Town of Hamburg
Planning Board Meeting 5-4-05
Actions Taken

Judy Pickhardt Dance Studio **Lake Shore Road - Woodlawn**	**Approved**
Bed, Bath & Beyond **McKinley Mall**	**Favorable recommendation to be submitted To Town Board.**
Clark Street Subway & Gas Station **Clark Street**	**Approved contingent on Engineering**
Hoggs Dairy - Subway **Old Lake Shore Road**	**Approved contingent on Engineering**
Keith Fisher Warehouse **Maelou Drive**	**On for May 18th meeting**
Highland Subdivision **Brompton**	**Approved Preliminary**
Proposed Rezoning of a parcel for Gullo's Expansion **Southwestern Blvd.**	**No official rezoning petition submitted As yet.**
Planning Board Tour	**Set for June 8th, 7:00 p.m.**

Town of Hamburg Planning Board
Work Session - May 4, 2005

The Town of Hamburg Planning Board met for a Work Session on Wednesday, May 4th, 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, Steve McCabe, Paul Eustace, Sasha Yerkovich, Karen Rogers, Bob Reynolds. Others attending included: Michael Fruth, Esq., Don McKenna, Attorney, Drew Reilly, Terry Dubey, Stenographer.

Proposal for Sr. Citizen Apartments - South Park Avenue–Balance of No-Co property, adjacent to the Fairgrounds

Mr. Andy Romanowski, of Alliance Homes, appeared before the Planning Board on a 6.9 acre parcel, which is owned by No-Co., for a proposed 64 unit, 8 building apartment complex for Senior Adults with a Community building of approximately 2500 s.f. The project will not be subsidized. There would have to be a subdivision of land, removing it from the present gas station. Buffering, landscaping will be provided. The property is zoned C-2, and a rezoning would be involved to R-3 for multi-family housing. This development will be for adults 55 and over. Applicant to proceed with a rezoning application.

Judy Pickhardt Dance Studio - Woodlawn (former Dickie's Donuts)

Mr. Giolanda appeared before the Planning Board on the proposed dance studio in Woodlawn. An appearance has been made at the Zoning Board level on a variance on the parking. At that meeting, a variance of 12 spaces was granted. Seven spaces will be shared with Our Lady of Grace Church. The fencing between the two facilities will be removed to assure proper drainage and the lot is to be striped. Engineering has no concerns.

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to issue a Negative Declaration for the project, approve the dance studio, and include proper landscaping and striping of the parking lot. Carried.

Bed, Bath & Beyond - McKinley Mall

Representatives from the McKinley Mall and Erdman Anthony appeared before the Planning Board on the proposed Bed, Bath, & Beyond store which is to be located near the Sears store at the McKinley Mall. The overall project was approved last year. This site is part of the first phase of the McKinley Mall expansion. The Town Board has final site plan approval authority. The Planning Board is to send a recommendation to the Town Board.

Motion was made by Mr. Phillips, seconded by Mr. Reynolds, to forward a positive recommendation to the Town Board on the Bed, Bath, and Beyond site, per drawing dated April 20th, 2005, which is consistent with the master plan for the McKinley Mall that was approved in 2004,& contingent on Engineering. New islands in front of the site will be replaced. This is the first phase of the facade improvement project. Carried.

McKinley Mall (continued)

Engineering comments: 1. The original mall approval required that curbed islands (not painted) be installed along the edge of the traffic travelway. Revise as necessary. 2. Show the location of all existing and proposed storm sewers, and roof drainage conductor pipes. Include all design elevations. 3. Show the location of all existing and proposed sanitary sewers. The sanitary installation is to be reviewed and approved by Erie County Sewer District 3. We are unable to approved these plans prior to approval by ECSD No. 3. 4. The proposed landscape features are to be reviewed and approved by the Planning Board. 5. Include all associated construction details for the proposed site work.

Clark Street Subway and Gas Station - Clark St. - Kevin Saxon - Sado Gas Sales

Mr. Kevin Saxon appeared before the Planning Board on a proposed gas station and Subway which is to be located at the old Gulf Station on Clark St.

Mr. Reilly noted that landscaping should be provided around the island to avoid a cut-thru situation and to provide bumper blocks. Curbing is to be located at the entrances and approved by the DOT. A new sign will be installed and the old one removed. Mr. Saxon is working with Karl Denning for a letter on the Highway and cleaning receivers. There is no problem with the sanitary. Letters will be forthcoming.

Engineering: 1. We could not locate a previously site plan for the building. 2. The proposed curbed island and storm sewer along the frontage is located within the Clark St. and Armor Duells Rd. right of way. Approval by the Erie County Highway will be required. We are unable to approve the site plan prior to review and approval by Erie County Highway. 3. The sanitary sewer lateral and grease trap are to be approved by Erie County Sewer District 3. We are unable to approve the site plan prior to review and approval of the plan by ECSD 3. 4. Provide design elevations for the site pavement and storm sewers. Include drainage calculations for the detention system. 5. Provide curbing from the road right of way to the building (both sides) along the green space. 6. Provide curbing around the sign and planter. 7. The site landscaping is to be approved by the Planning Board.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to issue a Negative Declaration, and approve the Clark Street Subway contingent on items as set forth by the Enginnering Department as of 5-4-05 and extend curbing. Carried.

McKenzie's Rezoning - Purchase of additional property for a parking lot - from R-2 to W-C, Waterfront Commercial - Lake Shore & LaSalle Ave.

A survey of the property has been presented for the purchase of the house behind the restaurant that will be torn down and replaced with a parking lot. The zoning for this parcel is R-3. The trees should be maintained, buffering is to be provided. A recommendation from the Planning

Board to the Town Board is required. A sketch of the layout of the lot is to be provided with sufficient screening (Section 280-156). Motion was made by Mrs. Yerkovich, seconded by Mr. McCabe to table to the May 18th meeting.

Hoggs Dairy - Addition of a Subway - Old Lakeshore Rd.

Mr. Dean Hogg appeared before the Planning Board on his proposed addition of a Subway to be located on the Old Lake Shore Road. The variance on the parking was approved at the Zoning Board meeting of 5-3-05. The dumpster is to be located on a concrete pad and enclosed. The bottle return trailer has been removed.

Engineering Comments: 1. The Planning Board previously approved a site plan for the property in 1982. 2. The garbage dumpster is to be placed on a concrete pad. 3. The sanitary sewer and grease trap are to be approved by the Erie County Department of Env. & Planning. We are unable to approve the site plan prior to approval by ECDEP. 4. The parking spaces are to be painted. 5. There should not be any access to Triangle Road in the area adjacent to the employee parking space. 6. The portion of the parking lot not being used for parking (adjacent to existing concrete island) should be landscaped and curbed.

Motion was made Mr. Phillips, seconded by Mr. Eustace, to issue a Negative Declaration on the project, approve the site conditioned on Engineering requirements as stated in the May 4th memo, and provide landscaping and striping. Carried.

Keith Fisher Warehouse - Maelou Drive

The proposal is for a 5,000 s.f. warehouse to be used for storage on Maelou Drive.

Engineering comments: 1. A site plan for the original development of this project was previously approved by the Planning Board on 4-20-94. 2. We performed an on-site inspection and determined that the area west of the building has been paved. This area was supposed to be a grass lawn area per the 1994 site plan. The curbed island at Maelou Drive is broken and needs to be replace. There were also several tractor trailers parked on the property. 3. Site landscaping is to be approved by the Planning Board. 4. Roof drainage from the addition is to be conveyed to a storm sewer system. Show the downspout and conductor pipe locations.

The section of the code (280-97C) on the side yard requirement is to be reviewed and updated by the Code Review Committee.

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

Highland Subdivision - Brompton

A Public Hearing was held on this subdivision two weeks ago. At that time, the coordinated

Highland (Cont.)
review was not completed. So far, no responses have been received. This is for ll lots, 5 of which will be zero lot line and one single family dwelling. Sidewalks are to be provided.

Motion was made by Mr. Phillips, seconded by Mrs. Rogers to issue a Negative Declaration on the project, that conditional preliminary subdivision approval is to be granted and if there are comments from outside agencies, these are to be taken into consideration. Carried.

Recommendation to the Town Board that there is money to be charged in lieu of open space/recreation land.

BFG Radio Tower - Jeffrey Blvd.

Nothing new to report. Motion was made by Mr. Reynolds, seconded by Mr. McCabe to table. Carried.

Proposed rezoning of Gullo's for additional land - back yards of residents on Sowles Road

A rezoning application will be made by Gullo's to purchase additional land for their storage area for plants and trees. This is a 300' x 300' strip. Some of the landscaping sites have a C-l designation. The Code review Committee will be asked to review this matter.

Planning Board Tour - Set for June 8th at 7:00 p.m.

Respectfully submitted,

Paul Eustace, Secretary
Planning Board

State Environmental Quality Review
Negative Declaration
Notice of Determination of Non-Significance

Date: 5-4-05

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act–SEQR) of the Environmental Conservation Law.

The Hamburg Planning Board has determined that the proposed action described below will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Highland Subdivision

SEQR Status:

Description of Action: For construction of zero lot line & 1 single family dwelling unit for 11 lots. Sidewalks to be provided.

Location: Brompton Pkwy.

Reasons Supporting this determination: During review of this project, the Planning Board identified the relevant areas of environmental concern which are analyzed below:

1. Recreation fee to be charged.

The Hamburg Planning Bd., therefore, concludes that the project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic consideration. In reaching this decision, the Planning Board carefully considered all "Criteria" for Determination of Significance listed in the SEQR Regulations (6 NYCRR 617.7).

For Further Information:

Contact Person:

Town of Hamburg Planning Department
S-6100 South Park Avenue
Hamburg, NY 14075
Andrew Reilly, Planning Consultant

Dated:

May 4, 2005

To: The Planning Board

From: Drew Reilly

Re: 5-4-05 Agenda

The following are the Planning Department's comments on the agenda items for the 5-4-05 meeting:

1. Andy Romanowski - Sr. Housing complex - discussion of idea
2. Keith Fisher - Warehouse Expansion - site plan
   -The project was too large for a site plan waiver, therefore the application requires full site plan approval by the Planning board
   -The site is zoned M2, and appears to meet all zoning requirements (including parking) Rear yard requirement is difficult to interpret. The project is not within any overlay zoning district.
   -The project is an unlisted action under SEQR and does not require a coordinated review.
   -The project can proceed to approval at the 5-18-05 meeting, if all the Planning Board issues are satisfied.

3. Bed Bath & Beyond - McKinley Mall - site plan
   -The overall plan for the McKinley Mall expansion was approved by the Town Board in 2004. This application is for the first phase of that approved development plan.
   -The project appears to be in conformance with the approved plan and therefore it is my opinion that the Planning Board can recommend that the site plan be signed (once satisfied with any outstanding issues).
   -The new islands in front of the Mall should be landscaped.

4. Highland Subdivision - Preliminary Major Subdivision
   -Preliminary plat approval and a SEQR Negative Dec can be issued if the Planning Board is satisfied.

5. Clark Street Deli & Gas Station - site plan
   -The applicant has amended the drawings per the Planning Board comments.

   -At the staff meeting, it was discussed that the curbed entrances be extended into the site to demarcate the green areas.

6. BFG Tower - site plan

-We are awaiting agreement between the Penn Dixie representatives and BFG concerning the relocation of the tower. We also were concerned about the adjoining property owners (closer to their properties).

If ready, we could recommend the setback variance to the Zoning Board.

7. Dean Hogg Subway - site plan

-The applicant received his variances from the ZBA.
-Past discussions have included 'cleanup" of the site and traffic issues.
-At the last meeting, we discussed some landscaping issues and conditions of the approval.

8. McKenzie rezoning - rezoning recommendation
-Town Board looking for input on this rezoning request (rezone to WC for a parking lot)

9. Judy Pickhardt Dance Studio - site plan - project received variance.

10. Gullo rezoning - discussion of idea.

TOWN OF HAMBURG

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

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Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
WORK SESSION — MAY 4, 2005

The Town of Hamburg Planning Board will meet for a Work Session on Wednesday, May 4th, 2005 in the Conference Room at S-6122 South Park Avenue at 7:30 p.m. The following matters will be discussed and some approved:

1. Andy Romanowski — Seeks direction for a Sr. Housing Complex on South Park Ave. Near the Fairgrounds.
2. Keith Fisher — Warehouse expansion on Maelou Drive
3. Bed, Bath, and Beyond — McKinley Mall
4. Results of Lead Agency for Highland Subdivision — Brompton Pkwy.
5. Clark Street Deli and Gas Station — Bayview & Clark
6. BFG Tower — Jeffrey Blvd.
7. Dean Hogg Subway — Old Lakeshore Rd.
8. McKenzie Rezoning — LaSalle Ave.
9. Judy Pickhardt Dance Studio — Route 5 in Woodlawn

Other items —

1. Gullo Rezoning Expansion of present facility — S. Western Blvd.

Dated: April 21, 2005

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

4-28

TOWN OF HAMBURG

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LEGAL NOTICE
TOWN OF HAMBURG
SPRUCE RIDGE
4 LOT SUBDIVISION

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing for a 4 lot subdivision known as "Spruce Ridge" Subdivision for J. Armbruster located on the east side of Abel Rd. on 5-18-05 at 7:30 p.m. in Room 7B of Hamburg Town Hall.

THAT TRACT OR PARCEL OF LAND, situate in the TOWN OF HAMBURG, COUNTY OF ERIE and STATE OF NEW YORK, being part of Lot Number 20, Township 9 and Range 8 of the Holland Land Company's survey, bounded and described as follows:

BEGINNING at a point in the center line of Abel Road, said center line being the west line of Lot No. 20, 90 feet North of a Northwest corner of land conveyed to Melissa Stoddart by deed recorded in the Erie County Clerk's Office in Liber 8972 of deeds at page 364; running thence easterly at right angles, 224.75 feet to a point; running thence northerly parallel with the center line of Abel Road, 533.23 feet to the north line of Lot Number 20, 224.75 feet to the northwest corner of said lot, said point being in the center line of Abel Road; 526.70 feet to the point or place of beginning.

Dated: 4-21-05

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

4-28

LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
SPECIAL USE PERMIT
(AUTO GARAGE FOR A. HADZIC & A. ALSHAFAI)
SOUTH PARK AVENUE
AT NYS THRUWAY

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Hearing (Special Use Permit) for a proposed auto repair facility to be located on South Park Avenue at the New York State Thruway, Part of Lot 54, T-9, R-7 on Wednesday, May 18th at 7:45 p.m. in Room 7B of Hamburg Town Hall.

Interested parties are invited to attend.

Dated: 4-21-05

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

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