

**Town of Hamburg
Planning Board Meeting
July 20th, 2005
Actions Taken**

**Bishop 2 Lot Subdivision
East Pleasant & Smith Road**

Preliminary approved with conditions

**Autumnview Manor Additional
Driveway - Southwestern Blvd.**

Approved with conditions

**South Park Garage
South Park near the Thruway**

**Project to move forward. No approvals
Granted.**

**ABASCO Inc.
5225 Southwestern Blvd.**

**Tabled for better drawing at 8-3-05
Work Session**

Legal Notice
Town of Hamburg Planning Board
Meeting - July 20, 2005

The Town of Hamburg Planning Board will hold a regular session on Wednesday, July 20th, 2005 at 7:30 p.m. in Room 7B of Hamburg Town Hall to discuss the following:

1. Public Hearing - 7:30 p.m. Bishop 2 lot subdivision -
East Pleasant & Smith Road
2. South Park Garage - South Park Ave. Near the Thruway
3. Autumnview Manor - Southwestern Blvd. Additional driveway
4. Abasco Site Plan - Southwestern Blvd.

Gerard Koenig, Chairman
Paul Eustace, Secretary

Dated: 7-6-05

Legal Notice
Town of Hamburg Planning Board
Bishop 2 lot Subdivision
East Pleasant & Smith Road

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 2 lot Subdivision known as Bishop Subdivision located on East Pleasant and Smith Road on Wednesday, July 20th, 2005 in Room 7B of Hamburg Town Hall, *at 7:30 p.m.*

All that Tract or Parcel of Land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Hamburg, County of Erie and State of New York, being part of Lot 20, Township 9 and Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the centerline of East Pleasant Avenue (formerly known as Cooper Ridge Road) with the centerline of Smith Road;

Thence southerly and along the centerline of Smith Road 300.05 feet to an angle therein;

Thence continuing southwesterly and along the centerline of Smith Road 158.88 feet to the intersection of said centerline with the south line of the aforementioned Lot 20;

Thence west and along the south line of Lot 20 a distance of 898.15 feet to the intersection of said lot line with the southeast line of land conveyed to the Niagara Mohawk Power Corporation by Deed reported in the Erie County Clerk's Office in Liber 6392 of Deeds at page 155;

Thence northeasterly and along said line conveyed to Niagara Mohawk Power Corporation 993.90 feet to a point in the aforementioned centerline of East Pleasant Avenue;

Thence southeasterly and along the centerline of East Pleasant Avenue 146.50 feet to the point or place of beginning.

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

Dated: 7-6-05

Town of Hamburg
Planning Board Meeting
July 20, 2005

The Town of Hamburg Planning Board met for a regular session on Wednesday, July 20th 2005 in Room 7B of Hamburg Town Hall at 7:30 p.m. Those attending included: Chairman Gerard Koenig, Vice-Chairman David Phillips, Secretary Paul Eustace, Karen Rogers, Sasha Yerkovich, Steve McCabe, Bob Reynolds. Others attending included: Rick Lardo, Don McKenna, Atty., Michael Fruth, Atty. Drew Reilly, Terry Dubey, Stenographer.

Bishop 2 Lot Subdivision - East Pleasant & Smith Road

Secretary Eustace read the following Legal Notice of Public Hearing:

LEGAL NOTICE

Town of Hamburg Planning Board
Bishop 2 lot Subdivision
East Pleasant & Smith Road

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 2 lot Subdivision known as Bishop Subdivision located on East Pleasant and Smith Road on Wednesday, July 20th, 2005 in Room 7B of Hamburg Town Hall, at 7:30 p.m.

All that Tract or Parcel of Land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Hamburg, County of Erie and State of New York, being part of Lot 20, Township 9 and Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the centerline of East Pleasant Avenue (formerly known as Cooper Ridge Road) with the centerline of Smith Road;

Thence southerly and along the centerline of Smith Road 300.05 feet to

an angle therein;

Thence continuing southwesterly and along the centerline of Smith Road 158.88 feet to the intersection of said centerline with the south line of the aforementioned Lot 20;

Thence west and along the south line of Lot 20 a distance of 898.15 feet to the intersection of said lot line with the southeast line of land conveyed to the Niagara Mohawk Power Corporation by Deed reported in the Erie County Clerk's Office in Liber 6392 of Deeds at page 155;

Thence northeasterly and along said line conveyed to Niagara Mohawk Power Corporation 993.90 feet to a point in the aforementioned centerline of East Pleasant Avenue;

Thence southeasterly and along the centerline of East Pleasant Avenue 146.50 feet to the point or place of beginning.

GERARD KOENIG, Chairman
PAUL EUSTACE, Secretary

Planning Board
Dated: 7/6/05

Chairman Gerard Koenig declared the hearing open:

Mr. Timothy Bishop appeared on behalf of the 2 lot Subdivision and explained that he purchased this home 5 years ago on a 5-3/4 acre parcel. He would like to sell off 2 acres of land for a single family dwelling. He has had 60 phone calls in three days of parties that are interested in purchasing the lot. The proposed driveway will be off Smith Road. Board members noted that they would like to see the driveway moved south of the property away from the curve. There are no sidewalks on the street.

Chairman Koenig asked 3 times if anyone wished to be heard for or against the subdivision. Hearing no comments, the hearing was declared closed.

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to issue a Negative Declaration, approve the preliminary, meet the requirements of Engineering as outlined in their memo dated 7-18-05, that the driveway be located to the south side of the property, waive the filing of a map cover, waive the sidewalk requirement, and ask for a recreation fee. Carried.

Bishop 2 Lot Subdivision - Smith Rd. & East Pleasant

Engineering Comments: The legal description is acceptable. Public sanitary sewer service is not available to the site. Public water service is available to the site. There are no public sidewalks in the area. We have no objection to waiving the sidewalk requirement, and no objection to waiving the Map Cover requirement.

Four stamped drawings will be required with the notation that the driveway be located to the south of the property.

Autumnview Manor Addition of Another Driveway - Southwestern Blvd.

Leanne E. Johnston, Engineer for Greenman-Pedersen, appeared before the Planning Board with a request for an additional driveway on to Southwestern Blvd. to accommodate the NFTA bus route, as well as construction vehicles. Concerns have been researched. There are six bus routes available for the employees who come from the City of Buffalo. With the canopy at the main entrance, it is difficult for buses to turn around. As suggested, we spoke with the DOT to line up the driveway with Beth El. However, they have a hot box and other items at the end of their driveway which is not feasible. A one way exit was discussed.

A letter was read into the record from the Big Tree Fire Department. (See attachment). Rick Lardo of Engineering noted that the present radius is not appropriate and must be changed. As far as the comments from the Fire Dept., that is a separate issue and Ms. Johnston will talk to the client. Meeting is to be set up with Engineering, the Building Inspector, and the Fire Department on fire code requirements.

Engineering comments are attached.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the amended site plan for Autumnview for an additional driveway that will be used as an "exit only" with the following conditions: That the driveway be used for construction purposes in and out only; that the permanent exit be used with signage installed showing it as an exit only, and to correct the radius standards as requested by the Engineering Department. Carried.

South Park Garage - South Park near the Thruway

Memos were received from Planning and Engineering on the proposed South Park Garage. (See attachments).

Mr. Reilly commented that another drawing has been submitted before the Planning Board makes a SEQR decision. He has met with the applicants and the builder from the Allen Group on the issues of concern. Mr. Allen, of the Allen Group, noted that they have scaled the building down to 4 bays, have created a larger buffer for the adjacent neighbor, and have addressed the concerns

TOWN OF HAMBURG

ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522
E-mail: engineering@townofhamburgny.com

Supervisor
PATRICK H. HOAK

Councilmen
D. MARK CAVALCOLI
KATHLEEN COURTNEY HOCHUL
JOAN A. KESNER
THOMAS J. QUATROCHE, JR.

Town Engineer
GERARD M. KAPSIK, P.E.



Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 7/18/05

SUBJ: 7/20/05 Planning Board Meeting Agenda
Autumn View Manor, 4650 Southwestern Blvd., Additional Driveway Cut

The following are review comments on a reduced plan which was faxed to our office on 6/24/05:

- (1) The Planning Board granted conditional site plan approval on 3/16/05 for the proposed building addition. The site plan has to date not been acceptably revised and resubmitted for final approval and signature.
- (2) The current proposal for an additional driveway is not in compliance with the requirements of the Southwestern Overlay District. The interior parking and existing driveway area should instead be modified to appropriately accommodate the traffic. We have no objection to a temporary construction driveway that will be removed after the addition is constructed.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer



Big Tree Volunteer Firemen's Co., Inc.

4307 South Park Avenue
Blasdell, New York 14219-2837

Organized - 1936

Town of Hamburg Planning Department
Attn: Andrew C. Reilly
S-6100 South Park Ave.
Hamburg, N.Y. 14075

July 20, 2005

Dear Mr. Reilly,

As per our discussion during the last Planning board work session, The Big Tree Fire Company has the following concerns in regards to the Autumn View Manor expansion project:

The addition of the new entrance:

The discussion of making this entrance a right turn only would greatly reduce the number of possible accidents due to people trying to make left turns in and out of the facility. The concern that The Big Tree Fire Company has is, that the entrance be wide enough to accommodate fire apparatus turning into this new entrance.

The Big Tree Fire Company would also like to pursue the request of a wall hydrant at the rear north entrance of the building. In the event of a fire, the fire company would be laying in 5 inch diameter hose from the main entrance. This would completely block the roadway to the rear of the building. The addition of a wall hydrant would allow first arriving units use the water supply from the wall hydrant, allowing other needed apparatus to be placed towards the rear of the structure if needed.

Thank You

Ron Klimowicz
Assistant Chief
Big Tree Volunteer Fire Company

Over 60 Years of Community Service

TOWN OF HAMBURG

ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522
e-mail: engineering@townofhamburgny.com



Supervisor
PATRICK H. HOAK

Councilmen
D. MARK CAVALCOLI
KATHLEEN COURTNEY HOCHUL
JOAN A. KESNER
THOMAS J. QUATROCHE, JR.

Town Engineer
GERARD M. KAPSIK, P.E.

Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO

Planning Board

FROM : Engineering Dept.

DATE : 7/20/05

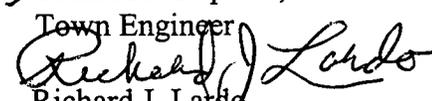
SUBJ : 7/20/05 PLANNING BOARD MEETING AGENDA
Proposed Auto Shop - South Park Avenue at NYS Thruway

The following are review comments on a reduced photo copy of a site plan dated 5/10/05:

- (1) The site plan prepared by the Allen Group does not have the required professional engineers or architect stamp and signature.
- (2) The site is located in the South Park Overlay District.
- (3) Note on the plan that a New York State Dept. of Transportation (NYSDOT) permit is required for work within the South Park Avenue highway right-of-way. We are unable to approve these plans prior to NYSDOT review and approval of work on their right-of-way.
- (4) The site Landscape Plan is to be approved by the Planning Board. A New York State licensed landscape architect is required to prepare and sign the plan. Remove the note regarding acceptability of Gullo's Garden Center.
- (5) The septic system is to be approved by the Erie County Health Department (ECHD). We are unable to approve these plans prior to ECHD review.
- (6) It appears that the building is not within the 400' hydrant requirement of the New York State Fire Code. Contact the Building Inspector for direction.
- (7) Provide existing and design elevations for the site.

All comments are to be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.

Town Engineer

Richard J. Lardo
Principal Engineer

July 18, 2005

Memo to: Hamburg Planning Board

From: Hamburg Planning Dept. ACR

Re: South Park Garage

After the July 7th Work Session, I met with the applicants and their representatives concerning their project, the South Park Garage. Our review and the Planning Board's comments were based on the plan submitted at the June 15, 2005 Planning Board meeting. The following was the direction given the applicants:

1. A major concern for the application are the SUP requirements which include: "Will not create a hazard to health, safety and general welfare; will not alter the essential character of the neighborhood nor be detrimental to the residents thereof; and will not otherwise be detrimental to the public convenience and welfare."

Although the area is zoned for commercial and there are similar businesses in the area, the adjoining properties to the north are residential homes.

We believe it is important to provide a good buffer to these residential uses. Therefore, we would like the adjoining home shown on the plan and that the home be buffered with a greenspace/landscaped area (may need to remove some parking at the front of the north side parking area).

More information is needed on the entrance proposed on to South Park Ave. Is there proper sight distance at the proposed location?

The applicant could consider a smaller building with less bays to minimize parking and increase greenspace/landscaping (buffering).

The aesthetics of the building should be evaluated, and improved to better fit with the residential nature of the area.

2. The applicant must also better consider the requirements of the South Park Avenue Overlay zoning district. The large paved area in the front of the building would turn into parking and must be removed. This will also allow the project to come closer to the parking setback requirement. Three architectural concepts must be submitted. Landscape design must be done by a licensed landscaped architect, and meet the overlay district requirements.

3. Several technical issues must be better addressed so that the Planning Board can make the SEQR decision. These include drainage, septic design, lighting, and noise.

Once the Planning Board is satisfied that they have enough information, they will need to make a SEQR decision. If favorable, the project would proceed with a SUP determination and a site plan approval.

(South Park Garage Cont.)

of the Fire Department for access on all sides of the proposed building. The residence has been located on the drawing, 2 parking spaces have been eliminated and the fencing will be done. The front will be asphalted.

Mr. Allen explained that the applicants will be doing inspections and repairs on motor homes and need to get in to the front of the building. Mr. Reilly responded that there can be no parking in the front and the 40' setback requirement must be upheld.

Mr. Allen continued that for line of sight, they will be 265' from the centerline of the road and there will be 65' between the two driveways. They have rearranged the spill over for a detention system to the back of the property. The hedge will be eliminated and opened at the back. There was concern about junk. Pictures were provided showing beer kegs and a pile of debris on the adjacent property. The proposed project will not be located against the pathway. County approval will be required on the septic system. The Health Department will have to approve the waste disposal system. The proposed building is now 80' x 60' with one lift per bay. The applicant is considering procuring a franchise such as Meinke.

Chairman Koenig noted that the revised plan looks better with a reduced size, but is still concerned with the aesthetics of the building and septic system design.

Mr. Reilly noted that he would like to see an architectural rendering and that a landscaping plan is required.

Attorney Don McKenna stated that under the Special Use Permit provisions, (280-200) the Planning Board should be concerned as to the following and whether this proposal fits the criteria:

No special permit shall be authorized by the town unless, in addition to other requirements specified in this chapter, it finds that such special permit: (1) will be in harmony with the general purposes and intent of the chapter; (2) will not create a hazard to health, safety or the general welfare; (3) will not alter the essential character of the neighborhood nor be detrimental to the residents thereof; (4) will not otherwise be detrimental to the public convenience and welfare.

In authorizing any special permit, the Town Planning Board may prescribe appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety or general welfare.

The application was sent to the Zoning Board for interpretation and the board should follow the statute and attach conditions to minimize impact. Does this meet the criteria?

Ms. Elaine Granica, adjacent neighbor, noted that they are concerned about the drainage and the septic system. There is a great deal of shale on the parcel that is impermeable. The neighbors are concerned about their yards being flooded with contaminants. If this happens, who is financially responsible.

Response to this question is that there is no answer, and are the risks of life.

Mr. Phillips stated that the septic system can be handled as well as the fire hydrant issue. The applicant must provide better aesthetics on the building. Other issues can be resolved thru Engineering.

Mr. Eustace is concerned as to the aesthetics of the building and how it will fit on South Park Avenue.

Mr. McCabe noted that South Park is a gateway to Hamburg and should be aesthetically pleasing. Ms. Rogers stated the same concerns.

Mr. Reynolds noted that there should be an adequate buffer and preservation of the trees.

Mrs. Yerkovich wants to see the buffer increased to 30', and get the building as far away from the resident as possible.

Mr. Al Kopec stated concern as to the safety factor on South Park Avenue. Since the applicants will be working on motor homes, to maneuver such a vehicle can be dangerous. One accident is all one needs in that area. How will these vehicles get in and out?

Mrs. Irene Granica stated concern of the building being so close, and that if her property is devaluated, can an appeal be made for the reduction of taxes. Response: The building will be 50' from the property line, and SEQR does not consider value of property.

Mr. Thomas Granica noted that he would like to see the property turned back to residential.

Mrs. Gloria Corsetti asked how the zoning could be changed back? Response: Neighbors should petition the Town Board for an N-C, Neighborhood Commercial zoning.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to make a statement that based on Section 280-200B of the code, the applicants have considered the issues and can move the project forward. However, this is not a denial or an approval. More work needs to be done on aesthetics, and landscaping. Motion was made by Mr. Phillips, seconded by Mr. Eustace to Table. Carried.

ABASCO 2 lot subdivision and Addition - 5225 Southwestern Blvd.

Mr. Frank Saile, operator of ABASCO is present for site plan review for a proposed 13,356 s.f. addition to the existing building which was once Century Warehouse and owned by Victor Liberatore. The 17 acre parcel is zoned industrial. The property was illegally split and the applicants have applied for subdivision approval and site plan approval for the addition. Twenty-five individuals are employed and parking has been arranged by agreement. Employment will be

ABASCO (Cont.)

increased by 10. The applicants are 31' off the property line and 80' away from the buffer zone.

Chairman Koenig noted that there is no way the addition can be built without encroaching on the berm. Mr. Saile responded that the berm will not be disturbed. It was suggested that the building be moved down to meet the setback requirement and keep trees in the area.

Mr. Saile responded that if they move the building, it will cost more for the building and they will need to purchase more property. Mr. Koenig noted that if a variance is required, the Planning Board will not submit a favorable recommendation to the Zoning Board.

Mr. Rick Lardo of Engineering wants to see a physical survey of the site as well as a topo. He further stated that the swales have been marked inaccurately.

Board members would like to see a formal agreement on the parking issue.

As for lighting, they will need lighting for the overhead doors, which are located on the east side of the building for security purposes. Applicants were asked as to the type of business. Mr. Saile responded that they do manufacturing of metal fabricated parts, building drives, etc. They have been awarded a contract for the PBX program and will fabricate drives for 10 Navy destroyers.

A better drawing is required for the August 3rd Work Session.

Carol Dane, of 3367 Creekview, spoke in opposition to the application and stated health concerns for herself and small children. She has approached the DEC as there is an odor coming from the facility from spray painting. She is afraid of toxins that are produced especially depending on the winds. Concern was expressed as to what is going into the sewer. A tree has been struck by lightning and Mr. Liberatore has done nothing about it. Also, there is a great deal of noise during the early hours of 5:00 a.m.

On the issue of the spray painting, the company is considered a low volume user and does not have to fill out reports. In order to be a good neighbor, they have spent \$10,000 for a new spray booth. Eventually they will be using a powder coating.

Polly Belsenich of 3381 Creekview, noted that her house is worth \$200,000 and that the woods have been torn down. They themselves have planted more trees to screen out the business. Residents that back up to Commerce Place have a 150' buffer. She noted that this is a huge building that she will be looking at from her yard. It is way too close.

Mr. Jim Kibler of 3363 Creekview noted that obviously ADASCO is opening up to new markets. What are the hazards.

Applicant was asked to provide MSDS sheets in order to see what amounts of chemicals are used.

ABASCO (Cont.)

Mr. Jim Ucci, of 3359 Creekview, noted that they have been residents of Country Woods for 6-1/2 years and the noise has consistently grown as early as 5:00 a.m. The aesthetics of the building are not pretty. With a new addition, there should be more trees provided and extra buffering. Debbie Ucci stated that there is a disturbing intermittent noise from a piece of equipment that operates continuously. She is concerned about the noise factor.

Board members asked as to where the dumpster is located? Response: On the Southwestern side of the building

Kathy Sharlock, of 3369 Creekview, noted that the noise on a given day runs from early in the morning at 7 minute intervals all day long.

Engineering Comments: See attachment.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to Table to the August 3rd work session. Carried.

Motion was made by Mr. Phillips, seconded by Mr. McCabe to approve the minutes of the Work Session of June 1st. Carried. Minutes of the meeting of June 15th were approved on motion by Mr. Phillips, seconded by Mr. Reynolds. Carried.

Motion to adjourn was made by Mr. Phillips, seconded by Mr. Eustace. Carried. Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Paul Eustace
Paul Eustace, Secretary
Planning Board

TOWN OF HAMBURG

ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522
Email: engineering@townofhamburgny.com

Supervisor
PATRICK H. HOAK

Councilmen
D. MARK CAVALCOLI
KATHLEEN COURTNEY HOCHUL
JOAN A. KESNER
THOMAS J. QUATROCHE, JR.

Town Engineer
GERARD M. KAPSIK, P.E.



Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 7/20/05

SUBJ : 7/20/05 PLANNING BOARD MEETING AGENDA
ABASCO Subdivision and Expansion
5225 Southwestern Blvd.

Minor Subdivision

- The required survey of the entire parcel being subdivided has not been submitted.
- The proposed sublots are to be numbered.
- The legal description is not acceptable.
- In 2004, Mr. Victor Liberatore transferred a 201' x 243' parcel to F&M Saeli, LLC without first obtaining the required Planning Board subdivision approval.

Site Plan

The following are review comments on a site plan dated 6/20/05:

- (1) The existing sublots on Creekview Drive south of the parcel are to be shown.
- (2) A topo survey for the site needs to be performed. Include the existing pavement and lawn areas, trees (along south property line), existing roof downspouts, sanitary sewer, water service, and site elevations.
- (3) Show all proposed storm drainage facilities, sanitary sewer and water lines, and parking spaces.
- (4) It appears that the building may not meet the 400 feet hydrant requirement of the New York Fire Code. Contact the Building Inspector for direction. Show the nearest fire hydrant on the site plan.
- (5) The proposed addition encroaches into the 50 feet buffer area required for M-2 zoning abutting a residentially zoned district.

All comments are to be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.

Town Engineer



Richard J. Lardo
Principal Engineer