks, etc. Our decision tonight on this plan is two-fold. Do you want to accept the plan as presented and if so, where do you want the driveway?

Motion was made by Mr. Crandall, seconded by Mr. Cary to accept the site plan as presented, subject to the requirements of any future reciprocal easements on contiguous property owners, S.L. 72 thru 77, when developed in the future, and for access points on their parcel to McKinley Parkway.

ROLL CALL:	Richard Crandall	yes	
	Sally Saunders	yes	
	Elgin Cary	yes	
	Gerald Valgora	no	Motion defeated.

4-16-86

B&F DEVELOPMENT (CONTINUED)

Chairman Valgora voiced opposition as he would like to see the curb cut at the edge of the property for better development. A majority of the Planning Board is not present. We have a seven member board and 3 are absent.

Mr. Crandall stated that he objects to the situation. I am expressing my dis-satisfaction as something must be done to change the situation on absenteeism. I feel it is ludicrous to go thru two hours of review, bring this to a vote, have it passed by the majority of the board, and have it defeated because people are absent. I feel it is poor government and I am on record as being totally opposed to it.

A Special Meeting on this application has been set for April 21st, 7:00 p.m. in the Downstairs Recreation room.

ASSEMBLY OF GOD ADDITION - JOE LATONA - GOWANDA STATE ROAD

Mr. Joseph Latona appeared before the Planning Board with an addition for the Assembly of God church on Gowanda State Road. The following comments were received:

PLANNING

The church is proposing a 2250 s.f. addition on the front of the existing church. The proposed additional parking is not useable at the present time because of a substantial drop-off. A great deal of fill will be required for this parking to be accessible and useable. Drainage along the side property lines is necessary to keep runoff from adjacent properties. The location of the free-standing church sign should be shown. Planning Board members noted that the site should reflect the number of parking spaces, curb cuts, a north point. Applicant advised to revise site plan.

CLOVER TEE MINIATURE GOLF COURSE

Mrs. Marge Becker of Clover Tee returned to the Planning Board after the variance was granted for the construction of a mini-storage facility to be located at Southwestern Blvd. The storage building will be used for their personal storage and rental of units. Originally, the applicant appeared in January. The Engineering changes as requested have been incorporated.

Motion was made by Mr. Cary, seconded by Mrs. Saunders to accept the revised site plan as presented. Carried.

OTHER MATTERS:

Zoning referrals from the County have been submitted for the rezoning petition of Big Tree, and the Mobile Home park. Concerns from the County on John Maroone's site plan included buffering, location of access drive, and sewer tap location.

Site plans for Edwardo's Restaurant and Mobil at Lake & McKinley were signed by the chairman. On the Moose Lodge addition, a new site plan was requested.

4-16-86

No recommendations were made on any rezonings.

Motion to adjourn the meeting was made by Mr. Cary, seconded by Mrs. Saunders. Meeting adjourned at 12:15 a.m.

Respectfully submitted,

GEORGE DANYLUK, SECRETARY
PLANNING BOARD

MEETING SCHEDULES:

Special Meeting April 21st 7:00 p.m. on B&F Development and rezoning petition of Great American Trucking

NEXT REGULAR MEETING

April 30, 1986 - 7:00 P.M. * Note Change in time

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

April 18, 1986

TO: Supervisor Jack Quinn
Town of Hamburg

CC: All Town Board Members

SUBJECT: Site Plan Approval for Best Products/Joseph
Dahlkemper across from McKinley Mall

The site plan for the Best Products/Joseph Dahlkemper Co. is ready for approval from the Town Board.

At the Planning Board meeting held on April 16th, motion was made by Mrs. Saunders, seconded by Mr. Crandall that approval of the site is recommended by this board. The only modification on the plan is that the building is to be shifted 2' closer to Milestrip Road.

Originally, site preparation was prepared for Best Products of Richmond, Virginia. Since that time, Best Products has sold their interest to Joseph Dahlkemper of Erie Pennsylvania. They presently have 5 catalog showrooms in the Pennsylvania area similar to Brand Names.

If you have any questions, call the Planning Dept. for further information. The other site plan which should be ready for the April 30th meeting is on Silo. Site plans are in your office.

Sincerely,

TOWN OF HAMBURG PLANNING BOARD

G. Gerald Valgora
G. Gerald Valgora, Chairman

GGV:tad