

**Town of Hamburg  
Planning Board Minutes  
4-25-90**

The Town of Hamburg Planning Board met in regular session on Wednesday, April 25th, 1990 at 7:30 p.m. in Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman Elgin Cary, Secretary Gerard Koenig, Sandy Carnevale, Steve Strnad, Dennis Gaughan, David Phillips. Others attending included: Attorney Dan Gorman, George McKnight, Sheryl Bower, Terry Dubey, Stenographer and Councilman Mark Cavalcoli.

Minutes of the meeting of 4-11-90 were approved as amended by Mr. Phillips, seconded by Mr. Strnad. Carried.

**Rezoning Petition of William C. Downey for Construction of a Convenience Food Mart - Southwestern Blvd. near Amsdell Rd.**

Messrs. Tom Blaine and William Downey appeared before the Planning Board on a rezoning petition for the construction of a Convenience Food Mart on Southwestern near Amsdell Rd. The requested change is from R-A to C-1. The proposed structure would be near the Lake Shore Fire Station on one corner, Across the street is a tavern; the other corner is Brierwood, and the last is for Quality Transportation. Mr. Downey explained that it was felt that a convenient store would be in order for that location due to the fact that the Brierwood is constructing homes and the Amsdell Park Subdivision will eventually house 1100 families.

It was suggested that perhaps Mr. Downey locate to the South Shore Plaza as there are many store fronts available for rent. Mr. Blaine explained that tenants do not care for the South Shore Plaza as there are no major anchors and the fact that they have not been a good drawing card.

No action was taken on the rezoning petition. Matter is to be tabled. Motion was made by Mr. Gaughan, seconded by Mr. Phillips to **Table** for two weeks. Carried.

**Mr. Robert Schutrum - 2095 Lakeview Rd. T.V. Station**

Mr. R. Schutrum appeared before the Planning Board with a request for a Special Use Permit for a T.V. station on his church property at 2095 Lakeview Road. Twenty-three acres of land is involved and the station would have a small 8' x 8' block building and a tower with a 146' height. The Zoning is C-2. Mr. Schutrum was advised to contact the Planning Dept. for a Special Use Permit application for public hearing on May 30th at 8:00 p.m.

Motion was made by Mr. Gaughan, seconded by Mr. Carnevale to schedule the Public Hearing for the Special Use Permit on May 30th at 8:00 p.m. Carried.

**Special Meeting May 2nd 7:30 p.m.**

**Special Meeting May 2nd:**

Chairman Crandall informed the board that the Special Meeting on May 2nd will deal with in-house matters that have been held in abeyance for sometime. It was noted that Mr. Rick Lardo of the Engineering Dept. will be present to discuss some procedures and regulations. Board members are to contact the Planning Dept. with issues that they would like discussed.

**Sorrento Cheese - Mr. Mikac of Woodlawn**

Mr. Mikac of Woodlawn appeared before the Planning Board on a complaint that Sorrento Cheese is draining water into Rush Creek which is contrary to what was discussed at the February 28th meeting. The piping is 10-12" and is not properly seeded with gravel bedding. Mr. Mikac has been in touch with the Building Dept. who advised that the applicant was doing the job properly. It was noted that if the storm drainage is being filtered thru a 12" pipe, this is not slowing down the water. Mr. McKnight is to check with the Engineering Dept. to determine if a PIP permit was issued. Councilman Mark Cavalcoli stated that he will investigate the matter to determine what is being done on the site.

**Tiffany Meadows - Conservation Board input and Public Hearing**

Mr. Mark Braun appeared before the Planning Board on Tiffany Meadows. At the last meeting, Conservation Board input was required before a Public Hearing could be scheduled. The following memo was received from Duke Spittler of the Conservation Board:

The writer did a walk thru of the entire Subdivision. Comments: There is a large area in the wooded portion (southwest corner) that is inundated. But this is really an Engineering concern and does not have any serious environmental concern. As far as open space, the southwest and southerly boundaries of the Subdivision abut the right-of-way of the New York State Electric and Gas Corp. Assuming at some future time that the Town of Hamburg takes steps to acquire public access easements for hiking trails, over public utilities rights of way, it is the opinion of the Conservation Board that this right of way constitutes adequate open space for this development. This right-of-way has access from Abbott Rd. and also thru the existing Town of Hamburg recreation area. The wooded portion is a rather low grade second growth wood lot, and none of this is deemed to be desirous for Town open space.  
**Duke Spittler, Chairman Conservation Board**

**Engineering** - This department has not yet seen a revised plan.

On the entrances and exits, there will be 1 entrance on to Holly and another on to Abbott Rd.

**Tiffany Meadows (Continued)**

Mr. Pat Gerken, resident of the Benz Subdivision, stated he still has some concerns with the Holly Place playground. The current playground is not well kept. If there is to be money in lieu of land, the residents would like the playground upgraded. A zerox map of the area should be made available at the time of the public hearing.

Motion was made by Mr. Gaughan, seconded by Mr. Phillips to schedule the Public Hearing for May 16th at 8:00 p.m. Applicant is to bring in the \$75 fee & legal description for publication.

**Lakecrest Preliminary Sketch**

The preliminary on Lakecrest is ready for signing. These are the lots on which variances were granted with respect to the Pinehurst Subdivision.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to approve the preliminary plat on Lakecrest only as variances for these lots were granted. Carried.

**Twilight II - Ben Nicosia's Property - at the End of Bayview Road.**

Mr. Ben Nicosia appeared before the Planning Board on his proposed duplex subdivision of 55 lots (31 acre parcel) which is to be located at the end of Bayview Road. Comments are as follows:

**Building Inspection**--This proposed subdivision is zoned R-2. The only lot that is in question is S.L. 15, The 35' setback line is very close to the 85'. The recreational area to be donated to the Town of Hamburg totals 3.69 acres. The 50 foot buffer zone, north of the rear lot line of the houses on Beetow Dr. is approximately 1.8 acres.

**Planning**--The plan does reflect the open space and recreation area requested by the Conservation Advisory Board and the Recreation Dept. If the lots are to be split and sold separately, they should be individually numbered. The zoning requirements: district and lot size must be shown. The approximate dimensions of all lots should be shown.

**Engineering**--6.3 All lot lines on a curve are to be radial. Label them radial on the plan. 8.3 The road right-of-way is to be 70' wide. Show the width on the plan. 9.3 The cul-de-sac should be eliminated and connected to the road to the south. The Highway Supt. has requested cul-de-sacs not be used except where a hardship exists. 14.3 The names of adjacent owners are to be shown. The Town does not own the parcel next to S.L. #1. 15.3 A copy of proposed deed restrictions should be submitted and approved prior to preliminary plat approval. 16.3. The sublots are to be split with a dash line and each half be numbered for individual sale as

**Twilight (Continued)**

duplex units. Lot 27 was overlooked. 18.3 If any of the recreation area is to be passive, it should be labeled as such on the plan. 19.3. The Board should require the developer to improve the existing portion of Bayview Road. Curbing has been requested in the past in these situations. Repaving should also be considered.

Areas of concern are still the buffer areas, the recreation area, (5.53 acres is to be donated). Motion was made by Mr. Gaughan, seconded by Mr. Strnad to Table for two weeks. Carried.

**Berkley Square Proposed Rezoning to a P.U.D.**

Mr. & Mrs. Meslasky appeared before the Planning Board on the rezoning petition of property on Big Tree and Bayview Road for a Planned Unit Development to consist of housing, retail shops, etc. Mr. McKnight noted that this is a Type I action which will require a partial Draft Environmental Impact Statement. The rezoning petition was just filed in the Town Clerk's office and not officially referred. Councilman Mark Cavalcoli stated that perhaps the rezoning could be referred to the Planning Board by the Town Board on the May 7th work session with a discussion as to whether this is a Type I action.

**Park Square Apartments - South Park Avenue**

Messrs. Jay Pohlman, Peter Liberatore, and Pete Ringo appeared before the Planning Board on his Park Square Apartments on South Park Avenue. Comments are as follows:

**Planning--**Mr. Liberatore has received a letter of approval from NYSEG for the construction of a storm drain and water retention area adjacent to their South Park facilities. The Scranton Fire Dept. has reviewed the plan and has no problem with it. The Recreation Dept. has reviewed the plan and does not have any requests for recreation area, thus a fee will be charged.

**Engineering--**This plan has been revised since 3-20-90 but the revision date was not entered. The revision block is to be used for all new submissions. 1.2 State approval for access is to be acquired before plan approval. 2.2 The hydrant at 5+75 should be moved to 4+00. The hydrant at 9+10 should be moved to 7+50 for truck access purposes. The plan is also to be reviewed by the Scranton Fire Co. 3.2 Mainline (8") sanitary sewer is to be installed under a permit issued by the Engineering Dept. Note this on the plan. A detail sheet and a profile is to be submitted showing installation and testing specifications in accordance with town standards. The sewer will be privately maintained. The sanitary is connected to a private system. Permission must be obtained from the owner. 5.2 Note that all roof downspouts are to be connected to a storm sewer with SDR 35 PVC pipe. The design

**Park Square Apartments - South Park Avenue**

calculations need to be revised, the Engineer should contact this office. Storm detention ponds are to be enclosed with a 6' chain link fence. Include a gate for access. More construction details on the pond are required. Permission from the power company will also be required before approval. 6.2 Label that curbing is to be installed all along the south line of the roadway. Check and/or revise road grade at 1+00. 8.2 There is no way a truck could get to the dumpster to empty. It should be relocated elsewhere and put on a concrete pad. Is one enough? 9.2 A barricade is to be installed at the end of the road.

**Building Insp.--**The only handicap parking spaces that are accurate are the ones in front of the 3 unit bldg. The other handicap spaces are supposed to be 4. They should conform to ANSI 117.1 - j1986. Another hydrant should be added approximately 380 feet back to the west of South Park Avenue. I hope this ties into the 8" water line. Please note that 25% of the units must be adaptable dwelling units per table 1-1101 of the N.Y. State Uniform Fire Prevention & Bldg. Code covered under 1101.3B.

It was also noted that the Conservation Board has reviewed the project and finds no significant impact and a negative declaration can be issued.

Motion was made by Mr. Cary, seconded by Mr. Carnevale to approve the site plan contingent upon Engineering approval with special emphasis on the fence around the detention pond; that a landscaping plan be incorporated into the general site plan; that based upon the findings of the Conservation Board that there is no significant effect upon the environment and a negative declaration can be issued; and that an 8" water line be installed for fire protection purposes. Carried.

**Austin Pontiac - New Car Dealership in the Mr. Izzo former Car Wash Structure on Camp Road.**

Mr. Bill Collins appeared before the Planning Board on a proposed new car dealership for Austin Pontiac which is to be located in the car wash building owned by Mr. Izzo on Camp Road. Comments are as follows:

**Planning--**The Conservation Board has reviewed the plan and determined that the proposed action will not result in any adverse environmental impacts. Will there be a free standing sign? Any new landscaping proposed for the site.

**Engineering--**We would like to see the plan dated and P.E. or Licensed Architect stamp on it. We have no other comments.

**Building Inspection--**The parking is covered under 29-119B, one space for each 700 s.f. of sales area within a building, but not

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Austin Pontiac (Continued)

less than five spaces for customer parking and 1 space for each 2 employees. The amount of parking more than meets the needs. Unfortunately, 2 of the spaces in front of the bldg. violate 29-129B(1) This must be approved by the Zoning Bd. The 2 handicap spaces should conform to ANSI 117.1-1986. No landscaping or drainage is shown on the plans. The elevations are missing also. Since this is a change in use, the building must be handicap accessible including the restrooms. I need plans for these. I also need a layout for the proposed business.

Mr. Collins noted that this facility is a satellite dealership, for new cars, and not a used car lot. The mechanical aspect will still be done in the main facility. Approximately 20-30 cars will be on display at the Camp Road location.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to approve the facility for the satellite dealership, contingent upon Engineering approval as well as a landscaping plan. This is a re-use of an existing business and will have no significant impact on the environment; also to be approved with comments by the Building Inspection Dept. Carried. Note. If there is to be a free-standing sign, it must be indicated on the site plan.

**Innovative Homes - 2 unit Townhouses - Big Tree and Bayview**

Mr. Bennedati of Innovative Homes appeared before the Planning Board with his proposal for 3 lots with 2 unit townhouses of individual ownership. Mr. Bennedati has deleted one of the driveways so that all drive cuts are on to Big Tree Road. Asst. Planner, Sheryl Bower asked that a set of deed restrictions be provided especially as to compatible color, fire insurance provisions, etc. The parcel is zoned R-2 and is in conformance with the zoning code. At the present time, there are no garages on the site plan. This will be an option for the prospective buyer. Planning Board members noted that this is the most logical use for the land, considering other applications called for rezoning and commercial development which would not be conducive to the area.

Comments are as follows:

**Building Inspection:** This property is zoned R-2. I reviewed the plan and it is getting better. They all seem to conform with the exception that no garage can be built on dwelling unit number one. It would infringe upon the setback line. They should keep as many trees as possible at the rear of the property, on Bayview Rd. but not at the intersection.

**Planning--**The driveway should be shown as a solid line.

**Engineering--**7.5 A topographic map shall be provided. 11.5 Deed restrictions are to be submitted for approval by the Planning

**Planning Board Minutes, Page 7, 4-25-90  
Innovative Homes (Continued)**

Board. They should be the same or similar to those developed for use at the Twilight dual ownership duplex subdivision. 12.5 The developer should be notified that construction plans are to be submitted and approved by this office prior to clearing or stripping the site. 13.5 The subplot line between 2 & 3 is not 90 degrees with Bayview. It should be changed or a hardship stated and a variance granted. Site plan should also be sealed.

Motion was made by Mr. Koenig, to approve the site plan as presented based on the fact that environmental issues have been addressed and due to changes, adverse affects have been mitigated and a negative declaration can be issued, seconded by Mr. Phillips. Carried.

**Three Lot Subdivision - Amsdell (E. Burke) on Amsdell Rd.**

Mr. Patrick Burke appeared before the Planning Board on a 3 lot subdivision to be located off Amsdell Road. This was once a single parcel where the house burned down. It is large enough for 3 lots. All driveways are on to the interior street. An approval can be given with the provision that there be no drive cuts on Amsdell Rd. Comments are as follows:

**Building Inspection--**This is a 3 lot subdivision. The property is zoned R-1. All lots appear to conform to the zoning requirements since there are sanitary sewers available.

**Engineering--**The site is not in a wetland or flood plain. The site is in the Wanakah Water District. The site is within the fringe customer agreement area approved for Amsdell Part I. A grading plan and a sanitary sewer plan will be required.

**Planning--**The plat should be labeled "preliminary plat."

**Conservation--**There are no environmental concerns on this 3 lot subdivision. It was noted that when the area was observed on 4-22-90, that the land had been cleared except for a few larger trees, leveled and staked. It is commendable to leave a few large trees at the rear of the property, however, I hope that when the heavily treed lots are developed that many more trees are left at the front, sides and rear of the homes especially on the lots beside Amsdell school property.

Motion was made by Mr. Phillips, seconded by Mr. Gaughan to approve the preliminary plat for the 3 lot subdivision, waive the public hearing and proceed to final. Carried. Finding: Because of the minor nature of the proposal, a public hearing is unnecessary, as lots are facing an existing street. There are no significant environmental issues to be resolved.

**BJ'S Wholesale House - To Be Located at the Former Regency Hotel on Milestrip Road.**

Messrs. Dave DePaulo of Benderson Development, and Mr. Jim Silvia of BJ's appeared before the Planning Board on a proposed BJ's site to be located on what is now the Regency Motel on Milestrip Rd. The current Regency will be demolished and replaced with a 168,000 s.f. retail store. This is a cash and carry, wholesale group member only facility. The business will be very similar to the one on Colvin Avenue. They carry approximately 4,000 items. Many of the food staples are purchased in bulk or institutional size. The zoning is C-2. There will be all new pavement and utilities. Comments are as follows:

**Building Inspection--**The total square footage of this complex is 168,533 s.f. which falls under Community Shopping Center. According to our code, there should be 1 space per 200 s.f. This equals 843 spaces required. 935 spaces are shown on the plan. 16 handicap spaces are required. 28 are shown on the plan. Handicap parking spaces should be as close as possible to the entrances into the buildings. The approximate location of the doors should be shown on the plan. It appears that the 3 driveways in the front are very close together. They could possible reduce this to 2. They should coincide with the Highland Plaza across the street. The Planning Board should be aware that the majority of this parking is in the Niagara Mohawk power line right-of-way. There are utility poles with wires overhead. Letters of approval from Niagara Mohawk should be obtained stating that this parking will be permitted. The detention pond appears to drain on to the New York State Thruway Authority property. A letter should be obtained stating that they are aware of this, and that it is permitted. The detention pond should also be fenced since it is next to a residential area. A fire hydrant should be added in front of B.J's Wholesale in a curbed island. Another hydrant should be added in front of B.J's Wholesale in a curbed island. Another hydrant should be added approximately 400 feet back from Milestrip Rd. next to the Thruway right-of-way. All hydrants should be in curbed areas and/or protected by bollards. The grading plan leaves a lot to be desired. More trees and shrubs should be planted in all the curbed islands. The front parking on Mile Strip Rd. violates the setback requirements covered under 29-129B(1). This must be approved by the Zoning Bd. of Appeals.

A detail of the parking lot lighting should be shown on the plan. Consideration should be given for a loop water line system. However, this is at a dead end line. There will be excess topsoil on this site. If they plan to donate this to the Town of Hamburg, and deliver it to 65 acres, there would be no charge. Otherwise, a permit would be required to remove the topsoil. This plan calls for the demolition of the Regency Hotel. At the present time, we have less motel units in our area. There is a great need for it since they are building a new agricultural center at the

**BJ'S Wholesale (Continued)**

fairgrounds. However, there is a motel proposed for south of the Highland Plaza as well as a new addition to the Extit 56 motel.

**Engineering--**1. The approval of the County Highway, N.Y.S.D.O.T. and Thruway Authority is required prior to plan approval. 2. Lands belonging to Niagara Mohawk power are being utilized. Has this been approved? Provide approval conditions. 3. We would like to see one (1) hydrant added at the south east corner of BJ's and one (1) along the west side of the plaza. This should be discussed with the Newton Abbott Fire Co. There would be only a slight advantage of looping the system as the main on Milestrip has a one-way feed. The proposed hydrant on Milestrip next to the Thruway is to be installed at the developer's expense. This should be noted on the plan. 4. Show the private force main out of the sanitary lift station and label it as such on the plan. 5. The pavement grade at the main entrance is at 4%. This should be reduced as much as possible for winter driving safety. Specify a 50 foot curb radius for the entrance. 6. There is a steep drop along the north and west property lines. Guide rail should be installed wherever the drop is more than 12". Parking bumpers or curbs should be installed along the site perimeter in all other areas. 7. The driveway on the east side does not align with the Benderson Plaza on the south side and should be considered. 8. A connection to the Toys R Us parking lot should be explored. An agreement like the Wegman's and McKinley Plaza would be useful to both parties.

**Planning--**1. Will there be a free standing sign?  
2. Variances will be needed to have parking spaces within 35 feet of the street right of way. 3. Approval must be received from Niagara Mohawk for proposed uses under power lines. 4. Would like to see landscape plantings carried through to the curbed islands on the east side of the site. Also landscaping to create visual buffer of loading area behind retail bldg. E. Landscaping should be continued along road on the east side of the property.

Director of Planning McKnight stated that the Conservation Board has not had time yet to review the site. However, due to the size of the project, it is possible that this may be a Type I action requiring an impact statement. Mr. McKnight is to get in touch with Mr. Vaughan of the Conservation Board to determine whether this site would be a Type I action.

Mr. Tom Taylor of the Newton Abbott Fire Co. noted that if there is a looped water system to the site, it makes for better pressure. The 12" line on McKinley does not connect to Milestrip. Therefore, the volume is not adequate. If they are coupled together, it increases volume. An 8" line would resolve the problem.

No action was taken. Item to be on May 16th agenda. A

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**BJ'S (Continued)**

variance will be required on the parking setback. Motion was made by Mr. Koenig, seconded by Mr. Gaughan to reject the site plan for referral to the Zoning Board. Carried.

**Other Matters;**

Director of Planning McKnight noted that the Twilight III Subdivision Plat was taken off the wall in the Public Meeting Room. These drawings are put up for the convenience of the citizenry. However, they are Town property and an individual does not have the right to remove them. An article is to be put in the Hamburg Sun to affirm this position of the Planning Board.

The issue of standardization of house numbers was brought up. Board feeling is split on the matter. Some agree that there should be some type of standardization, others feel they do not want this type of policy dictated. Members felt this was not a function of the Planning Board to determine.

Motion to adjourn the meeting was made by Mr. Phillips, seconded by Mr. Strnad. Carried. Meeting adjourned at 11:00 p.m.

Respectfully Submitted,

  
Gerard Koenig, Secretary  
Planning Board

Next Regular Meeting: May 16, 1990 7:30 p.m.  
Special Meeting - May 2nd, 1990 at 7:30 p.m.

**Letter to the Editor:**

The Town of Hamburg Planning Board has made every effort to maximize public participating as an element in the review of projects. One of the procedures we have been using is to tape a copy of every project that is under review to the wall of the meeting room. This allows residents that are interested in a specific project to review the site plan or subdivision and be able to ask informed questions. At the last Planning Board meeting on April 25, 1990, a plan for a proposed subdivision that was under review was stolen from the back wall of the public meeting room. If this happens again, the Planning Board will cease to publicly display copy's of projects under review. **George McKnight, Director of Planning - Town of Hamburg**

**NYSEG**

*Apr. 25th*

April 10, 1990

Mr. Peter Liberatore  
S 3990 McKinley Parkway  
Blasdell, New York 14219

Subject: Storm Drainage & Retention Area  
W/O McKinley Parkway, Hamburg Town.

Dear Mr. Liberatore;

Please accept this letter as our Corporation's permission and approval for the construction of a storm drain and water retention area adjacent to our South Park Service Center and transmission line facilities, west of McKinley Parkway, Hamburg Town.

Yours very truly,

*J. L. Fuchs*  
James L. Fuchs  
Supervisor of Real Estate  
Western New York

JLF/dm  
xcy: ECP

# TOWN OF HAMBURG

S-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111 • FAX (716) 649-4087

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JACK QUINN, Jr.

Councilmen  
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JAMES F. CONNOLLY  
DANIEL J. HENRY  
PATRICK H. HOAK



Town Attorney  
JOHN A. MICHALEK

Town Clerk  
GEORGE DANYLUK

Supt. of Highways  
RICHARD A. SMITH

Receiver of Taxes  
ROBERT A. MARS

April 4, 1990

To: The Planning Board

Re: Site Plan Review

VIRGE AUSTON PONTIAC  
5203 CAMP ROAD

The parking is covered under 29-119B, one space for each 700 square feet of sales area within a building, but not less than five spaces for customer parking and one space for each two employees. The amount of parking more than meets the needs.

Unfortunately, two of the parking spaces in the front of the building violate 29-129B(1). This must be approved by the Zoning Board of Appeals. The two handicap spaces should conform to ANSI 117.1-1986.

No landscaping or drainage is shown on the plans. The elevations are missing, also.

Since this is a change in use, the building must be handicap accessible, including the restrooms. I need plans for these. I also need a layout for the proposed business.

Sincerely,

John J. Lauchert, C.P.C.A.  
Building, Zoning & Plumbing Inspector  
Code Enforcement Officer  
Town of Hamburg

JJL/lrs

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April 11, 1990

To: The Planning Board

Re: Site Plan Review

B.J.'S PLAZA  
MCKINLEY PARKWAY  
TOWN OF HAMBURG

The total square footage of this complex is 168,533 square feet, which falls under the Community Shopping Center. According to our code, there should be one space per 200 square feet. This equals 843 spaces required. 935 spaces are shown on the plan. 16 handicap spaces are required. 28 are shown on the plan. Handicap parking spaces should be as close as possible to the entrances into the buildings. The approximate location of the doors should be shown of the plan.

It appears that the three driveways in the front are very close together. They could possible reduce this to two. The should coincide with the Highland Plaza across the street.

The Planning Board should be aware that the majority of this parking is in the Niagara Mohawk power line right-of-way. There are utility poles with wires over head. Letters of approval from Niagara Mohawk should be obtained stating that this parking will be permitted.

There detention pond appears to drain onto the New York State Thruway Authority property. A letter should be obtained stating that they are aware of this and that it is permitted. The detention pond should also be fenced since it is next to a residential area.

A fire hydrant should be added in front of B.J.'s Wholesale in a curbed island. Another hydrant should be added approximately 400 feet back from Mile Strip Road next to the thruway right-of-way, next the compactor, behind Freddy's. All hydrants should be in curbed areas and/or protected by bollards.

The grading plan leaves a lot to be desired. More trees and shrubs should be planted in all the curbed islands. The front parking on Mile Strip Road violates the set back requirements covered under 29-129B(1). This must be approved by the Zoning Board of Appeals.

A detail of the parking lot lighting should be shown on the plan. Consideration should be given for a loop water line system. However, this is at a dead end line. There will be excess topsoil on this site. If they plan to donate this to the Town of Hamburg and deliver it to 65 acres, there would be no charge. Otherwise, a permit would be required to remove the topsoil.

This plan calls for the demolition of the Regency Hotel. At the present time, we have less motel units in our area. There is a great need for it since they are building a new agricultural center at the fairgrounds. However, there is a motel proposed for south of the Highland Plaza as well as a new addition to the Exit 56 motel.

Because of the size of this building, it must have sprinklers and of type 2B construction.

When more information is available, I will review.

Sincerely,



John J. Lauchert, C.P.C.A.  
Building, Zoning & Plumbing Inspector  
Code Enforcement Officer  
Town of Hamburg

JJL/lis

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April 11, 1990

To: The Planning Board

Re: Site Plan Review

WOODEDGE AND CLIFFSIDE VILLAGE  
OFF NORTH CREEK ROAD  
NEAR SOUTHWESTERN BOULEVARD  
ZONED PUD

This conceptual plan is very unique and different. It is very nice. It would be using some of the existing facilities. The layout is very unique. Concern should be given to the set back on the top of the high bank of 18 Mile Creek. There is a small stream, besides Hemlock Creek and Hemlock Pond, that runs through this property. It should also be shown on the plan.

Extra off-street parking spaces should be provided at convenient locations. There does not appear to be adequate parking facilities around the Edge Cliff Inn. Only five are shown on the plan. They should be in a convenient location as well as accessible to the handicap. I need a floor plan.

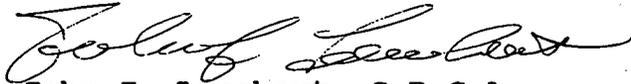
Since this is a heavily wooded area, care should be taken so to not to remove any more trees than what is required for this construction. Please remember that all tree stumps must be removed from the Town of Hamburg as we do not allow tree stumps to be buried.

Extra care should be given in the area around A18, A19, A20, and A21 for proper set back from Hemlock Creek and Hemlock Pond. The

part that is in question about the improper set back from the top of the high bank is in the area around building C21, C22, C23, C7, and C8. Building B, The Edge Cliff Inn, is already already in existence, I think.

When more information is available, I will review.

Sincerely,



John J. Lauchert, C.P.C.A.  
Building, Zoning & Plumbing Inspector  
Code Enforcement Officer  
Town of Hamburg

JJL/lis

# TOWN OF HAMBURG

S-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111 • FAX (716) 649-4087

Supervisor  
JACK QUINN, Jr.

Councilmen  
D. MARK CAVALCOLI  
JAMES F. CONNOLLY  
DANIEL J. HENRY  
PATRICK H. HOAK



Town Attorney  
JOHN A. MICHALEK

Town Clerk  
GEORGE DANYLUK

Supt. of Highways  
RICHARD A. SMITH

Receiver of Taxes  
ROBERT A. MARS

March 30, 1990

To: Town Engineer

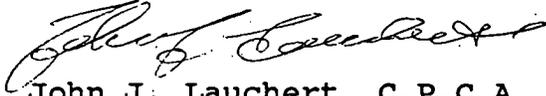
Re: Proposed local law clearing, stripping, and erosion control

In reviewing the proposed local law for clearing, stripping, and erosion control I found some areas which I feel should be reviewed and possibly changed.

1. 11B-2 #8 - "filling which exceeds a total of 200 cubic yards of material within a parcel or in a continuous area". Large sublots in subdivisions could require 200 yards of topsoil, fill in approved subdivisions.
2. 11b-2B #3 - "excavations for basements and footings in single family homes and for septic tank systems, wells, and swimming pools accessory to single family homes."
3. 11B-3C - "prior to granting a permit, the Town Planning Board shall issue site plan approval". Cross the rest out because I do not think it is necessary.
4. 11B-3D - "Copies of permit shall be submitted to the Conservation Board which shall submit recommendations on the application to the Town Engineer within 30 days of the date of filing." Add that the Town Engineer has 10 days to act on permit. There should be a time limit so the people do not have to wait forever.
5. 11B-4D - "Please be aware that the Building Inspection Department have power of arrest and can issue appearance

tickets to violations and also appear in court on a regular basis in enforcing other codes, laws and ordinances in the Town of Hamburg."

Sincerely,



John J. Lauchert, C.P.C.A.  
Building, Zoning & Plumbing Inspector  
Code Enforcement Officer  
Town of Hamburg

cc: The Planning Board

LAW OFFICES

WALSH & SAMPSON, P.C.

HAMBURG OFFICE:

3819 SOUTH PARK AVENUE P.O. BOX 1909  
BLASDELL, NEW YORK 14219-0109  
716-825-2203

BUFFALO OFFICE:

210 ELLICOTT SQUARE BUILDING  
BUFFALO, NEW YORK 14203  
716-825-2310

J. DAVID SAMPSON  
JAMES R. WALSH  
ROBERT G. WALSH

FAX (716) 825-3433

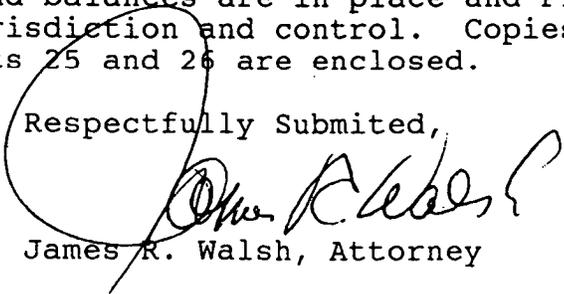
MEMORANDUM

PLEASE REPLY TO:

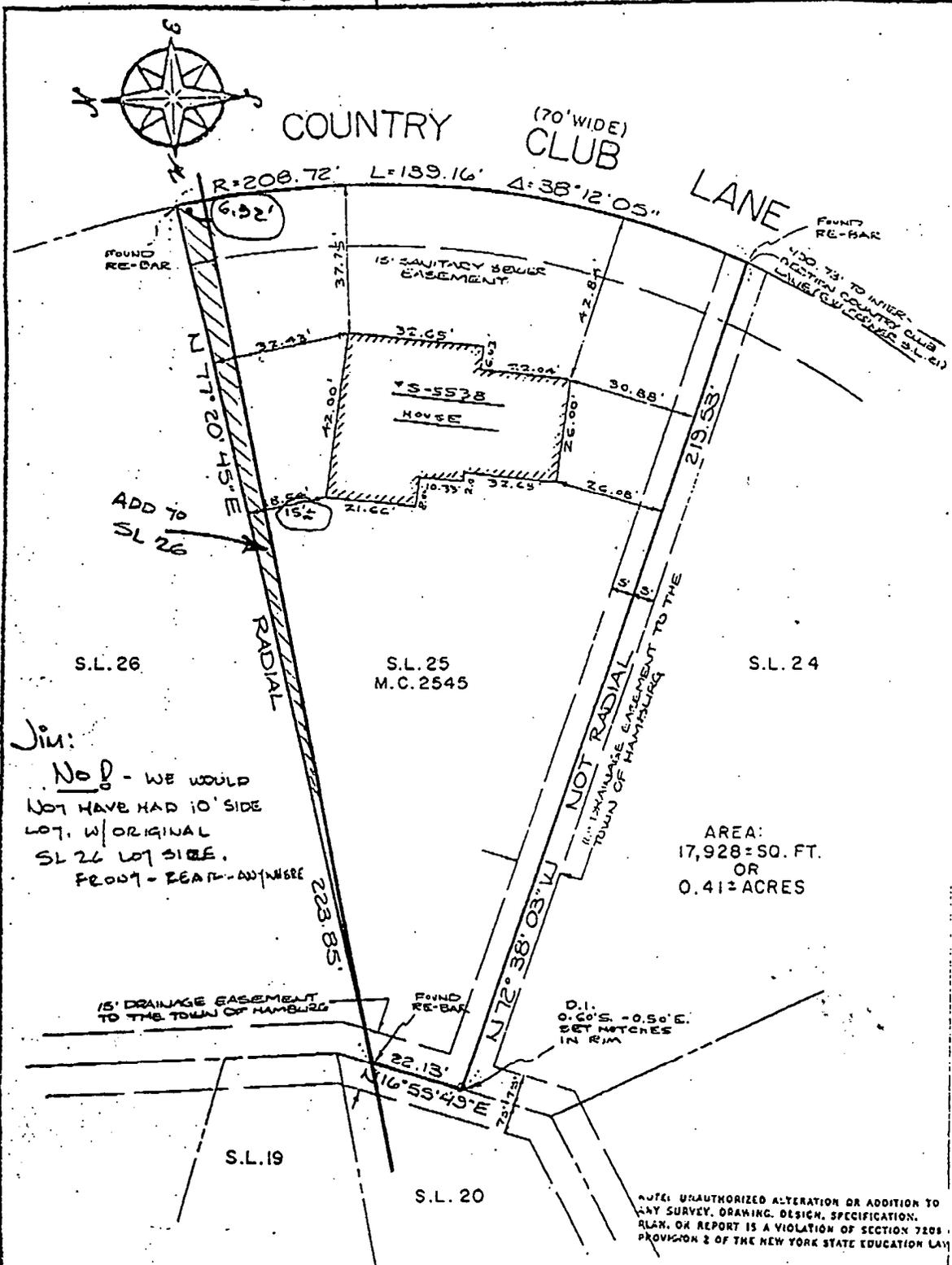
DATE: April 10, 1990  
TO: Planning Board  
FROM: Developer - Brierwood Estates Joint Venture  
SUBJECT: Brierwood Subdivision - Lot 26

Developer's in-house procedure requiring review and approval of design and house location prior to the issuance of a building permit which has been approved by Planning Board and Building Department is working. The two problems that developed were resolved in accordance with guidelines of the Planning Board, which amongst others are to create a good looking subdivision and maintain a minimum ten foot side yard and a minimum of 20 feet between buildings. The first problem developed when a builder added an outside chimney to the side of his house during construction that encroached approximately two feet into a required side yard. Developer negotiated a two-foot strip of land from his neighbor, who had excess side yard, to permanently cure the problem. The other problem developed with Sublot 26. The required radial side lines pinched the lot to the degree that a house with required side yards could not be built by builder. Even though this lot had what I will loosely call a Planning Board variance authorized by the PUD regulations, to permanently cure the problem and maintain the agreed side yard and 20 foot minimum between buildings, developer established a non-radial sideline using lands from Sublot 25 which had excess side yard. Developer is following guidelines agreed upon with Planning Board. The request by Engineer Gilbert that he and the ZBA be involved in the process should be rejected. Adequate checks and balances are in place and Planning Board has adequate jurisdiction and control. Copies of as-built surveys for Sublots 25 and 26 are enclosed.

Respectfully Submitted,

  
James R. Walsh, Attorney

# SURVEY OF LOT NO - 26 25



Jim:  
 No D - WE WOULD NOT HAVE HAD 10' SIDE LOT. W/ ORIGINAL SL 26 LOT SIDE. FRONT - BEAT IT ANYWHERE

AREA:  
 17,928 = SQ. FT.  
 OR  
 0.41 = ACRES

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN, OR REPORT IS A VIOLATION OF SECTION 7208, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW

PART OF L. 28 S. T. 9 R. 8. TOWN OF HAMBURG COUNTY OF ERIE NEW YORK

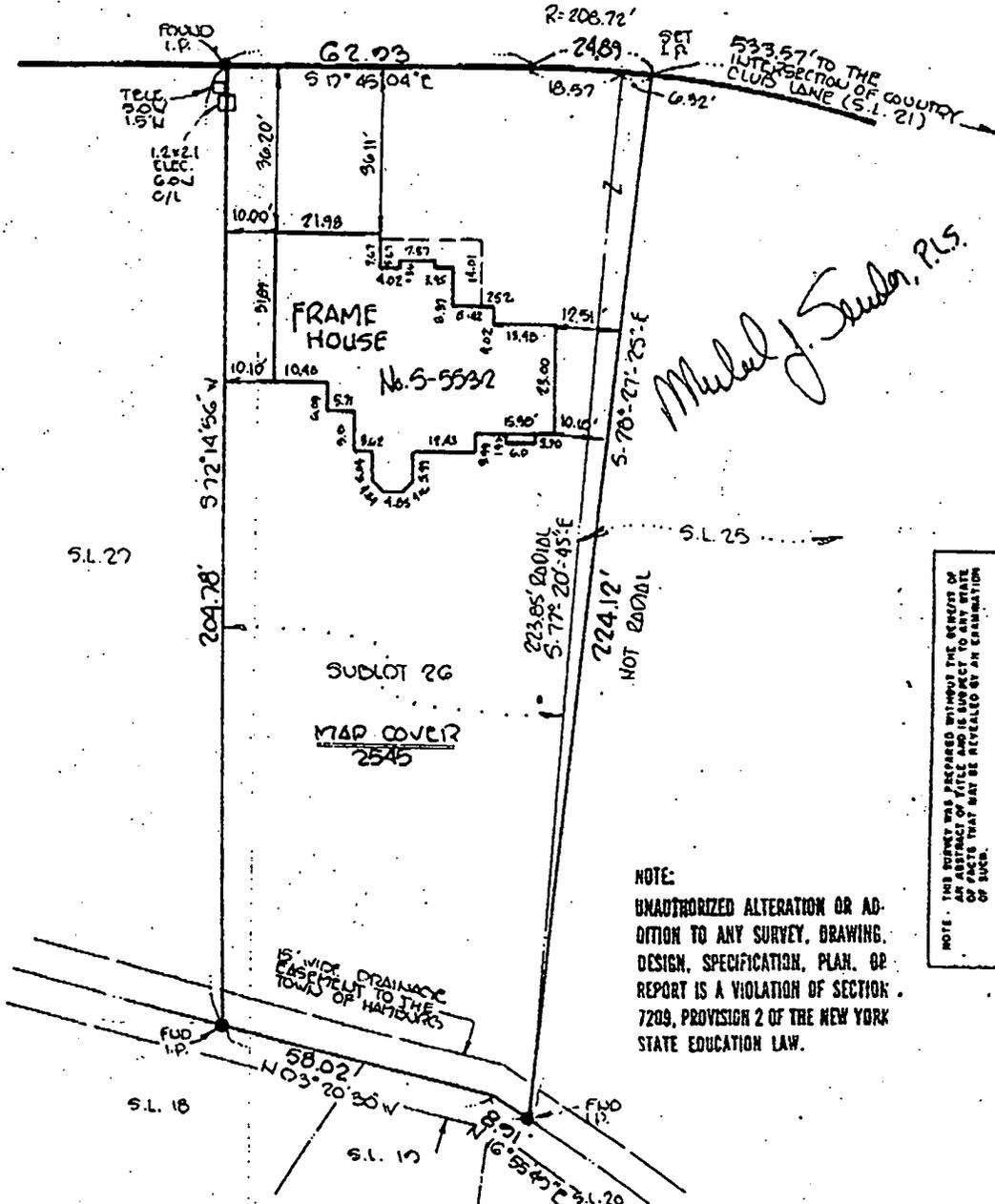
REVISION			
DATE	JOB	DESCRIPTION	
12/8/89	890104	LOT STAKED	N.L.
1/9/90	890547	HOUSE LOCATED	N.L.

**TVA**  
 Tallamy Van Kuren Geris & Associates  
 ENGINEERS • SURVEYORS • PLANNERS  
 70 LINWOOD AVENUE P.O. BOX 131 ORCHARD PARK, NEW YORK 14127 PHONE (716) 662-9300

DRAWN BY M. GRAU SCALE 1" = 30'  
 CHECKED BY \_\_\_\_\_ DATE APRIL 28, 1989  
 JOB 890138 SHEET 2F-13722



# COUNTRY CLUB LANE (70' WIDE)



*Michael J. Sander, P.L.S.*

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF RECORDS.

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN, OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

PART OF LOT 26, TOWNSHIP 5, RANGE 8			
LOCATION TOWN OF HAMBOURG, COUNTY OF ERIE, STATE OF NEW YORK			SCALE: 1 IN. = 30' FT.
NUSSBAUMER & CLARKE, INC. ENGINEERS AND SURVEYORS 310 DELAWARE AVENUE BUFFALO, NY Phone: 853-7582	KIND	DATE	FOR
	HOUSE F. LOT STAKE	2-22-90	MR. GEORGE FOX
	SURVEY	3-23-90	" " "
			JOB NO.
			NC-28977
			NC-29227
			DRAWING NO. 7545-76

28

# TOWN OF HAMBURG

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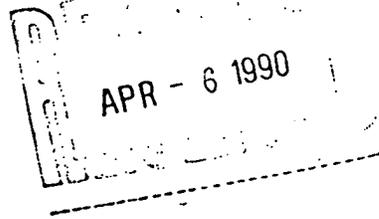
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Supt. of Highways  
RICHARD A. SMITH

Receiver of Taxes  
ROBERT A. MARS

TO: Planning Board  
FROM: Town Engineer Gilbert  
DATE: 3-08-90  
SUBJ: BRIERWOOD FOOTPRINT LOTS



We would like clarification on what a footprint lot is and where it has been approved.

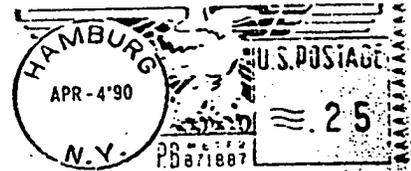
Eight (8) feet from subplot 25 of the filed map cover is to be deeded to subplot 26.

We feel the Z.B.O. should address this type of situation because moving the subplot lines is a re-subdivision not unlike what John Bosse and Pat Eddy did in Lakeview. Moving of the subplot lines also creates a pile of paper work for the County Real Property Division and our Assessors. We understand this was done a few times in Brierwood.

Can your footprint approvals be re-evaluated or stopped?

One suggestion is that the Town Engineer be required to sign all applications for new building permits.

TOWN OF HAMBURG  
11 HALL S-6100 SOUTH PARK AVE.  
HAMBURG, NEW YORK 14075-3774



James Walsh  
3819 South Park Ave.  
Blasdell N. Y. 14219

"It's Great Living in Hamburg---The Town That Friendship Built" 

# TOWN OF HAMBURG PLANNING BOARD AGENDA

DATE: April 11, 1990

TIME	NAME	PURPOSE
7:30	EXECUTIVE MEETING	
8:00	J. C. Penney McKinley Mall	Site Plan Review
8:20	Strawberry Fields Mr. Manfreda	Lakeview Rd. Subdivision Review
8:40	Hillsboro Estates	Subdivision Review
9:00	Rod's Tire Town--K. Kimmins 4165 Lake Shore	Island Canopy site plan review
9:20	Gary & Janette Noshay	Small Subdivision
9:40	Armor Construction 4949 Clark St.	Site Plan Review - Custom Kitchens & Windows
10:00	Tiffany Meadows	Subdivision Review
	Mr. Kossowski Checker Cab	Addition of 8' stockade fence - Refer to ZBA
	Amsdell Park - Townhomes Ron Tills, B. Meslosky	Initial Review Berkley Square P.U.D. <i>Storage Bldg.</i>

*Club Zepher*  
Approval of Minutes

1. Standardization of house numbers for size & location  
Referral from Dan Henry Town Board
2. Roger Duffet Letter requesting use of existing building on Lakeview Rd.

AGENDA CLOSED OFF AS OF 3-29-90