

TOWN OF HAMBURG

PLANNING BOARD MINUTES

MAY 11, 1988

The Town of Hamburg Planning Board met in regular session on Wednesday, May 11th, 1988 at 7:30 p.m. in the Planning Board room.

Members attending included: Chairman Richard Crandall, Steve Strnad, Gerard Koenig, Sandy Carnevale, Dennis Gaughan, Elgin Cary. Others attending included: George McKnight, Jack Lauchert, Attorney Dan Gorman, and Terry Dubey, Stenographer. EXCUSED: G. Gerald Valgora

Minutes of the meeting of 4-27-88 were approved on motion by Mr. Carnevale, seconded by Mr. Koenig. Carried.

EXECUTIVE SESSION

Memorandum of Agreement drawn up by Dan Gorman as a counter to J. Walsh's proposal of reduction in size of side yard requirement for sub lots in Amsdell Park. The developer has asked for a total of 20', (9' & 11'). The counter offer states a blank percentage and the side yard shall be 10' & 10' for a total of 20'.

Motion was made by Mr. Gaughan, seconded by Mr. Carnevale to delete any reference to a percentage. Carried.

Motion was made by Mr. Crandall, seconded by Mr. Gaughan to have the access avenue deeded to the Town. Carried.

Attorney Gorman is to draw up another draft proposal to be forwarded to Mr. Walsh.

Letter received from Frontier Central School regarding Amsdell Park addressing their concerns.

1. Access to district owned sewer line: The district is willing to convey the sewer line to the Master Sewer District, given adequate consideration. Response by Planning Board: This is being negotiated with the Planning Board.

2. The district believes that the contractor should be held responsible by the Planning Board for providing for drainage of surface water and protection of school property. Response: The contractor cannot allow drainage to go on to other people's property. Mr. O'Neill has stated that the run off will go across to Amsdell on to Burke's property.

3. The district takes no position on the recommendation of the Environmental Advisory Board to require the establishment of a 30-35 ft. buffer zone of large trees. Response: None.

4. The district requests the Planning Board to require the contractor to erect, own, and maintain a 6' chain link fence along its common border with the school at least for the developed portion of the site. (Planning Board sees no need for a fence in a newly developed subdivision.)

5-11-88

AMSDELL PARK (CONTINUED)

5. The district further requests the Planning Board to require the contractor to provide two appropriately spaced access walkways to the school site, to accommodate school walkers. Response: To be discussed with the developer.
6. The preliminary plot plan shows two walkways which provide access from the developed to the undeveloped part of the total site plan. We point out that this will provide access for all terrain vehicles to the wetlands, as well as to the undeveloped portion of the school site. We urge the Planning Board to take all available steps to reduce such access. Response from Planning Board: This is too dense a terrain for all terrain vehicles.

Mr. McKnight is to forward an answer to the Frontier Central School District.

Motion was made by Mr. Koenig, seconded by Mr. Strnad to set the public hearing for the Amsdell Park Subdivision. Carried. Set May 25th at 8:00 p.m.

BRIERWOOD - PLANNED UNIT DEVELOPMENT

A scoping session on the entire Brierwood Planned Unit Development has been scheduled for May 25th at 3:00 p.m. Mr. Steve Doleski of the D.E.C. is available for that date for the purpose of reviewing areas of concern with the project. The following have been asked to attend: Corps of Engineers, State D.O.T., Health Dept., County Highway, Dept. of Env. & Planning, Planning Board members, Councilman Mark Cavalcoli, Supervisor Jack Quinn, Dan Gorman Attorney, Richard Smith Highway, Fire Dept., Police Dept.

EAGLE CREST SUBDIVISION - BIG TREE ROAD.

Messrs. Filipiak and Weber appeared before the Planning Board with a sketch of Eaglecrest Subdivision which is to contain 36 sub lots for duplexes. Comments were received from the Planning Dept.

1. Several lots have side lines that are not perpendicular to the proposed street. This will cause unnecessary neighbor disputes in the future. It is also in conflict with Section 31-20B of the Town Subdivision Regulations.
2. A larger scale would make it easier to confirm measurements.
3. Lot 19 will make for a difficult building placement.
4. Preliminary plat requires name of landowner, adjacent property owners and proposed street name.

Mr. Eric Porter, resident of Chisholm Trail, requested that the developer provide access to the KB property. Planning Board Attorney Gorman noted that this could be abuse of discretion to require a developer to change his plan to provide access to a vacant parcel that already has existing road frontage. Developer to implement changes on drawing as requested by the Planning Dept.

5-11-88

SIBLEY'S DEPARTMENT STORE - MC KINLEY MALL

Mr. Greg Quatchak, Engineer from SRW, appeared before the Planning Board for the proposed 84,250 s.f. for the Sibley's Department store to be located in the McKinley Mall. Comments were received as follows:

ENGINEERING

Our comments are concerned with islands versus striping and can better be understood by looking at the plan. We want to see a situation where parkers will not infringe on the space needed for trucks using the L.L. Berger dock. If the marked up plans are not returned, we will not continue the review.

Mr. Quatchak responded that for snow plowing purposes and the climate in this area, islands would not be very feasible. Mr. Lauchert noted that 1 handicapped spot is missing. Traffic Safety noted that signs should be in accordance with New York State V&T regulations. Mr. Lauchert noted that hydrants should be located around the islands and should be curbed. Also, any excess top soil should be given to the Town and delivered to 65 acres.

Motion was made by Mr. Koenig, seconded by Mr. Cary to forward a favorable recommendation for approval by the Town Board on the Sibley's site plan with implementation of changes as recommended by the Building Inspector, Engineering Dept., Traffic Safety, and donation of top soil to the Town. Carried.

JOE GIGLIO - PIZZA TAKE-OUT 3347 LAKESHORE ROAD.

Mr. Giglio appeared before the Planning Board with a survey of his property located at 3347 Lake Shore Road for a pizza-take out. The hours of operation will be from 11:00 a.m. to midnight with extended hours on weekends to 1:00 or 2:00 a.m. There is room for employee parking in the back.

Motion was made to approve the site plan by Mr. Koenig, seconded by Mr. Gaughan. Carried.

LOCKSLEY PARK TAXPAYERS ASSOC. - REQUEST FOR CHANGE IN ZONING FROM R-2 TO R-1

Mr. Paul Howe, President of Locksley Taxpayers Assoc. appeared before the Planning Board with a request to have their area returned to R-1 status as opposed to R-2. They were unaware that the zoning was changed in the 1987 town wide zoning change. Board members to take matter under consideration.

USED CAR LOT - 5355 CAMP ROAD.

Attorney Wargula appeared on behalf of Mr. Cutler for a used car lot to be located at the former State Farm Building on Camp Road. Mr. Wargula was advised that another applicant was told that this is a very tight sight without ample parking. Applicant to come in with a survey.

5-11-88INSTANT OIL CHANGE (FORMER CASE CAR SITE) MC KINLEY & LAKE AVENUE

Messrs. Morrow and Gracehart appeared before the Planning Board on a proposed instant oil change operation to be located at the corner of McKinley & Milestrip, across from the mall. This is a basic two-bay design to service cars on a 10 minute basis from lube, grease or oil change as a drive-thru. They plan to service approximately 30 to 40 cars per day. They will have 3 to 5 employees. Applicant was advised to check on the signage thru the Building Dept. Comments from Engineering were given to the applicant for changes.

Motion was made by Mr. Gaughan to approve the site, seconded by Mr. Strnad. Carried. (Contingent upon Engineering changes.)

FRESHMART EXPANSION - LAKE SHORE RD.

A representative for Mr. Pelicano appeared before the Planning Board for an expansion of the present Freshmart to include a canopy entrance to the drug store and a facade change. Comments were received as follows:

There are not enough parking spaces. Spaces are located too close to the right-of-way. The purpose of the site plan is for approval of a 2 story addition to the plaza. This is in an area that is currently blacktopped. Engineering comments were given to the applicant.

Motion was made to reject the site plan as presented and forward it to the Zoning Board of Appeals on parking, by Mr. Koenig, seconded by Mr. Strnad. Carried. Mr. Gaughan abstained.

TIP TOP BEAUTY SALON - JAN PANZETTA - ABBOTT ROAD ZONED N-C.

Jan Panzetta appeared before the Planning Board with a request to change her beauty shop location from the front to the barn in the back. The front would be rented out as an office. The zoning is N-C. Applicant was advised to draw up a new site plan.

QUALITY TRANSPORTATION - FORMER BLOSSOM HARDWARE BUILDING - GOWANDA STATE RD.

A review was made of the original minutes for Quality Transportation which was approved in December 1983. There was no mention of fencing in the back portion of the property. Mr. Carnevale agreed to put up a berm and a fence to screen the back of the property from the bordering neighbors.

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

RESPECTFULLY SUBMITTED,


ELGIN CARY, SECRETARY
PLANNING BOARD

NEXT MEETING MAY 25, 1988
7:30 P.M.

School Board
James J. Baker
Stanley J. Figiel
Richard J. Kelleher
Marilyn R. Neal
Francis J. O'Connell
A. Pellicano
George C. Wilson
Anne M. Wood
Walter J. Zak, Jr.

FRONTIER CENTRAL SCHOOL DISTRICT

S-4432 BAY VIEW ROAD
HAMBURG, NEW YORK 14075

District Officers
Stanley J. Figiel, President
Marilyn R. Neal, Vice President
Joseph T. Meaney, Clerk
Lawrence E. Schaller, Treasurer

Superintendent of Schools
Richard E. Shands

Telephone Number
716-649-6001

May 9, 1988

Mr. George McKnight
Planning Department
Town of Hamburg
S-6100 South Park Avenue
Hamburg, New York 14075

RE: Impact of Brierwood Development
On Amsdell Junior High School

Dear George:

Please be advised that the Board of Education has reviewed the plans for the proposed Brierwood Development and makes the following comments and requests:

1. Access to district owned sewer line: the district is willing to convey the sewer line to the Master Sewer District, given adequate consideration.
2. The district believes that the contractor should be held responsible by the Planning Board for providing for drainage of surface water and protection of school property.
3. The district takes no position on the recommendation of the Environmental Advisory Board to require the establishment of a 30-35 ft. buffer zone of large trees.
4. The district requests the Planning Board to require the contractor to erect, own, and maintain a 6' chain link fence along its common border with the school at least for the developed portion of the site.
5. The district further requests the Planning Board to require the contractor to provide two appropriately spaced access walkways to the school site, to accommodate school walkers.

continued.....

George McKnight
Planning Board
re: Brierwood Development
May 9, 1988
-page 2-

6. The preliminary plot plan shows two walkways which provide access from the developed to the undeveloped part of the total site plan. We point out that this will provide access for all terrain vehicles to the wetlands, as well as to the undeveloped portion of the school site. We urge the Planning Board to take all available steps to reduce such access.

Yours truly,



Richard E. Shands
Superintendent

RES/pf

cc: Board of Education
Lee Rockwood
Kevin Maloney, Esq.

TOWN OF HAMBURG

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



Supervisor
JACK QUINN, JR.

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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

May 17, 1988

DR. Richard Shands, Supt.
Frontier Central School Dist.
S-4432 Bay View Road
Hamburg, New York 14075

Dear Dick:

The Town of Hamburg Planning Board received your letter regarding the Amsdell Park Subdivision at their meeting of May 11, 1988 and asked me to write up their evaluation for the information of the Board of Education.

1. Access to district owned sewer line: the district is willing to convey the sewer line to the Master Sewer District, given adequate consideration.

This is primarily an issue to be resolved between the School District and the developer. The Planning Board and Planning Dept. are willing to participate and assist if needed.

2. The district believes that the contractor should be held responsible by the Planning Board for providing for drainage of surface water and protection of school property.

The developer cannot, by law, design his development so that his storm drainage will flow onto other people's property. As part of the subdivision review process, the Town Engineer will be responsible to assure that this doesn't happen. The developer's engineer, Paul O'Neill has stated that the storm water drainage system will be designed to take this water across Amsdell onto the golf course property.

3. The district takes no position on the recommendation of the Environmental Advisory Board to require the establishment of a 30-35 ft. buffer zone of large trees.

The developer will try to retain as many trees as possible but not to the extent that building lots will be lost.

4. The district requests the Planning Board to require the contractor to erect, own, and maintain a 6' chain link fence along its common border with the school at least for the developed portion of the site.

The Planning Board sees no value or need for a fence either for the school or the people that will buy homes in the proposed development. It is anticipated that some residents will fence their yards. During the discussion it was mentioned that there is an existing fence between the Amsdell School and the backyard of properties along Stilwell Road. This fence has been up for years but has never been maintained by anyone and is full of holes, falling down in places and rusty. The Planning Board does not want this situation to be repeated - especially since the developer will end

his responsibility at the time the subdivision is completed.

The district further requests the Planning Board to require the contractor to provide two appropriately spaces access walkways to the school site, to accommodate school walkers.

The Planning Board did not want to make a committment until discussion could be held with the developer and your office. There was a general feeling that opening on the eastern boundary of the school would be of no value during the snowy part of the winter. I wonder if there might be a liability problem if the School District didn't then finish the path to the school.

6. The preliminary plot plan shows two walkways which provide access from the developed to the undeveloped part of the total site plan. We point out that this will provide access for all terrain vehicles to the wetlands, as well as to the undeveloped portion of the school site. We urge the Planning Board to take all available steps to reduce such access.

The Planning Board felt that the existing brush cover would be too thick to allow all-terrain vehicles to penetrate the area. The wetlands are to be left undisturbed and the Town has no intention of constructing a system of pathways. When I walked the area (with difficulty) in December 1987, I saw a couple of old tree forts, but no developed pathways.

If you would like to discuss this proposed development in greater depth, I will be happy to arrange a meeting.

Cordially,

George
TOWN OF HAMBURG PLANNING DEPT.

George McKnight, Director

CC: Richard Crandall
Ed Burke
Paul O'Neill

TOWN OF HAMBURG

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



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JACK QUINN, JR.

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

Town Attorney
VINCENT J. SORRENTINO

Town Clerk
GEORGE DANYLUK

Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

May 9, 1988

MEMO TO: Planning Board

FROM: Planning Dept.

SUBJECT: Eaglecrest Subdivision

1. Several lots have side lines that are not perpendicular to the proposed street. This will cause unnecessary neighbor disputes in the future. It is also in conflict with Section 31-20B of the Town Subdivision Regulations.
2. A larger scale would make it easier to confirm measurements.
3. Lot 19 will make for a difficult building placement.
4. Preliminary plat requires name of landowner, adjacent property owners and proposed street name.

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May 10, 1988

MEMO TO: Planning Board

FROM: Planning Dept.

SUBJECT: Instant Oil Change Site Plan (Milestrip & McKinley)

The site plan shows that the property will be improved aesthetically, however,

All of the parking spaces along McKinley are in violation of the 35 foot setback requirement of the zoning ordinance. In fact, the southern two spaces are less than 10 feet from the edge of the right-of-way.

The applicant will have to request a setback variance from the Board of Zoning Appeals. The setback is not too critical here because of the distance to the curb line.

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May 11, 1988

MEMO TO: Planning Board

FROM: Planning Dept.

SUBJECT: Lakeshore Plaza (Freshmart)

This site plan will have to be rejected because of the parking:

1. Not enough spaces
2. Spaces located too close to right-of-way

The purpose of the site plan is for approval of a 2 story addition to the plaza. This is in an area that is currently blacktopped.

DECEMBER 14, 1983

QUALITY TRANSPORTATION INC--DON TORRY, PICO HOMES, OWNERS - TRANSPORTATION SERVICE FOR THE HANDICAPPED AS WELL AS VEHICLE REPAIR CENTER - 6570 GOWANDA STATE ROAD. ZONED C-1.

Mr. Don Torry, as well as the developers of Pico Homes appeared before the Planning Board for site plan review on a proposed handicapped vehicle service and repair to be located at 6570 Gowanda State Road. At the present time, the parcel is zoned C-1. This is the former Hill's Garage building. Presently, Blossom Hardware occupies 1/2 of the building. The other half is to be designated for Quality Transportation. The vehicle repair facility is still in tact from prior use. Mr. Torry would like to use the garage for vehicle repair of vans. Another portion of the building is to be used for an office and display area for items for the handicapped. The applicants were originally scheduled to appear for the November 30th meeting. However, the meeting was cancelled due to inclement weather. In the meantime, they did appear before the Zoning Board of Appeals on December 6th to obtain the required variances for parking within the first 35' (25' variance granted) as well as permission to have 2 handicapped parking spaces in the front. Messrs. Recla and McKnight toured the building, helped Mr. Torry with the required application for the Zoning Board and forwarded a letter recommending approval of the proposal. Mr. Carnevale brought a copy of the survey. Accommodation is to be made for a 35 x 13' ramp to be constructed. There will also be a guard rail on both sides which is to be securely fastened to the building. The traffic pattern will require entry from Gowanda State Road and egress on to Stevens Road. Mr. Torry will maintain and repair his fleet upon site plan approval. One copy of the survey is to be submitted to the Dept. of Environment and Planning. Board members agreed that the new parking area in the front should be paved within an 18 month period. Mr. Carnevale stated that they plan on paving in the Spring.

Motion was made by Mr. Will to approve the survey as presented with required modification, seconded by Mr. Weinheimer. Carried. Paving will be completed within the 18 month period.

OTHER MATTERS:

Chairman Recla noted that the zoning ordinance has not as yet been adopted by the Town. Also a public hearing will have to be held by the Town Board before adoption of the ordinance can be completed. Special Use Permit designation must also be determined by the Town Board as it is to be function of the Planning Board as opposed to the Zoning Board of Appeals.

PROPOSED SELF-SERVE CAR WASH TO BE LOCATED ON HAWLEY STREET AND ROUTE 5 (ADJACENT TO THE STONEY POINT INN

Mr. George McKnight informed the board that someone has made inquiry as to the possibility of locating a self-serve car wash on Route 5 and Hawley Street. This would be adjacent to the Stoney Point Inn on Route 5. Mr. Henry noted that a self-serve car wash may not be in the best interests as water run off on Route 5 could pose problems especially during the winter months with icy conditions on the turnpike. It was established that this is not a good use near a major highway.

ADDENDUM TO QUALITY TRANSPORTATION INC:

On 12-15-83, Chairman Recla revised the submitted property survey to show existing paving, the existing ramp to the basement, the proposed new ramp to the ground floor, seven diagonal parking spots on the north side of the building and the 2 parallel parking spots for the handicapped in front of the building granted by the Zoning Board of Appeals.

The following conditions were noted on the revised site plan:

1. Approval contingent on approval of proposed ramp design by the Building Department.
2. Fencing to be installed around the existing down ramp.
3. Paving of the approved parking area to be completed by 9-31-84

A copy of the revised site plan was submitted to the Erie County Dept. of Environmental and Planning.

Building Inspector Lauchert agreed to issue building permits to allow the building rehabilitation to progress, pending County review.

No adverse comments are expected from the County.

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May 10, 1988

Ms. Mary Carol Dearing-McClure
6571 Stevens Road
Hamburg, N. Y. 14075

Dear Ms. Dearing-McClure

Your April 22, 1988 letter was received and read at our April 27th Planning Board meeting. After a short discussion, it was decided that a further review of the previous Planning Board approval was necessary. In the meantime, however, the owner of the neighboring property at 6570 Gowanda State Rd. has agreed to erect an appropriate fence so as to visually shield the area involved.

Sincerely,

TOWN OF HAMBURG PLANNING BOARD

Richard Crandall
Richard Crandall, Chairman

RC:tad

Craig A. McClure
Mary Carol Dearing-McClure
6571 Stevens Road
Hamburg, N.Y. 14075

Mr. Richard Crandall
Hamburg Town Planning Board
S6100 South Park
Hamburg, N.Y. 14075

April 22, 1988

Dear Mr. Crandall,

As the homeowners of 6571 Stevens Road, we are requesting that the town planning board consider the following matter at their next meeting scheduled for April 27. The back portion of our property overlooks a parking lot whose frontage is at 6570 Gowanda State Road, currently occupied by Quality Transportation, Inc. On any given day this parking lot is filled with a minimum of 12 yellow school buses which are clearly visible from our backyard. These buses were not present a year ago when we moved into our home. In addition to the buses, there are approximately 7 junk cars and assorted parts in one portion of the lot. These too are within view and pose a threat to children and animals because of their easy accessibility. Our house is not the only residence effected by this problem. Two other homes and one church also border on this unsightly view.

We have spoken with Donald Torrey, the owner of Quality Transportation, and he is aware of our concerns. We would like the board's help in our efforts to have a fence erected which would hide the view of these vehicles. Whether the owner or renter assume financial responsibility, our primary concern is that the fence be installed as soon as possible. We appreciate your consideration and prompt action in this matter.

Sincerely,

Mary Carol Dearing-McClure
Craig McClure

Mary Carol Dearing
Craig A. McClure

PROPOSED

MEMORANDUM OF AGREEMENT

Covering

"AMSDELL PARK" SUBDIVISION

BRIERWOOD VILLAGE INC., a New York corporation with offices located at 6455 Lake Avenue, Orchard Park, New York, 14127, is the owner of lands located on the southside of Amsdell Road, Hamburg, New York, which are part of Lot 34, Township 9, Range 8 of the Holland Land Company's survey and which are more particularly bound and described in particularly bound and described in Exhibit "A" annexed hereto and made a part hereof. The premises described in Exhibit "A" are also depicted on Map Cover No.

filed in the Erie County Clerk's office simultaneously with this agreement, entitled "Amsdell Park".

BRIERWOOD VILLAGE INC., as owner, hereby agrees with the TOWN OF HAMBURG, that in consideration for the TOWN OF HAMBURG approving the subdivision depicted on said Map Cover, and the donation of 29.26 acres of natural open space in the subdivision, to the Town by the owner as described in a deed recorded in the Erie County Clerk's Office on _____ in Liber _____ of Deeds at Page _____ that all subdivision lots shown on said Map Cover and all improvements to be built thereon, are subject to the R-1 Single Family Residence District zoning regulations set forth in Article VIII. of the Town of Hamburg Zoning Laws known as Zoning, Chapter 29, Local Law 1986 as filed in the Hamburg Town Clerk's office on October 4th, 1986 as amended to April 1st, 1988.

It is further agreed that all improvements built upon any subdivision lot shall be built in full compliance with all R-1 Single Family Residence District rules and regulations now in effect, except the required side yard regulation set forth in Par. 29-34(B) (1). Under authority of the cluster development regulations set forth in Par. 29-165 (H) the parties agree: that the Par. 29-34(B)(1) side yard requirements shall not apply to ___% in Amsdell Park Sub. and in its place the following side yard requirements shall apply to those lots: Side Yards, two (2) required:

The minimum width of any side yard shall be ten (10) feet. The total minimum width of both side yards shall be twenty (20) feet. The minimum distance between homes on abutting subdivision lots shall be twenty (20) feet.

This Agreement shall control only the "Amsdell South" subdivision which is filed in the Erie County Clerk's Office on the date of this agreement. Future expansions, extensions, or new phases of "Amsdell South" are not subject to this agreement.

This agreement shall run with the land.

IN WITNESS WHEREOF, the parties have executed this agreement the day of , 1988.

BRIERWOOD VILLAGE INC.

by:-----
Edmund F. Burke, President

Approved:
HAMBURG PLANNING BOARD

by:-----
Richard T. Crandall, Chairman

HAMBURG TOWN BOARD

by:-----
Jack Quinn, Supervisor

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On this day of , 1988, before me, the subscriber, personally appeared EDMUND F. BURKE, to me personally known, who, being by me duly sworn, did depose and say that he resides in Orchard Park, New York; that he is the President of BRIERWOOD VILLAGE INC., the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name thereto by like order.

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On this day of , 1988, before me, the subscriber, personally appeared RICHARD T. CRANDALL, to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Hamburg, New York; that he is the Chairman of the TOWN PLANNING BOARD of the Town of Hamburg, the municipal corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by resolution of the members of the Town Planning Board of said corporation; and that he signed his name thereto by like order.

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On this day of , 1988, before me, the subscriber, personally appeared JACK QUINN, to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Hamburg, New York; that he is the Supervisor of the HAMBURG TOWN BOARD of the Town of Hamburg, the municipal corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by resolution of the members of the Hamburg Town Board of said corporation; and that he signed his name thereto by like order.

Proposed Warranty Deed from BRIERWOOD VILLAGE INC. to TOWN OF HAMBURG, a municipal corporation whose offices are located at S 6100 South Park Avenue, Hamburg, New York, 14075.

ALL THAT TRACT OR PARCEL OF LAND located in Lot 34, Township 9, Range 8 of the Holland Land Company's survey and more particularly bounded and described as follows:

(Attach description)

being the green area and wetlands area shown on Map Cover No. as filed in the Erie County Clerk's office which are hereby given to the TOWN OF HAMBURG to provide public parklands and public areas for recreation, education, research and wildlife habitat.

Grantor hereby covenants for itself, its successors and assigns, that the TOWN OF HAMBURG through its Town Board shall have all the authority as given to it pursuant by Town Law, including authority to manage, improve and maintain and to make any and all improvements from time to time to the said green area and designated wetlands herein conveyed, without the request and/or approval of the inhabitants and/or owners of any improvements constructed upon the subdivision lots shown on this Map Cover.

PROPOSED
MEMORANDUM OF AGREEMENT
covering
"AMSDELL SOUTH" SUBDIVISION

BRIERWOOD VILLAGE INC., a New York corporation with offices located at 6455 Lake Avenue, Orchard Park, New York, 14127, is the owner of lands located on the southside of Amsdell Road, Hamburg, New York, which are part of Lot 34, Township 9, Range 8 of the Holland Land Company's survey and which are more particularly bound and described in Exhibit "A" annexed hereto and made a part hereof. The premises described in Exhibit "A" are also depicted on Map Cover No. filed in the Erie County Clerk's office simultaneously with this agreement, entitled "Amsdell South".

BRIERWOOD VILLAGE INC., as owner, hereby agrees with the TOWN OF HAMBURG, that as part of the consideration for the TOWN OF HAMBURG approving the subdivision depicted on said Map Cover, that all subdivision lots shown on said Map Cover and all improvements to be built thereon, are subject to the R-1 Single Family Residence District zoning regulations set forth in Article VIII and the Supplemental Cluster Housing and Townhouse Regulations as set forth in Article XXVIII of the Town of Hamburg Zoning Laws known as

Zoning, Chapter 29, Local Law 1986 as filed in the Hamburg Town Clerk's office on October 4th, 1986 as amended to April 1st, 1988.

It is further agreed that all improvements built upon any subdivision lot shall be built in full compliance with all R-1 Single Family Residence District rules and regulations now in effect, except the required side yard regulation set forth in Par. 29-34(B)(1). Under authority of the cluster development regulations set forth in Par. 29-165 (F)(2) the parties agree: that the Par. 29-34(B)(1) side yard requirements shall not apply and in its place the following side yard requirements shall apply: Side Yards, two (2) required: The minimum width of any side yard shall be nine (9) feet. The total minimum width of both side yards shall be twenty (20) feet. The minimum distance between homes on abutting subdivision lots shall be twenty (20) feet.

The present owner, future owners, developers and the TOWN OF HAMBURG will rely upon this agreement and will develop and permit development of subdivision lot improvements in reliance thereon, and therefore the parties agree that this agreement can be amended or vacated only with the consent of the then current owners of 75% of the total subdivision lots shown on the Map Cover and the approval of the Hamburg Town Board.

This agreement shall run with the land.

IN WITNESS WHEREOF, the parties have executed this agreement the day of , 1988.

BRIERWOOD VILLAGE INC.

by:-----
Edmund F. Burke, President

Approved:
HAMBURG PLANNING BOARD

by:-----
Richard T. Crandall, Chairman

HAMBURG TOWN BOARD

by:-----
Jack Quinn, Supervisor

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On this day of , 1988, before me, the subscriber, personally appeared EDMUND F. BURKE, to me personally known, who, being by me duly sworn, did depose and say that he resides in Orchard Park, New York; that he is the President of BRIERWOOD VILLAGE INC., the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name thereto by like order.

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On this day of , 1988, before me, the subscriber, personally appeared RICHARD T. CRANDALL, to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Hamburg, New York; that he is the Chairman of the TOWN PLANNING BOARD of the Town of Hamburg, the municipal corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by resolution of the members of the Town Planning Board of said corporation; and that he signed his name thereto by like order.

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On this day of , 1988, before me, the subscriber, personally appeared JACK QUINN, to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Hamburg, New York; that he is the Supervisor of the HAMBURG TOWN BOARD of the Town of Hamburg, the municipal corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by resolution of the members of the Hamburg Town Board of said corporation; and that he signed his name thereto by like order.

Proposed Warranty Deed from BRIERWOOD VILLAGE INC. to TOWN OF HAMBURG, a municipal corporation whose offices are located at S 6100 South Park Avenue, Hamburg, New York, 14075.

ALL THAT TRACT OR PARCEL OF LAND located in Lot 34, Township 9, Range 8 of the Holland Land Company's survey and more particularly bounded and described as follows:

(Attach description)

being the green area and wetlands area shown on Map Cover No. as filed in the Erie County Clerk's office which are hereby given to the TOWN OF HAMBURG to provide public parklands and public areas for recreation, education, research and wildlife habitat.

Grantor hereby covenants for itself, its successors and assigns, that the TOWN OF HAMBURG through its Town Board shall have all the authority as given to it pursuant by Town Law, including authority to manage, improve and maintain and to make any and all improvements from time to time to the said green area and designated wetlands herein conveyed, without the request and/or approval of the inhabitants and/or owners of any improvements constructed upon the subdivision lots shown on this Map Cover.

TOWN OF HAMBURG

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



Supervisor
JACK QUINN, JR.

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

Town Attorney
VINCENT J. SORRENTINO

Town Clerk
GEORGE DANYLUK

Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

May 10, 1988

Ms. Mary Carol Dearing-McClure
6571 Stevens Road
Hamburg, N. Y. 14075

Dear Ms. Dearing-McClure

Your April 22, 1988 letter was received and read at our April 27th Planning Board meeting. After a short discussion, it was decided that a further review of the previous Planning Board approval was necessary. In the meantime, however, the owner of the neighboring property at 6570 Gowanda State Rd. has agreed to erect an appropriate fence so as to visually shield the area involved.

Sincerely,

TOWN OF HAMBURG PLANNING BOARD

Richard Crandall
Richard Crandall, Chairman

RC:tad

MS. MARY CAROL DEARINU - McCLURE
6571 STEVENS ROAD
HAMBURG, N.Y. 14075

DEAR MS. DEARINU - McCLURE

Your April 22, 1988 letter was received and read at our April 27 Planning Board meeting. After a short discussion it was decided that a further review of the ~~previous~~ ~~approval~~ planning board approval was necessary. In the meantime however, the owner of the neighboring property at 6570 Gowanda State Road has agreed to erect an ^{appropriate} fence so as to visually shield the area involved.

WE REALIZE THE ABOVE DOES NOT
TOTALLY ADDRESS ALL OF YOUR CONCERNS,
BUT AS WE DISCUSSED ON THE TELEPHONE,
WE WILL PURSUE THE MATTER FURTHER
AND HOPEFULLY AMELIORATE YOUR CONCERNS
IN A SATISFACTORY MANNER.

VERY TRULY YOURS
R.T.C.

TERRY -

PLEASE TYPE AND SIGN FOR ME.
THANKS.
DICK.

Craig A. McClure
Mary Carol Dearing-McClure
6571 Stevens Road
Hamburg, N.Y. 14075

Mr. Richard Crandall
Hamburg Town Planning Board
S6100 South Park
Hamburg, N.Y. 14075

April 22, 1988

Dear Mr. Crandall,

As the homeowners of 6571 Stevens Road, we are requesting that the town planning board consider the following matter at their next meeting scheduled for April 27. The back portion of our property overlooks a parking lot whose frontage is at 6570 Gowanda State Road, currently occupied by Quality Transportation, Inc. On any given day this parking lot is filled with a minimum of 12 yellow school buses which are clearly visible from our backyard. These buses were not present a year ago when we moved into our home. In addition to the buses, there are approximately 7 junk cars and assorted parts in one portion of the lot. These too are within view and pose a threat to children and animals because of their easy accessibility. Our house is not the only residence effected by this problem. Two other homes and one church also border on this unsightly view.

We have spoken with Donald Torrey, the owner of Quality Transportation, and he is aware of our concerns. We would like the board's help in our efforts to have a fence erected which would hide the view of these vehicles. Whether the owner or renter assume financial responsibility, our primary concern is that the fence be installed as soon as possible. We appreciate your consideration and prompt action in this matter.

Sincerely,

Mary Carol Dearing-McClure
Craig McClure

Mary Carol Dearing
Craig A. McClure