

TOWN OF HAMBURG PLANNING BOARD AGENDA

DATE: August 16, 1989

TIME	NAME	PURPOSE
7:30	EXECUTIVE MEETING	
8:00	Chi-Chi-s Restaurant McKinley Mall ring road out-parcel	Site Plan review
8:20	Alonzo Bldg. Camp Rd. next to Hills	
8:40	Peggy Stoj and Judy Krautsack Residents opposed to Integrated Waste <i>NO</i>	
9:00	Pine Grove Townhouses Brierwood	Site plan review
9:20	Dowdall-Becker Clover Lane	Add storage units
9:40	<i>Truck World =</i>	
10:00		

Approval of Minutes

1. Stockade fence at Deerfield
2. Update on Hamburg Future Development
3. Princeton Square - Planning Bd. recommendation

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*Abbott Pines
Princeton Square*

**TOWN OF HAMBURG
PLANNING BOARD MINUTES
8-16-89**

The Town of Hamburg Planning Board met in regular session on Wednesday, August 16, 1989 at 7:30 p.m. in the Hamburg Town Hall. Those attending included Chairman Richard Crandall, Vice-Chairman Elgin Cary, Secretary Gerard Koenig, Sandy Carnevale, Dennis Gaughan, David Phillips, and Steve Strnad. Others attending included George McKnight, Dan Gorman, Attorney, and Terry Dubey, Stenographer.

Minutes of the meeting of 7-26-89 were approved as amended by Mr. Gaughan, seconded by Mr. Koenig. Carried.

DEERFIELD HEIGHTS - MC KINLEY PARKWAY - STOCKADE FENCE ON TOP OF BERM.

Attorney John Michalek appeared at the Planning Board meeting, at the request of the Chairman, to review the situation of a stockade fence which is located on top of a berm along McKinley Parkway and part of Deerfield Heights Subdivision. Mr. Michalek noted that a building permit for the fence was issued by the Building Department. He noted that this has been a continuing problem and lack of communication between departments. Reference was made to the Planning Board minutes of February 10th whereby the subdivision was approved with a berm along McKinley Parkway to include a landscaping plan with additional flora. When a permit is issued, this is the official voice of the town. To tear it down now will involve litigation.

Mr. Strnad stated that we should pursue the matter whether we like it or not. At no time, did the Planning Board approve the subdivision with the inclusion of a stockade fence. Mr. Bielmeier came in to waive the sidewalk requirement but did not address the Planning Board with respect to fencing.

Mr. McKnight stated that there would be no indication of fencing on a subdivision plat.

Mr. Cary noted that the fencing does not cover a single property. It covers a lengthy area and as a courtesy the developer should have discussed the matter with the Planning Board. McKinley Parkway is a main corridor of the Town and a picture of Hamburg. Now, it looks like a fort. The Planning Board has dealt with previous matters that are referred to the board. However, on major items such as this, they are allowed to slip by.

Chairman Crandall stated that he talked with the developer who noted that he is styling this subdivision similar to the one on Klein Road in Amherst. He claims it will look beautiful once landscaping is in place. It is his opinion that the matter should be dropped and that this should be a lesson learned. To take down the fence would wind up in litigation.

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Councilman Mark Cavalcoli stated that we should not allow these things to happen. We have an obligation to take the best possible action on behalf of the Town. We would need a cost estimate of what it would cost the town to go to litigation. Since subdivision regulations are silent on fences and berms, it is a difficult case. A letter should be written to the Building Inspector noting that matters like this should be discussed before any permits are issued. When a developer affects a total neighborhood he should approach the board so that the board can react and respond. Mr. Cavalcoli noted that an estimate should be sought to see how much it would cost to remove, and then establish a legal position and look at it. This fence is already up.

Mr. Gaughan stated that he walked along the area and didn't feel that it looked so bad. However, it should be made clear that when there are major changes on a site, it should be referred back to the Planning Board. Mr. Cary stated that he is neutral on the issue and would not recommend tearing it down. However, we should have a better handle on what we originally approved. Mr. Carnevale noted that we should wait and see what it looks like with landscaping.

Mr. Phillips commented that he is against the fence based on the principle. I feel we were deceived. This is an item that affects the entire subdivision. It now has the appearance of a Fort Apache in their neighborhood. We approved a landscaped berm not a stockade fence.

Mr. Koenig commented that he objects to the principal that we did not approve it. However, I would not ask for it to be taken down.

Mr. Crandall stated that he is opposed based on principle. However, at this point, there is nothing than can be legally done. Memo is to be sent to the Building Inspector asking that future fences on subdivisions be reviewed by the Planning Board before permits are issued.

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COPPER PENNY RESTAURANT - SOUTHWESTERN AND ROGERS ROAD.
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On the issue of the Copper Penny Restaurant whereby the site plan was approved for an ice cream parlor, Attorney John Michalek noted that the best solution for this situation is that the principals of the Copper Penny, namely Mr. Pensenstadler and Mr. Randall, may have the basis to withdraw permission based on misrepresentation or fraud for the driveway easement.

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CHI-CHI'S RESTAURANT - MC KINLEY MALL PLAZA - OUT PARCEL

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Mr. John Walling, representing Chi-Chi's Restaurant appeared for site plan review on a proposed restaurant to be located next to the Big Sur. Comments were received as follows:

Planning - This is a C-2 District and the use is permitted. No off-street parking space is permitted within 10 ft. from any property line.

Engineering -1. The existing sanitary manhole in the driveway is to have a solid cover or a watertight insert installed to prevent infiltration. Note this is on the plan.

2. The watermain along the ring road must be extended the full frontage of the property so that the system is looped.

3. 8" CMP pipe is to be used under the pavement for the roof drain line.

Building Inspection - Curbs and detailed paving are fine. Hydrant for Big Sur at the southeast corner will be raised 1 foot and turned 180 degrees. This is where the bench bank was taken from. Parking lot lights need to be approved by the mall. All excess topsoil and fill is to be delivered to the Town of Hamburg site at 65 acres. One sign meets code requirements. All other attached signs must be approved by the Zoning Board. No detached signs are permitted. Detail of the dumpsters should be designated. New slopes to the perimeter drainage to be covered with crown vetch or similar. Plans to be reviewed by Traffic Safety. Parking shows 119 places. Seating capacity is for 290. 114 spaces are required and five for the handicap. There should be a metal guard rail along west side of property.

Traffic Safety - Handicapped parking should be closest spots to the entry of the establishment in conformance with N. Y. State requirements. (2) Who is responsible for making sure that all signage is in conformance? Is it the mall or Chi-Chi's. (3) fire lanes should be marked and posted. (4) What will prevent cars from blocking the thru road curbing would help.

Applicant advised the board that they would like to start construction about September 5th. Members were reminded that a recommendation only can be sent to the Town Board. Town Board has the final say on site plans for the McKinley Mall.

Motion was made by Mr. Phillips, seconded by Mr. Cary to forward a favorable recommendation to the Town Board for the approval of Chi-Chi's restaurant contingent upon Engineering, Building Inspection, resolution of the issues brought up by Traffic Safety. Carried.

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Mr. Cary noted that the one parking spot was not an important factor in the approval.

ALONZO BUILDING - NEXT TO HILL'S - CAMP ROAD

The representative from Benderson appeared before the Planning Board with a revised site plan for a retail building to be located next to Hill's on Camp Road. Mr. Crandall stated that he has concerns about the retail building obscuring the existing Dinner Belle. The signage on Camp Road is important to the present tenant. Concern was also expressed as to access. It was noted that there is a legal document which gives the tenant cross-over parking rights.

Comments were received as follows from Planning:

1. The off-street parking is now within the required setback.
2. There should be no parking space in front of the entry.
3. 16 off-street parking spaces are proposed but only 14 are shown. (13 without the space in front of the entry).
4. Curbing or bumper blocks should be provided for parking against the building.
5. Driveway around the proposed building should be posted for no thru traffic.

Mr. Dan Wojtan, owner of Dinner Belle, noted that it was Benderson's contention that he would buy out the present restaurant. However, it was explained that no offer or contact was ever made. He complained that if a building is placed in front of his, it will hurt his business. Also, the sign must stay in place as they need an identification location. He also noted that there is a deed commitment for cross-over parking, with full assurances. Initially, a bank was to occupy the plaza premises but never was built.

Motion was made by Mr. Cary, seconded by Mr. Strnad to approve the site plan with a conditional approval that the agreement for cross-over parking be presented to assure that the agreement will remain in tact; that the Town be held harmless from any responsibility due to the fact there is an unknown tenant, and that signage remain in place for Dinner Belle. Carried.

David Phillips	opposed
Dennis Gaughan	opposed

Mr. Crandall stated concerns on landlocking a parcel of property and that there will be access to parking. I would like the Town Attorney to review the agreement, and if things are in order, the Chairman can sign off.

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I.W. S. - Residents Opposed to this Project--Meeting moved to Public Meeting room.

Chairman Crandall stated that the residents asked to be on the agenda. We are willing to hear what you have to say. We will not commit ourselves as we are still reviewing this project.

Mrs. Peggy Stoj of Grafton Avenue noted that she would like to address the Environmental Assessment Form which was filled out by Integrated Waste. My main concern is question number 12, whether this will affect the environment. Rush Creek is a tributary that runs into Lake Erie. There are also fossil beds in Ravenwood North. The Buffalo Museum of Science has noted that there are 10-15 acres of fossil beds that are very important. A letter verifying this fact will be sent. Mr. Laub of U.of R. will also submit a letter to this affect. We have also talked with A. Schultz of the Biology Dept. with regard to the 40 acres of composting which produces peat. Peat is not produced by grass clippings or leaves. I am concerned as some companies like to hide toxic sludge in these composting areas.

Liz Gonciorek then presented a rendering of the histories of the various waste companies that all seemed to be linked together. Starting out with Browning Ferris Industries of 2321 Kenmore, branches include: BFI 793 S. Ogden, South side transfer at Indian Rd. Erie District 4053 Milestrip, B.F.I. 4825 River Rd., Niagara Dist. 262 Woodward.

Cecos International is a subsidiary of Browning Ferris with operations located 2321 Kenmore, with Heavy Leasing Equipment, Hazmat, Land Reclamation, Newco, Rapid Disposal with principals listed of Mr. Swartzenberg. (now deceased).

Integrated Waste located at 6 Fountain Plaza has operations of Bear Development, Bear Equipment and Rental, Oxford Tire, Envirosure Services, Environmental Abatement, Envirosure Management, Schultz Demoliton landfill at Indian Rd., East Side Transfer Station 700 S. Ogden, Proposed Ravenwood Park. Principals (Swartzenberg).

There have been many violations against Browning Ferris and Cecos International.

Mrs. Judy Krautsack noted concern about this company locating in the Town of Hamburg. There have been numerous complaints about I.W.S. that have appeared in the Buffalo News leaving mud on the road and piles of clay. We do not want to contend with this type of situation in Hamburg. Buffalo firm accused of blending hazardous waste with fuel, coal, etc. There is also an article of the mishandling of waste drums. Land fill

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quarry has possible contamination from land fill despite pumping and monitoring systems on D. E. C. orders. There is also an article of Maurice Hinchey that states weak state laws and lack of enforcement have allowed organized crime to run rampant in the state's solid waste-hauling industry. Also, in Orange County, haulers have been illegally depositing tons of hazardous waste by mixing it with construction and demolition debris as a means of disguising it.

There was an explosion down in New Jersey. Some of our people researched this material. The headline is Fire buckles Rt. 78 span repairs may take a year. This was a recycling company taking care of toxic waste. This was the Hub Recycling Co. The result was an explosion and a fire that buckled a bridge and caused serious damage. Repairs can take up to a year. 1500 degree temperatures caused sections of the road to drop 10 inches or more just east of the Clinton Avenue exit in Newark. Traffic was jammed for miles in both directions as rush-hour commuters ran into roadblocks diverting them onto local city streets or Routes 1 and 9 and 22. We are deadly serious about companies that do not abide by the law. This was a statement of Gov. Thomas Kean. This is a prime example of what can happen. Hub which has been involved in bankruptcy proceedings since July 1987, has maintained that it is an environmentally sound operation and contended the piles of waste were merely the results of the recycling process and in on way endangered the public.

Under State law, recycling centers are not subject to any state regulations. DEP Commissioner Daggett estimated that there are four other sites like this, illegal dumps operation as recycling centers in the state. But there is nothing like this. This is by far the biggest. But operators of a business like this can make several hundred thousand dollars per week in profit, several million dollars per year. State and county officials have been trying to shut down Hub Recycling but the facility had been allowed to remain open after a Superior Court Judge ruled it did not pose an imminent environmental hazard. Common sense dictates that the presence of a voluminous pile of illegally deposited waste containing potentially flammable, noxious materials situated within feet of a major transportation artery is an unacceptable risk. A review of the DEP files also showed the piles of rubbish and waste on the property were suspected of causing various pollutants to discharge into surface and groundwaters. Firemen at the scene took about 30 minutes to actually start fighting flames as they had to reroute traffic and maneuver themselves and equipment to the garbage mound. This company has a total disregard for human life and total disrespect for every resident in this city. Certainly Hub Recycling gives recycling a bad name. My advice would be to replace the whole thing. The steel is gone on the bridge. The intense heat caused the steel girders to expand. Because the girders are attached to one another, they buckled, heaving the

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I. W. S. (CONTINUED)

concrete surface above. Everything that has happened was predicted in our court papers over the past several years. Hub workers were still trying to dump more garbage in the area as late as 11 a.m. yesterday almost 10 hours after the fire began. Lawyers from the State Attorney General's office were working to stop all dumping last night. Mrs. Krautsack stated that an article was given to Mr. McKnight to check and see if the person mentioned in that article, had any involvement with Integrated Waste. You said you would check on it. We came across an article that might have some bearing. It was in the Business First,

Article from Business First in Nov. 30th 1987 issue--two businessmen quietly dropped anchor in W. N. Y.'s marine industry with the purchase of 3 marinas and boat dealerships. Jafco Holding, a partnership between Harry Williams, a former major stockholder in CECOS International Inc. and Brian Schwartzberg, president of Integrated Waste Systems, Inc. also plans to continue development of a 500 slip marina on Buffalo's Squaw Island. (article reading continued).

A resident in the audience, asked why they couldn't stop this project now. Do any members of the Planning Board live in the immediate area?

Chairman Crandall noted that the Planning Board is in the process of gathering information. Many of you do not feel we should be giving the right for someone to make application. That is not true. We have not made up our mind. There isn't a board member here that has made up their mind. We are still gathering information. We are listening to you. Your presentation is the type of thing we need to make up our mind. Everyone, including Integrated Waste, has the right to make an application. We are listening to both sides of the issue. How we are going to vote, I cannot predict. There is a letter in front of me asking why we are even considering it. That's the American way. We are hearing you loud and clear.

A resident in the audience noted that a couple of years had a dump there before. Property was annexed so Blasdell could put a garbage operation there by the name of Joe Ball. Two years later, we couldn't even open our windows because of the smell. With Love Canal around, I can't see how they can even be considered. With conditions in this area, and the money that one is going to pay, I cannot see why it should be considered in a residential area.

Chairman Crandall again reiterated that this is a public gathering information session.

Larry Keith from Environmental Science Development Center.

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I.W.S. CONTINUED

The Environmental Assessment states that the soil moderately drains. This is a poorly drained area. There is shale out there. Both conditions are inappropriate for composting. One cannot get machinery out there to turn the materials. As a result, this will smell. At most composting could be done 3 months out of the year.

Dan Romansko of Allen St. spoke in opposition to the application. I have had the opportunity to sit in on a couple of Planning Board meetings over the past few months, and I find it frightening so see what is going on. I would like to know when Integrated Waste first came to the Town with their proposal, what you as a group did? Did you sit down and discuss the matter, go to various documents. How was this approached?

Chairman Crandall responded that no one knew the project existed until they came to the Planning Board with a presentation by Mr. Gilowicz. They came in with factual information. This had to do with the method and type of operation they were conducting.

Mr. Gaughan noted that when a presentation is made, the Planning Board must listen. Otherwise, they would have a court case whereby they would say the Planning Board is unreasonable. The Planning Board cannot make the statement that your concern is not welcome in our Town. This is grounds for an immediate lawsuit. We are up against a lot of problems. However, we do have the responsibility of listening to a proposal. There was a project out in Boston which the residents did not want. However, we must follow the process before making a final decision.

The question of zoning requirements was also brought up. Chairman Crandall noted that a review is done in the Planning Dept. to determine whether the type of use is permitted relates to the zone. The interpretation was that the zoning fit the use.

Mr. Romasko referred to Article 17 of the M-2. Permitted uses in the M-2 district are (1) no use of land, building, or structure shall be permitted, the operation of which results in any (a) fire or explosive hazard, and (b) the dissemination of serious pollutants, noise vibrations, or odor beyond the boundaries of the premises. Was that read? Also, the Planning Board did not feel that their operation, a waste transfer station, will be producing an odor in their mulching operation to be in violation of this section.

Mr. McKnight stated that the applicant did not state this. When the proposal was presented, the composting operation would not produce odor. The information would be a sweet odor. Mr. Crandall noted that there was no way of knowing what the public is assuming. This is an assumption where those items would be violated. This

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I.W.S. CONTINUED

occured after the application came in, not at the time, it was presented. Now we know that there will be an odor. Mr. McKnight noted that in terms of the sweet odor. We visited a facility in New Jersey that had a composting facility. It was agreed that the odor we smelled was fresh wood chips. We could not smell anything. In the first Planning Board session, they told us there would be no odor.

Mr. Romansko noted that if there were 200 garbage trucks a day with no odor, I would scratch my head. Mr. Crandall stated that we did not have the information to assume that there were these conditions. We are still in the process of finding out. We are talking about odor beyond the property line. Mr. Romansko stated that the area where he lives is a breezy area. Mr. Crandall noted that we are sitting here and listening to you. We know you have rights and that is the reason why we are going to hear everyone's rights. This is a two way street. Our role is not to have the community destroyed. An applicant has a right to be heard. Any information that you have should be turned over to the Planning Dept. The information will be reviewed and considered.

Timothy Bowen of Sheva Lane--I was at the informational session. I work on Dingens St. in Buffalo and visited the site nearby. I don't know how old the building is. There are 25 to 30 trucks. This is not a pretty site. What will the new site look like? We have been lied to before by previous developers. Once, they get their foot in the door, they will just get bigger. We don't need this in our neighborhood.

Mrs. Stoj wanted to put a cap on what was brought in here. We are not saying that Integrated Waste does not work within the regulations. We wanted to bring all the information that the people have collected. This is the proof we needed that this proposal should not be put on Ravenwood North. We have shown how other operations have broken the laws. Once they have broken the laws, they cannot immediately be shut down. Many of these companies make a great deal of money. Most of these companies make millions of dollars. Citing them and giving them fines does not help. What worries us is the possibility of this coming in and once they make a mistake, it could affect the rest of our lives. We tried to show you why it should not be placed there. We told you we didn't want it there and we have stated our reasons. We have given up our springtime and summer to do the job of the Planning Board. If I wanted to put an addition on my home, I would have to get a permit. It would be up to you to look it over to see if it fit in the regulations. We did as much as we could to show you that we do not want this. I am in a quandry as to what you are doing.

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Mr. Crandall stated that there are members of this board who are serving on the Planning Board and the Hamburg Future Development without pay in order to improve the town. It is a matter of putting our time where we are able to. As far as the research, the research has been done thru the Planning Dept. office but we do not have the ability to sort out all of the information to come up with all the ideas that you as a group can come up with.

Mr. McKnight informed the group that we are in a holding pattern right now. The next step, if the project proceeds further, is to call for a scoping session where we will have State and County representatives on hand to determine what areas of study should be undertaken. Traffic, air pollution, are studies that would have to be done in detail. They would be done by a consulting firm or Integrated Waste. Our next step would be to hire our own consultant to review what has been presented. We would also be using the office of the State Dept. of Environmental Conservation which would be doing an independent review of what has been submitted. The cost of our hiring our own consultant would then be charged back to Integrated Waste. They would have to pay the cost to analyze their work. Based on all of this, it would be an evaluation as to whether the study is allowable. Are there environmental concerns. Could they be mitigated? These have to be evaluated before anything further can proceed. If there are serious environmental problems, of Rush Creek, that would detrimentally affect the adjacent neighborhood, then we have the legal basis for stopping the project. Right now, we are not at that point.

Chairman Crandall noted that if we had the assurance that by a vote tonight, it would be turned down, the question of litigation would arise and we could wind up losing the case and the facility could be built anyway. We are proceeding cautiously so that when we make the decision we are on solid, legal grounds.

A resident noted that a study was done on the mall project. With all the bad that has come from the mall, it was said we didn't realize it would turn out this way. This is just what we don't want with the garbage dump. We studied it and then when they are in, statements would be made, we didn't realize what could happen. We didn't realize the mall would be so big. We studied.

Chairman Crandall noted that the mall is not a bad item. Development generates with the building of a mall.

Mr. Krautsack noted that he works for the Highway Dept. and works with a chipper. When chips sit for 8 months, it is amazing what you have for an odor.

Chairman Crandall noted that the Planning Board is sympathetic to the needs of the community. When the developer is on the

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agenda, that means some activity will be taken on it.

PINE GROVE ESTATES (Brierwood) Townhouse Development

Messrs. Ed and Patrick Burke appeared before the Planning Board on a conceptual drawing for the beginning of a town house development which is to be built alongside Country Club Lane. Comments were received from the following departments:

PLANNING -- This is a planned unit development and Townhouse development is a permitted use. This proposed subdivision has been reviewed and commented upon previously, but the initial comments have not been addressed. (See attached minutes of 6-14-89)

BUILDING INSPECTION--These 3 phases of the proposed 35 townhouses must conform to the regulations under 29-165 and 166. The 1 exception is 29-166A which lists 160' in length. This is questionable for bldgs. 5 through 9, 12 through 17, 18 through 22, 23, through 27, and 28 through 32. These are 165' long. Front yard setback is infringed upon on all dwelling units.

ENGINEERING K- 3.2 - Specify "No slag" in the pavement section as per the environmental impact study.

4.2 - The radius for the circle should be increased so that delivery and garbage trucks can make the radius without driving on the grass. 5.2 We question the use of 4" pipe for the roof drains with 4 and 5 units connected to it. 8.2 The pipes installed in the main ditch must be lengthened to provide a shoulder on the road and a 3 on 1 side slope. 9.2 We question the pipe sizes in the ditch. Drainage calculations are to be provided for our next review. There is a culvert on the plan next to the maintenance building that has been removed. Remove it from the plan or specify a new pipe.

LAKE SHORE FIRE COMPANY - TOM PUTNAM

Mr. Ed Burke has requested a letter from me regarding fire protection capabilities for the planned townhouses which are planned for "Pine Grove Park." This planned construction site is adjacent to Brierwood Country Club and Brierwood Estates. I have reviewed the plans with Mr. Tom Vella, project engineer, and have determined there would be no problem providing adequate protection to the area. There will be a sufficient water supply from either hydrants on Brierwood Estates or from a hydrant located at the southern end of the Country Club. These plans have also been reviewed with the officers, drivers, and members of the Lake Shore Fire Co. and have also reviewed special needs of buildings under construction. In the event of a fire emergency in these areas, plans have been worked out to provide protection of property.

Mr. Burke is looking for conceptual approval. Changes have

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PINE GROVE PARK TOWNHOUSES (Continued)

been made as requested. The Townhouses will range from \$115,000 to \$145,000. I need to submit our perspectus to the Attorney General's office to proceed further.

1. 160' length of the building which is a minor change. This involves a 6 unit grouping. (12-thru 17). They are in slight excess of what the ordinance permits. Roads are private and the association is responsible for maintenance including ingress and egress off Country Club Lane. This is behind Brierwood and along the 18th fairway. On setback, we are relating to the Townhouse section of the ordinance to comparable natural areas. Planning Board should determine whether the violations are major or minor.

1. Regarding the 160' maximum length it appears that 4 units exceed length by 5' or less, which is acceptable.

2. On the setback for minimum frontage and rear yard, they go from 12 to 17' because of angles. This is on individual units that can be waived when you take a line of structures and average it out. All adjacent space is available and property lines are not distinguishable.

3. Elevations, heights, and square footage--must be under 35'. The square footage is running from 1250 s.f. to 1650 s.f. On minimum habitable area, none shall be smaller than 750 s.f. and average shall be 1,000 s.f. for all. All units exceed the square footage requirements.

5. This has already been addressed. Individual parcel boundaries don't have to be shown.

6. On item 6, Two groupings on townhouses do not meet the requirements at the entrance road. On 1 to 4, the side yard is 24', 10 and 11 is 24'. These should be moved over. Units 10 and 11 are to be moved 5' to the west in order to increase the east side yard from the street. Units 4-3-1 are acceptable.

9. Buffering between townhouse parcels is to be shown, and is on another detailed drawing. The privacy portion has been satisfied. Item 10--same situation. 11. Shown on another detailed drawing. Landscaping has been shown. Utilities have been shown on another map.

10. There will be a service for garbage pickup, therefore there will be no dumpsters in the townhouse area.

11. Street lighting has been indicated.

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There will be decorative street lighting in the townhouse development. Curbs are not intended. This road will be maintained by the association. Mr. McKnight noted that he will discuss the matter of curbs with the Engineering Dept. on the following day. Whatever is acceptable with Engineering is acceptable with Planning. Note: Requirements for the curbs on the two stretches of road extending from Country Club Lane to the property line is to be resolved by Engineering to determine acceptability.

13. Seal - 4 copies were sealed. However, since there are revisions, 5 copies need to be sealed.

Mr. Burke presented an overall map showing future townhouse development. On a section where radio towers are located is an inclusion of 6 bldgs. on the street and conceptual approval only is reqd. for the Townhouses at the top of the new street that will have 6 townhouse buildings. This will be included in the presentation for the Attorney General's office. Chairman Crandall noted that more detailed drawings will be required for this section. There is a possibility that there will be 83 units in the entire townhouse development.

Motion was made by Mr. Phillips, seconded by Mr. Gaughan to grant CONCEPTUAL approval only for townhouse development contingent upon Bldg. Inspection & Eng. approval as to setbacks and lengths of units. No slag is to be used in the pavement areas, either private or public. Carried.

RESUBDIVISION OF THREE LOTS IN AMSDELL HEIGHTS

On the drawing for the subdivision of three lots off Coachman's Lane, Devonshire Dr. and Amsdell Road, motion was made by Mr. Phillips, seconded by Mr. Carnevale to approve based on Building approval and Engineering. Carried.

JOHN DOWDALL, CLOVER TEE GOLF COURSE - INCLUSION OF ADDITIONAL WAREHOUSES.

John Dowdall and Marge Becker appeared on a site plan for a proposed expansion of the mini-warehouse facility which they have at the Clover Tee Golf Course on Southwestern Blvd. The following comments were received from the Engineering Dept.

1. The 5-13-81 approved plan showed paving and parking bumpers along the west line. It has not been completed to date. The 1986 mini-warehouse plan showed paving that has not been completed. The present plan must show a dust free surface treatment, it should be completed. 2. The 1986 site plan has a storm catch basin located on the building site that the present plan does not show. Show proposed roof drains connected to the storm sewer.

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JOHN DOWDALL (CONTINUED)

Motion was made by Mr. Koenig, seconded by Mr. Phillips to Table this application for on site inspection by Mr. McKnight to determine exactly what has been completed.

KEITH FISHER - VIC LIBERATORE - FISHER BUS IN FORMER TRUCK WORLD LOCATION CAMP ROAD.

Messrs. Fisher and Liberatore appeared before the Planning Board for a proposed addition which is to be located at the Truck World location on Camp Road. The new building is for a truck and bus wash and maintenance facility for vehicles. It was noted that a note should be submitted to Traffic Safety with respect to bus movement coming out on to Camp Road. Also, The State D. O. T. should be aware of the project as there were concerns on the existing driveway. Applicant was given conceptual approval only but is to bring in a new drawing showing the complete layout of the facility.

Motion to adjourn the meeting was made by Mr. Phillips, seconded by Mr. Carnevale. Carried. Meeting ended at midnite.

Respectfully submitted,


Gerard Koenig, Secretary
Planning Board

next meeting: September 13, 1989
7:30 p.m.

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

TO: Planning Board
FROM: Town Engineer Gilbert
DATE: 8-16-89
SUBJ: SITE PLAN REVIEW
DOWDALL STORAGE UNITS - RTE. 20

The following are review comments on plans dated 7-24-89 and received in our office on 8-8-89:

1. The 5-13-81 Approved Plan showed paving and parking bumpers along the west line. It has not been completed to date.

- The 1986 Mini-Warehouse Plan showed paving that has not been completed.

- The present plan must show a dust free surface treatment, it should be completed.

2. The 1986 Site Plan had a storm catchbasin located on the building site that the present plan does not show.

- Show the proposed roof drains connected to the storm sewer.

All comments must be addressed for approval. Our review plan is not being returned with these comments.


Jack Gilbert

RJL/dp

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TO: Job File
FROM: Engineering Department
DATE: 8-21-89
SUBJ: BROMPTON HEIGHTS PART 1 SUBDIVISION

The following is a summary of dates for the Brompton Heights Part 1 subdivision review:

1-27-88 - Preliminary plot review
2-08-88 - Public hearing
9-15-88 - Plans acceptable to Town Engineer
9-19-88 - Wastewater application signed
11-14-88 - E.C.W.A. approval subject to district formation
3-14-89 - Application for public water signed
5-15-89 - N.Y.S.D.E.C sanitary approval

Waiting for - Erie County Health Dept. approval
- Water district extension

RJL/dp

✓ CC: Planning

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TO: Planning Board

FROM: Town Engineer Gilbert

DATE: 7-15-89

SUBJ: SITE PLAN REVIEW
CHI - CHI'S - MCKINLEY MALL

The following are review comments on plans dated August 6, 1989:

1. The existing sanitary manhole in the driveway is to have a solid cover or a watertight insert installed to prevent infiltration. Note this is on the plan.

2. The watermain along the ring road must be extended the full frontage of the property so that the system is looped..

3. 8" C.M.P. pipe is to be used under the pavement for the roof drain line.

All comments must be address for approval. Our review plan is not being returned with these comments.

Jack Gilbert

RJL/dp

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August 17, 1989

TO: The Town Board

SUBJECT: Site Plan for Chi-Chi's Restaurant
Out-Parcel - McKinley Mall

At the meeting of 8-16-89, the site plan for Chi-Chi's Restaurant was reviewed. The site plan is being referred to the Town Board for approval.

Motion was made as follows: Motion was made by Mr. Phillips, seconded by Mr. Cary to forward a favorable recommendation for Chi-Chi's Restaurant contingent upon Engineering, Building Inspection, and resolution of issues brought up by Traffic Safety. Carried.

Richard Crandall
RICHARD CRANDALL, CHAIRMAN

PLANNING BOARD

TOWN OF HAMBURG

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AUGUST 17, 1989

PRE-FILE MARK CAVALCOLI

RESOLVED, that the Town Board approve the site plan for Chi-Chi's Restaurant to be located on an out-parcel of the McKinley Mall. Approval is contingent upon Engineering, Building Inspection and Traffic Safety approval. Carried.

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August 17, 1989

To: Mr. John Lauchert, Building Inspector

SUBJECT: Stockade fencing on top of berm at Deerfield Heights

Attached is the discussion that was held regarding the matter of a stockade fence located at Deerfield Heights. In the future when a developer makes a major change to a subdivision that affects the entire neighborhood, the Planning Board would like the courtesy of some discussion on such matters.

McKinley Parkway is a beautiful corridor of the Town which now has a fort-like appearance.

Sincerely,

TOWN OF HAMBURG PLANNING BOARD

Richard Crandall
Richard Crandall, Chairman

CC: Supervisor Quinn
Councilmen

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August 17, 1989

To: Traffic Safety Coordinator
Tim Ellis

Attached is a copy of a site plan for Truck World, formerly Leisureland which has been purchased by Keith Fisher of Fisher Bus. There will be approximately 75 school buses which will leave the site between the hours of 6:30 to 7:30 a.m. coming into Hamburg.

The applicant was given conceptual approval for an additional bay for washing of trucks and buses. A new site plan has been requested. For your review. Next Planning Board meeting is scheduled September 13th.

Sincerely,

TOWN OF HAMBURG PLANNING BOARD

Richard Crandall
Richard Crandall, Chairman

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August 16, 1989

To: The Planning Board

Re: Three lot exception, corner of Devonshire Drive and Amsdell

The three lots are not part of the Amsdell Heights Subdivision. The lots facing Amsdell Road should remain the same because allowances should be made in the event that Amsdell Road is widened that the minimum set back should adhere to or larger. This should be done so that a house can be located on this lot. The middle lot should be changed to 90 feet. This could be taken from the southern lot, which is 110 feet and in on the corner of Coachmans Lane and Devonshire Drive.

Sincerely,

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

JJL/lis

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August 14, 1989

To: The Planning Board

Re: Chi-Chi's Mexican Restaurant
McKinley Mall
McKinley Parkway
Hamburg, New York

SITE PLAN REVIEW

Curbs and detailed paving are fine. Hydrant for Big Sur at the south east corner will be raised one foot and turned 180 degrees. This is where the bench bank was taken from. Please be aware, the parking lot lights are to be approved by the mall. All excess topsoil and fill is to be delivered to the Town of Hamburg site at 65 acres, less the three miles from the site.

One attached sign appears to be all right to meet within our requirements. All other attached signs must be approved by the Zoning Board of Appeals. No detached signs are permitted.

The locations and details of the garbage dumpsters are needed. New slopes to the premiter drainage to be covered with crown vetch or similar. Plans to be reviewed by the Traffic Safety Committee. The parking shows 119 places. There shows seating for 200 in the dining room and 90 in the lounge. I figured 84. They are required to have 114 parking spaces, which they have 119. There must be five for the handicap. It is a very good idea to put a medal guard rail along the west side of the property. That is on the side where the premiter drainage is.

I will be reviewing the building plans when time permits.

Sincerely,

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

JJL/lrs

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August 15, 1989

To: The Planning Board

Re: Revised Plan for Hamburg Town Plaza

SITE PLAN REVIEW

I received today for another revision to the Hamburg Town Hall Plaza. The plans are dated August 9, 1989. The twenty feet set back for the parking along South Park Avenue is required by the Zoning Board of Appeals. They plans show 98 parking spaces. They are required to have 100. The 4 for the handicap are shown on the plan.

They should be precast curbs along the northern part of building A, for future development. There should also be precast curbs for the special vehicle, 25 spaces parking on the north side where it says "Future Development". It should also be regraded and grass should be planted and mowed. We also need detail plans for the retention pound, which is not shown.

Where it says "Ornamental Steel Fence Detail" and a light is shown on top of the brick, 50 feet on center, there should be one light on top of each pair. This is not shown on the plan.

The deceleration lane and entrance detail, sheet C4, needs a permit from the State D.O.T. On C5, there should be a stub at the end of the sanitary sewer onto the adjacent property and capped. The new 8 inch fire service, as per Town standards, should be located in a curbed island or surrounded by bollards. The 6 inch steamer connection should face south.

All excess top soil and fill should be removed and delivered to the Town Hall site, next door.

I still have no plans for the buildings. When more information is available, I will pass it on. This may change depending on the construction of each of the buildings.

Plans must be stamped by a licensed architect or engineer licensed in the State of New York and conform to the New York State Uniform Fire Prevention and Building Code. 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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August 15, 1989

To: The Planning Board

Re: Revised Plan For Milestrip Plaza

SITE PLAN REVIEW

This is another plan that is date August 4, 1989 for revisions. This new proposed plan is different from the first one. They keep making changes and will eventual get there. The motel unit is required to have five units for the handicap, and therefor should have five handicap parking spaces. A total of 100. The restaurant will seat 150 people. 60 parking spaces are required with a minimum of three for the handicap.

The retail is 85,342 square feet for building A, B and C. These buildings are 569 parking spaces in which 11 are for the handicap. The plan shows 660 parking spaces when they are required to have 729 parking spaces. They are 69 parking spaces short. The motel is not considered part of this plaza, although the required parking spaces are located around the motel. The plans should also reflect the handicap spaces.

They still need a detail of the proposed lighting standards, including the height. This is a loop fire system and they added the three fire hydrants. You should also be aware that part of the piping is already constructed and building A is under construction. Unfortunately, they are not building it according to the plans. I understand that some revisions will be in shortly for that. The plans must conform to the New York State Fire Prevention and Building Code and stamped by a licensed architect or engineer.

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

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Receiver of Taxes
ROBERT A. MARS

August 9, 1989

To: The Planning Board

Re: Big Tree Fire Station No. 2
Bayview Road
Town of Hamburg

SITE PLAN REVIEW

No detached sign location is shown on the plan, only the sign over the apparatus room doors on the main building of Big Tree Fire Station No. 2. This plan appears to be very well planned out and should meet the needs of the fire department for a long time to come.

All my other concerns were shown on the plans with the exception of fire extinguishers and smoke detectors. I am sure that they will be able to correct that situation.

Sincerely,

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

JJL/ljs

In the matter of the Application

of

MEL JOHNSON, BLDG.
910 NORTH TILSEN
VISALIA, CA. 92291
petitioner (s)

For Amendment of Ordinance

To the Honorable Town Board of the Town of Hamburg, New York

The Petition of VACANT 22.98 ACRES OF LAND WEST
SIDE OF ABBOTT ROAD, NORTH OF BEST STREET

of the TOWN OF HAMBURG in the County of Erie and
State of New York, respectfully shows;

That your petitioner(s) is/are the owner(s) of certain
premises situated in the Town of Hamburg, County of Erie and
State of New York, and more particularly described as follows:
(use additional sheet if necessary) include name of nearest cross
street and distance to it. WEST SIDE OF ABBOTT RD., 200 FT. ±

NORTH OF BEST STREET. (SEE ATTACHED LEGAL DESCRIPTION)

Zoning change from R-4 to R-1

RECORD TITLE OWNER AND ADDRESS: _____

PETITIONER'S INTEREST IN LAND TITLE: _____

That your petitioner(s) desire(s) that the said premises or
so much thereof as the Town Board shall approve, be zoned for the
following uses, for the following reasons: SINGLE LOT

SUBDIVISION CALLED ABBOTT PINES ACCORDING
TO R-1 ZONING REGULATION.

That your petitioner(s), enclose(s) herewith, the sum of
\$ 75.00 to pay the cost of publishing a notice of a public hearing
which your petitioner(s) request(s) be called by your Honorable
Body pursuant to the provisions of the said Zoning Ordinance.

That no previous application has been made for the relief
herein sought except: _____

Dated this 13 day of JULY 19 89.

Mel Johnson
Owners Signature

Rezoning Application (continued)

STATE OF NEW YORK)
COUNTY OF ERIE)
TOWN OF HAMBURG)

I, MEL JOHNSON

being duly sworn say that he or she has/have read the foregoing
petition and knows the contents thereof, that the same is true to
the knowledge of deponent, except as to matters herein stated to be
alleged on information and belief, and that as to those matters he
believes it to be true.

Mel Johnson

Subscribed and sworn to before

me this 13 day of JULY 1989.

Joseph J. Almeida
Notary Public, in and for Erie County
Commission expires JULY 1991

JOSEPH J. ALMEIDA
Notary Public, State of New York
Qualified in Erie County
My Commission Expires JULY 1991

B D Form No. 19

Telephone No. of Representative _____

NOTE: Failure to submit and/or complete any part of this
application may result in delay.

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Memo

To: Richard Crandall *JM*
From: John A. Michalek
Date: August 11, 1989
Re: Copper Penny Restaurant and
Red Rooster Restaurant

Dear Mr. Crandall:

I am in receipt of your memo dated July 27 concerning the above captioned matter. I previously reviewed this situation with George McKnight.

Without knowing more, it would appear that the principals of the Copper Penny Restaurant may have the basis to withdraw permission based on misrepresentation or fraud for the driveway easement. It may be useful for the Planning Board to know what exactly the principals of the Copper Penny Restaurant are doing about that.

At this point it is strongly suggested that the Planning Board contact the principals for the Red Rooster Restaurant and inform them of your understanding of what they presented to you.

It is suggested that you may even furnish those individuals with a copy of the minutes. It could be added that it is your intention to withdraw approval based on this representation etc.

It is suggested that this all might be done at a meeting with all parties present. If you require any further information please advise.

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ROBERT A. MARS

Memo

To: Richard Crandall
From: John A Michalek
Re: Planning Board Meeting
August 16, 1989
Date: August 11, 1989

Please note I will plan on being at your next meeting
of August 16, 1989. Thank you.

ARTHUR J. GIACALONE

ATTORNEY AT LAW
800 Chemical Bank Building
69 Delaware Avenue
Buffalo, New York 14202

Telephone: (716) 856-1010

August 14, 1989

RICHARD G. COLLINS
OF COUNSEL

Hon. Jack Quinn, Jr.
Town Supervisor

Hon. D. Mark Cavalcoli
Town Councilman

Hon. Pat Hoak
Town Councilman

Hon. Daniel Henry
Town Councilman

Hon. James Connolly
Town Councilman
Town of Hamburg Administrative Offices
S-6100 South Park Avenue
Hamburg, New York 14075

Re: Ben Nicosia Proposed Rezoning
Bayview Rd. N. of Beetow Dr. From R-1 to R-2

Dear Town Board:

I am writing to you on behalf of a group of concerned citizens residing in the Bayview Road - Beetow Drive area to express their strong opposition to the above-referenced petition for rezoning.

As is reflected in the minutes of the May 8, 1989 public hearing, a petition opposing the proposed rezoning, signed by seventy-three (73) residents, has been presented to the Town Board. Included among the signatories of the petition are the owners of more than twenty percent (20%) of the land immediately adjacent to or directly opposite the subject parcel. As mandated by Section 265 of the Town Law of the State of New York, the application for rezoning may, therefore, not become effective unless three-fourths or four of the five members of the Town Board vote in favor of the rezoning.

We have been told that the Town Board intends to consider the rezoning petition at this evening's Town Board meeting. Please be advised that no determination regarding Mr. Nicosia's request may be made until the requirements of Part 617 of the State Department of Environmental Conservation's regulations, pertaining to the State Environmental Quality Review Law (SEQR), are fully complied

RECEIVED
AUG 14 3 00 PM '89
SUPERVISOR'S OFFICE
TOWN OF HAMBURG

with. (6 NYCRR Section 617.3(a).) Approval of the rezoning application is clearly an "action" as that term is defined at 6 NYCRR Section 617.2(b). Furthermore, because the Nicosia application involves the rezoning of more than twenty-five (25) acres of land, it is unquestionably a "Type I action" triggering a presumption that a Draft Environmental Impact Statement (DEIS) must be prepared. (6 NYCRR Section 617.12(a), 617.12(b)(2).)

It is my clients' position that the requirements of SEQOR will not be complied with until the Town's lead agency issues a positive declaration mandating the preparation of a DEIS. As the appellate courts of this State have consistently held, the threshold for requiring preparation of a DEIS is a low one. E.g., H.O.M.E.S. v. N.Y.S. Urban Development Corporation, 69 AD2d 222, 418 NYS2d 827 (AD4 1979); Onondaga Landfill Systems, Inc. v. Flacke, 81 AD2d 1022, 440 NYS2d 788 (AD4 1981); Inland Valve Farm Co. v. Stergianopoulos, 104 AD2d 395, 478 NYS2d 926 (AD2 1984), aff'd 65 NY2d 718, 492 NYS2d 7 (1985). As long as any one element of the environment may be significantly affected by the proposed action, or as long as changes in any two or more elements of the environment when considered together may result in a substantial adverse impact on the environment, the Town of Hamburg is mandated by State law to require the preparation of a DEIS. (6 NYCRR Section 617.11.) It is the obligation of the lead agency to identify and take a "hard look" at each and every area of potential environmental concern when determining whether a DEIS is to be required. H.O.M.E.S., supra, 418 NYS2d at 832; Onondaga Landfill, supra, 440 NYS2d at 420; Schenectady Chemicals, 83 AD2d 460, 446 NYS2d 418, 420 (AD3 1982); Inland Valve, supra, 478 NYS2d at 928; Horn v. International Business Machines Corporation, 110 AD2d 87, 493 NYS2d 184, 189 (AD2 1985); 6 NYCRR Section 617.6(g)(2). When making such determination, it must be remembered that SEQOR defines "environment" as including both the physical conditions, such as land, air, water and noise, which will be impacted by the proposal, as well as the "existing community or neighborhood character." ECL Section 8-0105(6); 6 NYCRR Section 617.2(1).

Analysis of the Full Environmental Assessment Form (EAF) prepared by Mr. Nicosia, as well as the comments made by the community at the May 8, 1989 public hearing, disclosed the likelihood that the requested rezoning and proposed development of 100 residential dwelling units will have a significant effect on several aspects of the environment:

1. Impact on Land. Part 2 of the Town of Hamburg's EAF provides, at page 6, that a proposed project will have a

"potential large impact" on the land if construction is on land "where bedrock is exposed or generally within 3 feet of existing ground surface," or "where the depth to the water table is less than 3 feet." Pursuant to Mr. Nicosia's own admission, the bedrock on the proposed site is as shallow as two (2) feet (see EAF, p. 2, No. A(4)(a)), and the depth of the water table is one (1) foot (see EAF, p. 3, No. A(8)). It is evident, based on the Town's own standards, that the proposed action is likely to have a large potential impact on the land.

2. Impact on Water. Part 2 of the Town's EAF, at page 7, also provides that a proposed project will have a "potential large impact" on water if the proposed action "would use water in excess of 20,000 gallons per day" (see EAF, p. 7, No. 5). Mr. Nicosia clearly states in his Project Description that the fifty 2-family dwellings will use 40,000 gallons per day (see EAF, p. 4, No. B(23)). The applicant's admission that the 100 proposed dwelling units would utilize twice as much water as the Town's minimum standard for determining whether a proposed action will have a large impact on water underscores the legitimacy of the concerns expressed by the public at the May 8, 1989 hearing regarding the adverse effects on the pre-existing community's water pressure.

3. Impact on Traffic. Section 617.11(a)(1) of the SEQR regulations includes in the State's list of indicators of significant effects on the environment "a substantial adverse change in traffic or noise levels." Members of the public repeatedly expressed concerns on May 8 over the detrimental impact on traffic levels on Bayview Road and Beetow Drive that would accompany the addition of 100 dwelling units with 200 parking spaces. Mr. Nicosia recognized the significance of the impact on traffic by answering affirmatively the question, "Will the proposed action result in the generation of traffic significantly above present levels?" (See EAF, p. 5, No. C(12)). It is impossible not to conclude that the 200 vehicle trips generated per hour anticipated by Mr. Nicosia (see EAF, p. 3, No. B(1)(g)) will have a significant adverse impact on the pre-existing community.

4. Impact on Character of Community. Part 2 of the Town's EAF, at page 11, provides that a proposed action will have a "potential large impact" on the character of the existing community if the proposal "will conflict with officially

adapted plans or goals," "will cause a change in the density of land use" or "will create a demand for additional community services." All three of these adverse changes are present in Mr. Nicosia's rezoning request. The proposed rezoning conflicts with the Town of Hamburg 2010 Master Plan and 2010 Land Use Plan by attempting to change the zoning from R-1 to R-2. Furthermore, the requested rezoning would permit the doubling of the population density of the subject parcel by allowing the construction of 100 dwelling units where only 50 homes could presently be built. Lastly, as is admitted by Mr. Nicosia, the proposed development would create a demand for community provided services, such as recreation, education, police and fire protection. (See EAF, p. 5, No. C(11).) The introduction of 50 2-family duplexes to this community of predominately single-family detached homes will substantially impair the character and quality of the existing community. (See 16 NYCRR Section 617.11(a)(5).)

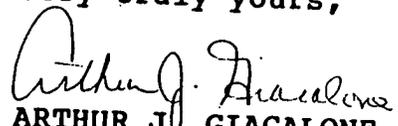
5. Impact on Plants and Animals. Although downplayed by Mr. Nicosia, it is clear from the comments at the May 8, 1989 public hearing that many residents of the surrounding community utilize the subject parcel for recreational purposes (walking, jogging, cross-country skiing, etc.), and cherish the opportunity it provides for viewing wildlife such as deer, pheasants, ducks, woodpeckers, cardinals, rabbits, owls, hawks, etc. It is evident that removal of all vegetation on the 31+ acre parcel will severely effect this wildlife habitat, and eliminate the enjoyment experienced by the existing community when using or viewing this aesthetic resource.

On behalf of my clients, I urge the Town of Hamburg to deny Mr. Nicosia's petition for rezoning in light of the significant adverse impact the proposed development would have on the land, water, traffic levels, plant and animal life, and the character of the existing community. If such a denial is not immediately forthcoming, we request that the appropriate lead agency issue a positive declaration and require the preparation of a DEIS. We are hopeful that the Town will meet its obligation to literally comply with both the letter and spirit of SEQR. Inland Valve, supra, 478 NYS2d at 928; Schenectady Chemicals, supra, 446 NYS2d at 420; Rye Town/King Civic Association v. Town of Rye, 82 AD2d 474, 442 NYS2d 67, 71 (AD2 1981). If such strict compliance is not adhered to, however, my clients are

Hon. Jack Quinn, Jr., et al.
August 14, 1989
Page 5

prepared to seek judicial intervention to prevent or eliminate damage to the environment and the character of their existing community.

Very truly yours,


ARTHUR J. GIACALONE

AJG:jls

cc: Vincent J. Sorrentino, Esq.
Hamburg Town Attorney

MEMORANDUM

TO: George McKnight, Director of Planning
FROM: Tim Ellis, Traffic Safety Coordinator *TAE*
RE: Copper Penny Driveway / Red Rooster Restaurant
DATE: August 4, 1989

George:

It is the feeling of the Traffic Safety Advisory Board that additional curb cuts on Southwestern Blvd. or Rogers Rd., for the new restaurant (Red Rooster) under construction, should not be allowed due to the close proximity to the intersection of the above mentioned highways. With proper design and signage, the existing driveways are capable of handling the situation. This is the position that I have maintained in previous discussions with you.

Thank you.

TOWN OF HAMBURG

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Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

August 16, 1989

TO: Planning Board
FROM: Planning Dept.
RE: Alonzo Building

This is an M-2 District and commercial use is permitted.

1. The off-street parking is now within the required setback.
2. There should be no parking space in front of the entry.
3. 16 off-street parking spaces are proposed but only 14 are shown. (13 without the space in front of the entry)
4. Curbing or bumper blocks should be provided for parking against building.
5. Driveway around proposed building should be posted for no thru traffic.

6-14-89

Engineering --

1. New curbing is to be shown at the entrance islands.
2. Curbing or parking bumpers are to be shown along the parking spaces facing Camp Rd.
3. The landscape plan shows trees along the north line while the drainage plan shows a swale and fill area. Revise as required.
4. The new pavement along the north line connects to a 28' grass buffer on the Bonanza site. If a connection is proposed, it is to be shown. If a connection is not proposed, curbing or other measures are to be provided to discourage traffic from driving on the grass.
5. Show the location of the sanitary sewer lateral.
6. Roof drains must be piped to a storm system. Show the locations, pipe size, slope and material.
7. The entire frontage of the parcel along Camp Rd. is to be pipe. Catch basins are to be added also.
8. The parking lot run-off at the southeast corner of the building does not drain. Revise as necessary.

ALONZO
BDG.

PLANNING - This is an M-2 District. Commercial use is permitted within the district. The proposal meets the setback requirements.

Comments: ~~1. Need area map to show context of development.~~
 ? 2. Need to know proposed use of building to establish parking needs. (1 space/150 sq ft)
 3. Proposed building will block the view of the existing building.

~~4. Parking which faces Camp Rd. is in violation of setback requirements.~~

~~5. Need to show curbing or bumper blocks along east parking.~~

~~6. Free standing lighting should be shown where appropriate.~~

~~7. Dumpstems need to be provided and shown where appropriate.~~

~~8. Closest fire hydrants should be shown.~~

? ~~9. Where is the entrance to the proposed building?~~

10. Proposal for signage to be removed denotes the current entrance to the existing restaurant.

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

BRIERWOOD TOWNHOUSES - E. Burke

Messrs. Ed and Patrick Burke appeared before the Planning Board on the conceptual rendering of the Townhouses which will be built off Amsdell Rd. Comments were received as follows:

ENGINEERING - 1. The name Pinehurst is unacceptable. The subdivision name has been used in the Town. A map cover must be filed before lots are transferred. The sublots are to be numbered consecutively starting with Phase I filing.

2. The Lakeshore Fire Co. should review the hydrant locations. We think a hydrant should be located at the east end of the line for a maximum 500' spacing.

3. Slag is to be removed from pavement section as per the environmental impact study.

4. The radius for the circle should be increased so that delivery and garbage trucks can make the radius without driving on the

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Receiver of Taxes
ROBERT A. MARS

August 16, 1989

TO: The Planning Board

FROM: Planning Dept.

RE: Town Hall Plaza - Service Facility

This is a C-2 District and this proposal is a permitted use.

This plan has been reviewed previously and the only comments are those which still have not been addressed and:

1. An area map showing the context of development is necessary.
2. Why isn't the landscaping on the south side of the site (along the buildings) continuous?

TOWN HALL
PLAZA - SERVICE
FACILITY

HALL	PLAZA	SERVICE	FACILITY	TOWN (CONT.)
Planning	2. Curbing is necessary along the north side parking.			
	3. West side parking which faces South Park is in violation of setback requirements and must go to the Board of Appeals.			
	4. Free standing signage should be shown where appropriate.			
	5. Dumpsters need to be provided and shown where appropriate.			
	6. Free standing lighting needs to be provided and shown where appropriate.			
	7. Land use information should be provided regarding adjacent properties within 100' of the subject parcel.			
	8. The existing intersection upon entering Town Hall Plaza needs to be shown along with its distance from the proposed ingress/egrees.			
	9. Need acreage/sq. footage of site to be developed.			
	10. Remove future proposed ingress/egrees.			
	11. Is there a proposed use for the undeveloped area within the chain link fence?			
	12. If parking behind the buildings for customers, how do they?			
Now 10'	13. A few bldgs are less than 5' apart.			
	14. Only one ingress/egress is provided for the site.			
Now 12'	15. A 6' gate is too narrow for access by emergency vehicles.			
	16. Curbing or bumper blocks are necessary along east side parking.			

BUILDING INSPECTION--This proposal violates 29-129-B of the zoning ordinance on parking and will require Zoning Board approval. Elevations for Bldg. #A are listed on A-2. There is no plan layout, therefore we cannot determine the retail sales area. A detail of curbing is required. Buildings are Type 2 construction. On the fencing area, between bldg. #1 and 2, there should be a 10' space, as well as bldg. #3 and #4. All other buildings should be at least 25' apart. Under 29-119-1, one parking space is required for each 1,000 s.f. Therefore, 45 spaces are required. All gutter down spouts should be drained to the storm sewer, and should be shown on Drawing #C-5. Test borings should be conducted to insure that a proper foundation should be provided. Top soil should be delivered to the Town Hall site. There must be smoke detector systems installed.

JACK LAUCHERT

Input was also received from the Scranton Fire Dept. relative to positioning of a fire hydrant.

Revisions are to be done for the June 28th meeting.

ALONZO BULDING - NEXT TO HILLS AND DINNER BELLE -4920 CAMP ROAD.

Mr. Bob Alonzo appeared before the Planning Board on a conceptual site plan for a proposed retail bldg. to be located at 4920 Camp Road. This would be for the construction of single story, 14,050 s.f. retail bldg. A concern that was expressed by the Board was the cut-off of the existing restaurant. Comments were received as follows:

BUILDING INSPECTION - This building is in front of the existing restaurant, and utilizing some of the parking spaces. For the building, 80 spaces are required, 4 of which should be used for the handicapped. There is only 25' between the two buildings which are on two separate parcels of property. Handicap accessibility is required for both bldgs. The parking on setback requires Zoning Board approval. Detail of curbing is also required. Since this is considered a mini-plaza, 1 detached sign is permitted. Lighting should be shown on the plan. The

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ROBERT A. MARS

TO: Planning Board

FROM: Town Engineer Gilbert

DATE: 8-14-89

SUBJ: SITE PLAN REVIEW
BAYVIEW RD. - BIG TREE FIRE STATION - REVIEW #2

The following are comments on a plan dated Aug. 29, 1988, revised 7-31-89:

4.2 Show the size of the roof downspouts

6.2 Show existing grades and provide elevations at a minimum 0.30% from the pipe outlet as far as necessary.

7.2 Proof of permission must be submitted from Frontier School. Connection is proposed into their private line.
-Maintenance must be determined. We suggest the line be installed under a Public Improvement Permit if future taps are contemplated. A PIP now will simplify Town acceptance if required at a latter date.
-Construction detail sheets are required.
-Additional cover is required near manhole 7.00. There is a conflict with alignment, obtaining additional cover, and installing a ditch to the south along the side of the sanitary. Redesign as necessary.

We are not returning the review plans. We require all comments to be addressed for approval. Our review plans were returned from the 7-14-89 review.

Jack Gilbert

RJL/dp

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Receiver of Taxes
ROBERT A. MARS

August 16, 1989

TO: Planning Board
FROM: Planning Dept.
RE: Chi-Chi's

This is a C-2 District and this use is permitted.

1. No off-street parking space is permitted within 10 ft. from any property line.

=====

RE: Dowdall-Becker Mini-Warehouse (Clover Lane)

This is a C-2 District and the proposed addition to the site is a permitted use.

1. Proposed stone drive needs to be shown more accurately
(a) stone may be used only temporarily until a permanent surface is provided.

(b) What is the direction of the slope of the stone drive?

2. Why is drainage shown flowing toward proposed building?

3. Is 4 ft. between proposed building and existing fence adequate?

**TOWN OF HAMBURG
LEGAL NOTICE
SUBDIVISION - DRAUDT #9**

Notice is hereby given that the Planning Board will hold a Public Hearing on Wednesday, September 13th, 1989 in the Hamburg Town Hall, at 8:00 p.m. for the purpose of approving Draudt Subdivision #9:

ALL 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 45, Township 9, Range 7 of the Holland Land Company's survey described as follows:

Beginning at the Northwest corner of Lot No. 344 and on the Westerly bounds of lands of Herbert Draudt L. 672 - P. 467 being the Northwest corner of Draudt Subdivision Extension No. 8, Map Cover *****; thence S 89°-55'-39" E along the North bounds of said Draudt Subdivision Extension No. 8 a distance of 194.90± feet to a point on the West bounds of Oakridge Drive; thence N 0°-04'-21" E along said West bounds a distance of 75.00± feet to a point; thence S 89°-55'-39" E across Oakridge Drive a distance of 70.00 ± feet to a point; thence S 0°-04'-21" W along East bounds of Oakridge Drive a distance of 105.00± feet to a point; thence S 89°-55'-39" E along the North bounds of said Draudt Subdivision Extension No. 8 a distance of 160.00± feet to a point; thence N 8°-20'-08" E along the East bounds of proposed Draudt Subdivision Extension 9 a distance of 219.60± feet to a point being the Northwest corner of Ken Miller, Herbert Draudt and Duane Draudt L. 7521 - P. 419; thence N 7°-49'-23" W consecutively along the West bounds of Milton R. Hodgeson L. 6215 - P. 600, Joseph C. and Judith Cunningham L. 9870 - P. 82, Jacques Michaud L. 8008 - P. 111, and Linn Addison L. 7557-P.515 a distance of 228.01± feet to a point being the Northwest corner of Linn Addison L. 7557 - P.515; thence N 3°-19'-16" E along the West bounds of Marie C. Nixon L. 9835 - P. 149 a distance of 91.11± feet to a point being the Northwest corner of Marie C. Nixon L.9835 - P. 149; thence N 49°-00'-52" W along the South bounds of Larry M. and Margaret Hixson L. 9684 - P. 452 a distance of 75.58± feet to a point being the Southwest corner of said property; thence N 14°-46'-49" E along said bounds a distance of 160.32± feet to a point along said bounds of property; thence N 41°-46'-09" E along said bounds a distance of 83.25± feet to a point being the Northwest corner of Larry M. and Margaret Hixson L. 9684 - P.452; thence N 49°-43'-07" W along Southwesterly bounds of Bay View Road a distance of 539.84± feet to a point; thence S 40°-16'-54" W along Southeasterly bounds of lands of the County of Erie, L. 9126 - P. 471 a distance of 103.78± feet to a point; thence S 0°-28'-41" E consecutively along the Easterly bounds of John M. DelMonte L. 8368 - P.219, Noel and Emerling L. 5770 - P. 202, James Carriero L. 8759 - P. 447, Carlton Noche, L. 5342 - P. 33, Louise Michalek L. 9495 - P. 474, and Barbara Brandes L. 8066 - P. 563, L. 6734 - P. 273 a distance of 1040.16± feet to the point of beginning containing 9.74 acres more or less.

D0020.PAB

**RICHARD CRANDALL, CHAIRMAN
GERARD KOENIG, SECRETARY
PLANNING BOARD**

DATED: 8-8-89

DRAUDT SUBDIVISION
EXTENSION 9
AUGUST 1989
PRELIMINARY DESCRIPTION

ALL 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 45, Township 9, Range 7 of the Holland Land Company's survey described as follows:

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D0020.PAB