

Town of Hamburg Planning Board
Meeting - April 16, 1997
Actions Taken

Ognibene 2 lot Subdivision
3552 Old Lakeview Rd.

Preliminary approved.

Southtowns Christian Ctr.
Lakeview Rd.

Approved contingent upon
Engineering.

Creekview Subdivision
Camp & Howard Rd.

Preliminary approved subject
to Engineering. Pressure to be
put on board for traffic light.

Emerald Green Extension

Granted to June 1, 1997.

Chess Auto Repair
S-3583 Lakeshore Rd.
Auto Repair

Referred to ZBA for
interpretation

L'Isola D'Oro Pizza Addition
4690 Camp Rd.

Conditional approval given
pending resolution of Eng.
items.

Swiss Chalet Restaurant
McKinley & Southwestern

Tabled for further review

Southtown's Auto
5873 Camp Rd.

Applicant to come in with
revised site plan.

**Town of Hamburg Planning Board
Meeting - April 16, 1997**

The Town of Hamburg Planning Board met in regular session on Wednesday, April 16, 1997 at 7:30 p.m. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Sue Ganey, Paul Eustace, Don Fitzpatrick. Excused: D. Pohlman. Others attending included: Rick Lardo, Kurt Allen, Attorney Don McKenna, Drew Reilly, Rich Whipple, and Terry Dubey, Stenographer.

Minutes of the meeting of March 19, 1997 were approved on motion by S. Ganey, seconded by Mr. Eustace. Carried.

Public Hearing - John Ognibene - 2 lot subdivision - 3552 Old Lakeview Road.

Secretary Koenig read the following Legal Notice of Public Hearing:

**LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
APRIL 16, 1997
OGNIBENE 2 LOT SUBDIVISION
3552 OLD LAKEVIEW ROAD**

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on Wednesday, April 16, 1997 at 7:30 p.m. for a 2 lot Subdivision known as the Ognibene Subdivision 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 Lots Numbers ten (10) and eighteen (18), Township nine (9), Range eighth (8) of the Holland Land Company's Survey and bounded and described as follows:

BEGINNING at a point in the center line of Old Lakeview Road (sometimes called the North Creek Road) distant two hundred forty-eight and one hundredth (248.01) feet northeasterly as measured along said center line from the east line of lands shown on Map Cover Number 1761; thence northeasterly along the center line of Old Lakeview Road, three hundred sixty-three and one hundredth (363.01) feet to the west line of lands conveyed to Allen G. Knapp by deed recorded in Erie County Clerk's Office in Liber 4804 of Deeds at page 70; thence north at an interior angle of 107° 32' 10" and along the west line of lands of said Knapp four hundred seven and thirty seven hundredths (407.37) feet to the southeast corner of lands conveyed to Bullseye Construction Inc. by deed recorded in Erie

County Clerk's Office in Liber 9992 of Deeds at page 618; thence westerly along the south line of lands of said construction corporation five hundred eighty and forty five hundredths (580.45) feet to the northeast corner of Subdivision Lot Number five (5) as shown on Map Cover Number 1761; thence south at right angles and along the east line of said Cover Number 1761, three hundred ninety-four and seventy-two hundredths (394.72) feet to the southeast corner of Subdivision Lot Number two (2) as shown on said map cover; thence easterly at an interior angle of 79° 07' 25" and along the easterly projection of the south line of said Subdivision Lot Number two (2), one hundred ninety-two and forty-five hundredths (192.45) feet to a point, thence southeasterly at an exterior angle of 93° one hundred eighty-four and seventy-two hundredths (184.72) feet to the point of beginning.

Subject to the burdens of easements, restriction, agreements, covenants, and rights of way of record, if any.

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

Dated: 3-20-97

Ognibene Subdivision (Continued)

Chairman Crandall declared the hearing open:

Mr. John Ognibene appeared on behalf of his two lot subdivision located at 3552 Old Lakeview Road. Variances on this parcel were granted at the Zoning Board meeting last year. Mr. Ognibene is now ready to proceed. **Engineering Comments are:** 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. Per a 3-24-97 letter from Erie County Sewer District 3, the district must approve a waiver to allow existing House No. 3552 (westerly subplot) to continue to use their septic system, instead of requiring connection to the sanitary sewer. A sewer easement should be reserved across the easterly subplot, in order to allow for a possible future sewer extension and connection, if necessary. 4. We have no objection if the map cover requirement is waived.

Chairman Crandall 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 Ms. Ganey to approve the preliminary subject to the conditions set forth by the Engineering Dept. issue a Negative Declaration, and waive the filing of a map cover. Carried.

Southtowns Christian Center - Southwestern Blvd. at Lakeview Road

Mr. Tommaso Briatico appeared before the Planning Board on a revised site plan for the Southtowns Christian Center. Comments from **Engineering are:** 1. The approval of the Erie County Health Dept. is required for the sewage disposal (septic) system. We are not able to approve the plans without their prior review and approval. 2. It is our understanding that the owner is discussing various water service options with the Erie County Water Authority (ECWA). We are not able to approve the plans without the prior approval of ECWA. Show the proposed waterline extension on the plan. The revised plan is to be submitted to the Lakeview Fire Dept. for their review and approval. 3. The Landscape Plan is to be reviewed and approved by the Planning Dept. 4. Delineate the locations of any Federal wetlands within and adjacent to the property, and show the locations (if any) on the plan.

Mr. Briatico noted that he has revised the drawings as requested by the Engineering Dept. The State DOT approval was given on January 3rd. A copy of the Highway approval was submitted on December 13th. The detention pond has been eliminated on the southwest corner of the property. We have changed the pipe in the detention pond from 4" to a 6" line. We have tentative approval from the Health Dept. on the sewage issue. We have also added 23

trees on one side to hide the detention pond and 17 trees along the northern portion of the property, and will also put in a 2' berm. Two fire hydrants will be installed for fire protection purposes. Mr. Reilly responded that the landscaping plan is acceptable to the Planning Dept. We can proceed with the approval subject to approval by the Water authority. Mr. Crandall stated that there should be a north point on the drawing, as well as a location map.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to approve the site plan subject to items being completed as requested in the Engineering letter of 4-14-97; that the Lakeview Fire Dept. approve the location of the hydrants; that a north point on the map is to be provided, as well as a location map, and that a berm be placed near the northeast portion of the property for the detention basin. Carried.

Creekview Subdivision - Camp and Howard Road.

Messrs. Robert Pidanick, Jim Smith of EMS Consulting and Gary Filipiak appeared before the Planning Board on a proposed 65 sub lot subdivision to be located on the Dennies property off Camp and Howard. One issue yet outstanding is the traffic issue.

Mr. Jim Smith of EMS Consulting explained the rationale of the report. The DOT sent a letter dated March 21, 1997. In that letter they indicated that the development is too small for review. We responded to that letter today. The issue is a consideration of the traffic signal on Camp Rd., Howard, and Queen's Lane. We sent a copy of the report to DOT. We did include an accident diagram for the intersection in question and went thru the computer program on capacity analysis.

Chairman Crandall pointed out that the light is still a big issue for us.

Mr. Reilly pointed out that the traffic study has been redone based on the standards of a TIS using the new computer programming information and the diagram. Also, our correspondence goes to a certain dept. Mr. Smith feels it went to the wrong dept. and he will get it to the right dept. for the right determination to see if the traffic signal is warranted and should it be included in the Camp Road project.

Mr. Smith stated that the traffic signal is not necessary as a result of this development. The development has no impact based on the study. We supported the fact based on existing conditions. The Creekview Subdivision will not have a significant impact. We went overboard in analyzing that signal above and beyond what we would do normally.

Mr. Reilly noted that with the Camp Road project there is a proposal for a turning lane. This might help the situation. The

improvements on Camp Rd. do include some improvements at the approach of Howard and Queen's Lane. They will be adding a second lane to each one of those approaches. But even with the second lane, the traffic signal is still warranted. This is based on existing conditions.

Chairman Crandall responded that over the years, there have been a number of residents who have complained about that intersection and feel a signal is warranted. However, though this may have a minor impact, there will be some impact. Anytime you add one car, there is an impact. We are not trying to hold up the development for a light based on previous conditions. However, it is up to the Planning Board to point out that there is a problem there.

Mr. Smith noted that we reviewed the matter under SEQR and determined that there was no significant impact and that the developer is not responsible for a light at that intersection. Our analysis states that this project will not have a significant impact. Therefore, these are 2 separate issues. We were willing to supply a report that is very detailed. We even sent it down ourselves to the right people and we will follow up on it.

Mr. Reilly stated that this is a problem with roadway systems as they creep. The DOT would not even ask for a traffic study. In our Master Plan we have identified these as problem areas. We will be using this as ammunition that this problem is getting worse. You must do something about it. We need to keep pushing to get it done. We asked this developer to do the study to get more ammunition. Before the DOT said, we were using old data. I asked for support to point out that there is a problem in that area. We need to do as much as possible. If the Town Board believes that they are not getting the proper answers, the Town may have to do their own action such as a moratorium. Right now we are hoping that with the information, that the DOT will see the necessity for a light there. The applicant is looking for preliminary approval. Will we get a light? I don't know, but we need to put some pressure on DOT. If they say no, it is up to us to consider a moratorium. It will not affect this project though.

Chairman Crandall noted that he does not wish to penalize the developer of this project. The problem I have is that everytime we approve a project, we are adding to the creeping affect. What I don't like is that the project gets built and people come back to us saying, you approved this project. Here is a spot that we know we have a problem. I see a need to do something positive, and it's not happening. I feel something more is required. Even though I don't like it, I guess we can proceed. I am going on strong record that something must be done in the near future to address this problem or we may be faced with a moratorium.

Planning Board is to submit a letter to the Town Board stating concern. We also suggest that the Town Board and the Traffic Safety Board pressure for the signal. The Conservation Easement is in the process of being worked out and should be designated on the drawing.

Motion was made by Mr. Phillips, seconded by Mr. Fitzpatrick to approve the Creekview Subdivision drawing dated Feb. 24, 1997, subject to Engineering comments dated 4-14-97 and that we direct the developer to pursue & pressure for a traffic light. Carried.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to draft a letter to the Town Board as to the traffic concern on Camp and Howard Roads. Carried.

Engineering Comments: 1. Note that S.L. 1, 68, 41, and 42 do not have driveway access to Howard Rd. 2. The developer will be required to install curbs and storm sewers along the south side of Howard Rd. 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 Rd. Howard Rd. intersection under existing conditions. 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 as possible. (b) The study should analyze and discuss the possible need for stop signs along Howard Rd. at the Heatherwood Drive/Western Subdivision Rd. intersection, in order to provide a four-way stop situation at this location.

Emerald Green Extension

Mr. Patrick Burke appeared before the Planning Board on a proposed extension on Emerald Green. The following resolution was read into the record by Ms. Ganey.

Whereas, the Hamburg Planning Board issued a Positive Findings Statement (copy attached) on the Brierwood Planned Unit Development on November 16, 1988, and

Whereas, the Emerald Green apartments, a project within the Brierwood Planned Unit Development, was reviewed, approved and found to be in conformance with the original FEIS/Findings on 6-12-92, and

Whereas, the Emerald Green Apartments project was reapproved on 1-19-94, and

Whereas, the Emerald Green Apartments Project was granted an approval extension on 12-21-94, and

Whereas, the project was submitted again in 1996 with minor

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Emerald Green (Continued)

modifications and required re-approval with an extension until February 1997,

Therefore, Be It Resolved, that the Planning Board finds this project still in accordance with the FEIS/Findings of the Brierwood PUD, and

Be It Further Resolved, that the applicant be granted an extension until 6-1-97 to receive the required approvals (and Positive Findings Statement) from the other/permitting agencies and receive final approval/sign off-from the Town of Hamburg.

Motion was made by Ms. Ganey, seconded Mr. Fitzpatrick. Carried.

Engineering Comments: We have reviewed the construction plans for the above-referenced project and determined that they are acceptable to this office. We recommend that the requested extension of the site plan approval until 6-1-97 be granted.

Chess Auto Repair Shop - S-3583 Lakeshore Rd. at Rt. 179

Mr. Dan Kossowski appeared before the Planning Board for an auto repair facility which is to be located at S-3583 Lakeshore Rd. near Rt. 179. At one time, the facility was known as Checker Cab. Mr. Allen of Building Inspection noted that there has been a discontinuance of the use for at least 5 years. Applicant was advised to go to the Zoning Board of Appeals for an interpretation that an auto repair can be in an M-3 district.

Comments from **Engineering** are: 1. There is a stone driveway installed along the southeast side of the building that was not approved. This should be removed and the area topsoiled and seeded. 2. There is an area approximately 36' x 50' enclosed by a stockade fence behind the building. This area is being used for some type of vehicle storage. Access to this area should be from the paved area on the northwest side of the building. If vehicles are proposed to be stored in this area, it should be paved. However, this may interfere with the existing septic system and disposal field. If this is the case, no vehicle usage should be allowed in this area. 3. The parking bumpers as shown on the approved site plan, along the northeast edge of the parking area have not been installed.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Eustace for table. Carried.

L'Isola D'Oro Pizza Addition - 4690 Camp Road

Messrs. Ron Bugaj, Joe Latona, and Vincenzo Chiazese appeared before the Planning Board^s on a proposed addition and renovation of the existing restaurant facility located on Camp Road. **Engineering**

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comments are: 1. Show on the plan the location and size of the existing sanitary sewer grease trap. It is known that the previous owner had problems with sewer blockages in the existing private sewer lateral. The sewer lateral and grease trap should be inspected to determine if their condition is acceptable. 2. Submit the plan to the Erie County Dept. of Environment and Planning for review on behalf of the Southtowns Sewage Treatment Agency. We cannot approve the plan without their review and approval. 3. The northwest corner and west side along the perimeter of the proposed pavement are to be curbed.

There is to be a note on the drawing that the location and size of the trap are acceptable to the County. A variance was granted on the side yard requirement. At the present time, there are 27 seats in the existing facility which is to be increased by 45 new seats. There should be some landscaping in the front and screening between the commercial portion and residential portion of the property.

The Traffic Safety Board has no adverse comments.

Motion was made by Mr. Phillips, seconded by Mr. Fitzpatrick to grant conditional approval of the facility with Engineering Comments to be addressed; that the applicant has agreed to additional plantings parallel to Queen's Lane; that a note is to be added showing the seating capacity and to issue a Negative Declaration on the project. Carried.

Swiss Chalet Restaurant - J. Busshart - McKinley & Southwestern

Mr. James Busshart appeared before the Planning with Attorney Steve Baum on a proposed Swiss Chalet Restaurant to be located on McKinley & Southwestern Blvd. The drawing has been revised as requested from the Work Session. The applicant wishes to know whether the applicant is headed in the right direction.

Mr. Reilly noted that the DOT needs more time to review the proposal. They felt the right of way was not shown properly. That issue is to be resolved with Chris Church of the DOT. DOT controls the intersection and the County has right of way. He is confused about that 20' on Southwestern. The County easement was not shown accurately as to the additional area to be attained by the County.

Attorney Steve Baum stated that he has been working on this project for the last 16 months on a discontinuance. There are 3 Erie County parcels that Mr. Busshart has purchased. S.L. 7 goes into Sheldon Road. The State has said that they want the County to reserve 20' so that the State can have maintenance jurisdiction for a turn-around. The applicant was asked to show 15' right of way. The applicant has complied with a 35' zoning requirement with 54' to the parking. The Southwestern Overlay states to paved area.

Swiss Chalet Continued

The road cut was moved 50' on Southwestern. If it is moved any further, it will not seem like an entranceway. We are 400' from the corner and 200' from where the State is looking for an easement and stacking area. We are about 200' even where the State is requesting an easement. The Swiss Chalet will have seating for 245 people with 197 parking spaces. Board members noted that shared access should also be considered. **Engineering Comments:** 1. The site plan review checklist was not complied with in preparing these plans. The site plan should be revised accordingly. 2. Site plan approval for this project should not be granted without first obtaining the required Town Board discontinuance of Sheldon Rd. 3. The alignment shown for the proposed waterline easement is incorrect. It should be revised to be as shown in the survey drawing prepared by D. Naybor. 4. Several other utility easements are necessary and should also be shown in the site plan. These include sanitary sewer, drainage, electric, and gas easements. We have been working with the developer's attorney in the preparation and finalization of these easements. 5. The proposed Southwestern Blvd. driveway should be relocated further east, to provide for maximum distance from the Seven Corners intersection. 6. A triangular area at the Sheldon Rd./Allendale Pkwy. intersection is to remain part of the Town highway right-of-way. It has been incorrectly shown as being part of the development property. 7. By 2-10-97 correspondence, NYSDOT requested at a 20 feet wide strip be reserved along Southwestern Blvd. for future highway purposes. The site plan should be revised accordingly.

Comments from Traffic Safety are: What is the distance of the proposed driveway from the intersection? Lack of left turn lane on Southwestern for entrance; stacking problems; unanswered questions about fate of Allendale & Sheldon; two restaurants in this area is not a good idea; concerned about driveways internally.

Motion was made by S. Ganey, seconded by Mr. Phillips to give conceptual sketch plan approval on the project. Item is to be reviewed at the next work session. Carried.

Southtown's Auto - 5873 Camp Road

Mr. Charles Nigro appeared before the Planning Board on a site plan that was not completed according to the site plan specifications. **Engineering concerns are:** 1. Concrete bumper blocks have not been installed as previously required for the parking spaces along the south property line. 2. The grass areas shown in the previously (5-1-96) approved site plan along the southerly property line and in the northeast corner of the property have instead been paved. This pavement should be removed and replaced with topsoil, grass, and trees as per the approved site plan. Should the Planning Board determine that the grass and landscape areas are not required. We would then recommend the

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following. Parking bumpers be placed along the southern property line. Parking bumpers or curbing be placed at the northeast corner of the site to prevent vehicles from accessing Staley Drive. Poured in place concrete curbing be installed around the remaining grass area in the southwest corner.

Chairman Crandall pointed out that he would like to see a revised site plan showing existing conditions as they apply. He would like to see how the cars are parked and with dimensions. Applicant was advised to meet with Drew as to what is being shown.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to bring in revised site plan for reapproval. Carried.

Other Matters:

1. South Shore Dome - On for May 6th Zoning Board meeting.
2. Big Tree Garden Center - Mr. Allen is going to advise the applicant to come in for another site plan review.

Respectfully submitted,

Gerard Koenig
Gerard Koenig, Secretary
Planning Board

Next Meeting: May 7th