

Town of Hamburg Planning Board
Meeting - Actions Taken - 8-16-95

Bilodeau Subdivision
Big Tree Road

Approved as a 2 lot subdivision.
pending Health Dept. approval.

Nicotra Subdivision
Adjacent to 6299
Versailles Road

Preliminary approved.

Pumphrey Subdivision
Pleasant Acres
Southwestern & Pleasant

Approved.

Commercial Plaza &
Retail Bldg. - Camp Rd.
Peter Liberatore

Tabled to September meeting

Forest Acres Sub.
Schoellkopf Rd.
A. Lewin/M. Wysocki

Public Hearing Sept. 20th 7:30 p.m.

Tarquini Rezoning
South Park Avenue

Tabled to work session

Miller's Cars & Trucks
Lake Avenue

Tabled to work session

Emerald Green Apts.
Rogers Rd.
Patrick Burke

Revised site plan approved 1 yr.

NFTA Park & Ride
Big Tree Rd.

Board satisfied with proposal.

Request for Waiving
of Sidewalk Requirement
for D. Campbell
Tasseff Terrace

Board has no authority to waive
requirement since subdivision has
been approved with sidewalks.

Town Park Jetty

Reviewed by Planning Board.

TOWN CLERK

SEP 25 12 24 PM '95

FILED IN THE
TOWN CLERK'S OFFICE
HAMBURG, N.Y.

Town of Hamburg Planning Board
Meeting - August 16, 1995

The Town of Hamburg Planning Board met in regular session on Wednesday, August 16, 1995 at 7:30 p.m. in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Secretary Gerard Koenig, Paul Eustace, Dick Pohlman, Don Fitzpatrick. Others attending included: Rick Lardo, Kurt Allen, Rich Whipple, Drew Reilly, Rick Juda, Attorney, and Terry Dubey, Stenographer.

Public Hearing - Bilodeau Subdivision - Big Tree Road.

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
LEGAL NOTICE
PLANNING BOARD
LEGAL NOTICE —
BILODEAU SUBDIVISION
BIG TREE ROAD**

Notice is hereby given that the Planning Board for the Town of Hamburg will hold a Public Hearing for the Bilodeau Subdivision located on Big Tree Road on Wednesday, August 16, 1995 at 7:30 p.m. in Hamburg Town Hall, Room 7.

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 No. 56, Township 9, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the northerly line of Big Tree Road distant five hundred nineteen and thirty-four hundredths (519.34) feet east of the intersection of the easterly line of South Park Avenue (formerly known as White Corners Road) with the northerly line of said Big Tree Road (said point of beginning being also the southeasterly corner of lands conveyed by Laura K. Trask to Pattie Ellis and Gwendolyn Morgan by deed dated May 27, 1947 and recorded in Erie County Clerk's Office in liber 4121 of Deeds page 219); running thence easterly along the northerly line of said Big Tree Road three hundred seventy-three and thirty-six hundredths (373.36)

feet to a point distant eighty (80) feet west of the south-west corners of lands conveyed by William J. Heiser to Edward Vandepoll and Antonia C. Vandepoll his wife by deed dated August 12, 1921 recorded in said Clerk's Office in liber 1579 of Deeds page 442; thence northerly parallel with the westerly line of Delavan Avenue to which reference is made in said last mentioned deed one hundred forty (140) feet; thence continuing northerly parallel to said westerly line of Delavan Avenue and at an included angle of 169.43', seventy-four and twenty-four hundredths (74.24) feet to the south line of a permanent drainage easement as described in an instrument recorded in said Clerk's Office on January 23, 1957 in liber 6121 of Deeds page 227; thence westerly along the south line of said permanent easement four hundred seventy-two and eighty-three hundredths (472.83) feet to the center of Rush Creek which is the northeasterly line of lands conveyed by said first mentioned deed recorded in liber 4121 of Deeds page 219; thence southerly along the center of said Rush Creek and said northeasterly line of lands conveyed by said deed two hundred forty-one and forty-three hundredths (241.43) feet more or less to the north line of Big Tree Road at the point or place of beginning.

7-21-95

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

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Mr. Reilly noted that he spoke with the Health Dept. We asked to have the drawing changed to indicate the flood plain. The Health Dept. would have been willing to allow 20,000 s.f. per septic system if it had passible perc. The perc test did not pass as there are not suitable soils for the systems. The Health Dept. concurs that the most they could get out of this acreage would be 2 lots. The applicant is willing at this point to amend the drawing for a 2 lot subdivision. All other requirements are met with the exception of the change in the drawing. Comments from Engineering are as follows: 1. Sewer service is not available to the site. Water service is available to the site. 3. The Federal Emergency Management Agency flood insurance mapping indicates that the 100 year floodway and flood plain are located within the parcel. Show these areas on the plan. The flood plain elevation currently shown is not correct. Show the proposed building setback on the plan.

It was noted that the Legal Notice does not depict how many lots there are in this subdivision. Rick Juda, Attorney, responded that the reason a legal notice is sent out is to put the public on notice to come to a meeting if they have a concern with a subdivision. Assuming the premises to be affected is properly described in the notice, a statutory requirement is published so that the average reader has reasonable warning that property in which they may have an interest, is being affected. This would give them the ability to express with reasonable diligence to determine if it does affect his property or parts thereof. That is the purpose of the notice. In this case, it is advertised for a subdivision and individuals are invited to come to a hearing.

Chairman Crandall asked 3 times if anyone wished to be heard for or against this subdivision? Mrs. Eileen Eich of State Street asked how many drive cuts there would be to Big Tree Rd. If it is approved for 2 lots, there will be 2 cuts, if it comes to 3 lots, it would be 3 cuts.

Hearing no further comments, the hearing was declared closed.

Motion was made by Mr. Pohlman, seconded by Mr. Eustace to approve the preliminary for the Bilodeau Subdivision, a multiple lot subdivision not to exceed 3 lots, subject to Health Department input, issue a Negative Declaration, and waive the filing of a map cover. Carried.

Nicotra Subdivision - Adjacent to 6299 Versailles Rd.

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
LEGAL NOTICE
PLANNING BOARD
NICOTRA 2 LOT SUBDIVISION —
ADJACENT TO
6299 VERSAILLES ROAD**

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing for Nicotra Subdivision, adjacent to 6299 Versailles Road, on August 16th, 1995 at 7:35 p.m. in Hamburg Town Hall, Room 7, for Angelo Nicotra.

Beginning at a point on the center line of Versailles Plank Road (a.k.a. Versailles Rd.), at the intersection with the southerly line of lands conveyed to Daniel E. Regan and Marian H. Regan, his wife, by deed recorded on December 21, 1953 in the Erie County Clerk's Office in liber 5459 at page 143, said point being 96.74 feet northeasterly from an angle point in the center line of said highway;

thence running easterly along the southerly line of lands conveyed to Regan; and along the extension easterly of lands conveyed to Regan, 327.36 to a point;

thence northerly, at an excluded angle of 90 degrees and 8 minutes to the previous line, a distance of 90.00 feet to a point on the most northerly line of lands conveyed by Edward H. Hasenstab to Angelo J. Nicotra, by deed recorded on March 3, 1977 in the Erie County Clerk's Office in liber 8488 at page 389;

thence easterly along the most northerly line of lands conveyed to Nicotra, 337.69 feet more or less to a point on the easterly line of Lot 44, being also the westerly line of Lot 41;

thence southerly along the easterly line of Lot 44; 159.77 feet more or less, to a point;

thence westerly and parallel with both the most northerly line of Nicotra and the southerly line of Regan, 714.33 feet more or less to a point on the center line of Versailles Plank Road, said point being 90.00 feet southwesterly from the point of beginning, as measured along the center line of said highway;

thence northeasterly along the center line of Versailles Plank Road, 90.00 feet to the point or place of beginning

Being 1.76 acres more or less, including roadway.

Dated: 8-3-95

Richard Crandall, Chairman

Gerard Koenig, Secretary

Planning Board

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Chairman Crandall declared the hearing open: Mr. & Mrs. Nicotra appeared before the Planning Board on their proposed 2 lot subdivision which is located adjacent to 6299 Versailles Road. The property is zoned R-1 and they would like to sell off a lot for a single family dwelling.

Comments from Engineering are: The subject site has sewer and water service available. We have no objection if the map cover requirement is waived.

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

Motion was made by Mr. Koenig, seconded by Mr. Pohlman to approve the preliminary, issue a Negative Declaration and waive the filing of a map cover. Carried.

Pumphrey Subdivision - Pleasant Acres - Mrs. Anna Pumphrey

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
LEGAL NOTICE
PLANNING BOARD
Pleasant Acres Subdivision Reduced from 8 lots to 4 lots on Pleasant Avenue & Southwestern Blvd.**

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing for Pleasant Acres Subdivision on August 16th, 1995 at 7:40 p.m. in Hamburg Town Hall, Room 7, for Anna Pumphrey for 4 lots. This is a reduction from 8 lots, which was originally approved. Property is located on Pleasant Avenue & Southwestern Blvd.

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 33, Township 9, Range 8, of the Holland Land Company's Survey, being more particularly bound and described as follows:

BEGINNING at a point on the east line of deed recorded in the Erie County Clerk's Office in Liber 314 of Deeds at Page 185, were said east line intersects the centerline of Pleasant Avenue; THENCE, northeasterly at an interior angle of 129-02-26, and along the centerline of Pleasant Avenue, a distance of 405.71 feet to angle point in the centerline of Pleasant Avenue; THENCE, continuing northeasterly along the centerline of Pleasant Avenue, at an exterior angle of 186-40-56, a distance of 744.72 feet to a second angle point in the centerline of Pleasant Av-

enue; THENCE, continuing northeasterly, at an exterior angle of 199-53-21 and along the centerline of Pleasant Avenue, a distance 122.55 feet to a point on the east line of lands conveyed to Hines; THENCE, southerly at an interior angle of 78-02-11 and along the east line of Hines which is parallel to the east line of Lot 33, a distance of 652.33 feet to a point on the northwesterly of Southwestern Boulevard; THENCE, southwesterly at an interior angle of 132-58-56 and along the northwesterly line of Southwestern Boulevard, a distance of

Pumphrey Subdivision (Cont.) Pleasant Acres.

Office in Liber 3108 of Deeds at Page 526; THENCE, northerly, at an interior angle of 46-30-42, and along the east line of Liber 3108 of deeds at Page 526, a distance of 249.0 feet to the north east corner thereof; THENCE, southwesterly along the northerly line of Liber 3108 of deeds at Page 526, a distance of 249.0 feet to the north west corner thereof; THENCE, northerly at an interior angle of 46-30-42 and along the east line of lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 314 of deeds at Page 185, said line being parallel to the west line of Lot 33, a distance 503.91 feet to the place or point of beginning, containing 16.9 acs. of land, more or less, exception that parcel of land conveyed by a deed recorded in the Erie County Clerk's Office in Liber 10885 of Deeds at Page 3887

Richard Crandall, Chairman
Gerard Koenig, Secretary
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670.45 feet to the southeast corner of lands conveyed by Deed recorded in the Erie County Clerk's Office in Liber 6167 of deeds at Page 18, THENCE, northerly at an interior angle of 43-30-28, and along the east line of Liber 6167 of deeds at Page 18, a distance of 433.70 feet to the northeast thereof; THENCE, southwesterly at an interior angle of 309-34-02, and along the northerly line of lands conveyed by deeds recorded in the Erie County Clerk's Office in Liber's 6167 of deeds at Page 18 and 3629 of deeds at Page 425, a distance of 282.20 feet to the northwest corner of Liber 3629 of deeds at Page 425; THENCE, southerly at an interior angle of 230-26-12 and along the west line of Liber 3629 of deeds at Page 425, a distance of 425, a distance of 460.30 feet to the southwest corner thereof; THENCE, southwesterly at an interior angle of 133-29-18, and along the northwesterly line of Southwestern Boulevard, a distance 255.0 feet to the southeast corner of lands conveyed by Deed recorded in the Erie County Clerk's

Chairman Crandall declared the hearing open:

Mrs. Anna Pumphrey appeared on behalf of her subdivision. This was once approved for 8 sub lots and is now being reduced to 3 building lots on Southwestern and Pleasant Avenue. Engineering came up with the idea of land hooking two remaining lots to call it a 4 lot subdivision. The parcel is under one SBL number and is used as a surveyor's tool which is legal. The other lot is not saleable as there is a stream and guard rail on the property. A note should be made on the drawing that the 2 parcels constitute the 4th lot.

Comments from Engineering are as follows: 1. It should be noted on the plan that the remaining parcel is not being approved as a residential building lot. We have no objection if the map cover requirement is waived for the 3 lots.

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

Motion was made by Mr. Fitzpatrick, seconded by Mr. Koenig to approve the preliminary, issue a negative declaration, and waive the filing of a map cover. Carried.

Commercial Plaza and Retail Building - Camp Road - Peter Liberatore

Attorney Jay Pohlman and Peter Liberatore appeared before the Planning Board on a proposed commercial plaza and retail building

Commercial Plaza - Camp Road

located on Camp Road near Karstedt's. The applicant has reduced the number of buildings from 5 to 3. This will fit better on the lot. The driveway has been redesigned and in speaking with Engineering, we have to submit a request to DOT for the entrance and the curb cut. One of the changes that we have made is to eliminate the tear drop island portion that breaks up the entrance. We could reduce the size of the entrance and still have the island back away from the entrance.

Mr. Reilly noted that revised plans were submitted today and there has not been enough time for Engineering or Planning to review them. **Engineering** comments are as follows: Remove address of 5893 Camp Road from all submittals. The building address will be issued by this department after site plan approval is granted. Include storm water offsite flows in the drainage calculations. Show the width of the sanitary sewer easement along the south property line. Provide for offsite runoff onto the site. All storm sewers are to have a minimum of two (2) feet of cover on top of the pipe. Provide roof drain locations and size. Show the connection locations to storm sewers. Note on the plans that a NYSDOT permit is required for the site. Provide a letter of approval of the design from the DOT. Provide a fire hydrant at the rear of the site. Provide a letter of approval from Erie County sewer Dist. 3 for the sanitary sewer design. Provide additional construction details for the detention pond. Note on the Erosion Control plan that the detention basin, storm system and silt fence are to be completed and operational prior to the building foundation work. Add silt fence along the east property line.

Drew Reilly noted that the entranceway is a concern as they are presently reconstructing that area of Camp Road. We don't especially like the layout as there is a great deal of blacktop and too many turns into the property. Board members would rather see landscaping in place of the decorative pond. In closing board would like to see the island eliminated with more landscaping on the side and front.

Motion was made by Mr. Koenig, seconded by Mr. Eustace to Table until the September meeting. Carried.

Forest Acres Subdivision - A. Lewin & M. Wysocki - Schoellkopf Rd.

Mr. Michael Wysocki appeared before the Planning Board on the proposed 25 lot subdivision of Forest Acres on Schoellkopf Rd. Applicants were asked to bring in revised drawings as well as an amended SEQR. The question is should this subdivision be approved with lot sizes as drawn. This is the area where consideration has been given to having 5 acre lots which is adjacent to Privacy Subdivision. If we approve Forest Acres with smaller lot size, then a request will be made for smaller lots in Privacy Subdivision. Is this what the Planning Board wants? There was an

agreement made last year that if they put in larger lots, the Planning Board would approve it. Now, there is a subdivision next door that meets the bare minimum requirements in zoning. If Forest Acres is approved, they will be back to ask for the same conditions on Privacy.

Mr. Koenig pointed out that with Forest Acres, there will be green space in the back, while in Privacy Subdivision, there is no green space and we are taking the recreation fee of \$600 per lot. There is a difference in density. Both subdivisions are different.

Engineering Comments are as follows: Water service is available to the site. Stormwater detention will be required. Show the proposed pond location on the plan. A key location map should be shown on the plan. There are 25 lots approved for residential construction, and not 26 as noted on the plan.

In closing, it was noted that the Public Hearing on this subdivision was never held. Public Hearing to be set up for September 20th meeting.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Eustace to **Table** for a public hearing. Carried.

Tarquini Rezoning Petition - 13 Acres - South Park near King Arthur's Court -

Mr. Peter Krog appeared before the Planning Board for the recommendation on 13 acres of property which is located on South Park near King Arthur's Court. The request is from R-3 to C-2, General Commercial. Board members again argued that they would prefer to see either an N-C or C-1 zoning for this area. The Board members were split 3-2 on C-1 versus C-2. **Engineering Comments:**
1. Sanitary sewer service is available to the site. The front of the property is in the Hamburg Master Sewer District and the back portion is in Erie County Sewer District #3. The site is in the Central Hamburg Water District. A watermain extension by the developer would be required to service the site. Storm water detention facilities would be required as a condition of development of the parcel.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Pohlman to **Table** for the September 6th work session. Carried.

Millers Car and Truck Company - Lake Avenue - Proposed

Messrs. Ron Miller and David Bruce appeared before the Planning Board on a proposed pole building to be located at Ron Miller's cars on Lake Avenue. Back in 1985, they received a 25' variance on off street parking for their facility. This request is still valid. Comments were presented by **Engineering** as follows:

agreement made last year that if they put in larger lots, the Planning Board would approve it. Now, there is a subdivision next door that meets the bare minimum requirements in zoning. If Forest Acres is approved, they will be back to ask for the same conditions on Privacy.

Mr. Koenig pointed out that with Forest Acres, there will be green space in the back, while in Privacy Subdivision, a recreation fee of \$600 per lot is required.

Engineering Comments are as follows: Water service is available to the site. Stormwater detention will be required. Show the proposed pond location on the plan. A key location map should be shown on the plan. There are 25 lots approved for residential construction, and not 26 as noted on the plan.

In closing, it was noted that the Public Hearing on this subdivision was never held. Public Hearing to be set up for September 20th meeting.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Eustace to **Table** for a public hearing. Carried.

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Motion was made by Mr. Fitzpatrick, seconded by Mr. Pohlman to **Table** for the September 6th work session. Carried.

Millers Car and Truck Company - Lake Avenue - Proposed

Messrs. Ron Miller and David Bruce appeared before the Planning Board on a proposed pole building to be located at Ron Miller's cars on Lake Avenue. Back in 1985, they received a 25' variance on off street parking for their facility. This request is still valid. Comments were presented by **Engineering** as follows: 1. Show the proposed water service to the building. 2. Show the proposed sewer service to the building. Erie County Sewer

District #3 must approve the service connection. Show the proposed roof downspout lines piped to an acceptable storm sewer system. The existing lot is stone. Specify new asphalt pavement area and provide a pavement section. The owner is using the railroad property to the west of his parcel to park vehicles. The vehicles should be removed or the area paved (if the railroad has granted approval for this usage). Show the existing and proposed lighting for the site. There are currently several trailers located on the site. Will the trailers be removed from the property?

Chairman Crandall noted that he is concerned about the aesthetics of the building. Also, areas should be landscaped and since this area will be used for trucks, the blacktop should consist of a heavy duty material. If all issues are satisfied, this item could be advertised for the September 6th work session.

Motion was made by Mr. Koenig, seconded by Mr. Eustace to **Table**. Carried.

Emerald Green Sketch - 92 Apartments - Rogers Road.

Mr. Patrick Burke appeared on behalf of the revised layout for Emerald Green Apartments. The buildings now include garages attached to the buildings. They are creating a more marketable luxury apartment unit. Comments from Engineering are as follows:
1. The layout is generally acceptable to our department. Revisions to the construction plans will be required. This office will review and approve the plans after the Planning Board grants site plan approval.

Mr. Donald Weiss of Cloverbank Road noted that the Heart Trail Agreement has not been complied with. Mr. Crandall will look into the matter.

Motion was made by Mr. Koenig, seconded by Mr. Pohlman to approve the revised site plan for one year, and the extension request is negated. Carried.

NFTA Park & Ride Facility - Big Tree

Messrs. Mike Piazza and Richard Buck appeared before the Planning Board on the proposed Park and Ride which is to be located on Big Tree Road. The issue of piped ditches was discussed and the Highway Supt. is presently working with the contractor on this matter. It was noted that an 8' fence has been indicated on the drawing. If they decide to go with an 8' fence, an appearance will be required before the Zoning Board of Appeals for a variance.

Comments from **Engineering** are as follows: Curbing or parking bumpers are to be installed for all parking spaces around the perimeter of the site. Note on the plan that a permit from the Town of Hamburg Highway is required for work along Old Big Tree

Road, and a NYSDOT permit for work along Lake Shore Rd. Note on the plan that the Town's Clearing, stripping, and Erosion Control permit requirements are to be complied with during construction.

Chairman Crandall noted that the NFTA has provided sufficient information to the Town, and the board is satisfied. Motion was made by Mr. Pohlman, seconded by Mr. Fitzpatrick that the Planning Board is satisfied with the new Park and Ride Facility. Carried.

Request by D. Campbell on Tasseff Terrace to waive sidewalk requirement.

Chairman Crandall commented that Mr. Donald Campbell called him and asked to have the sidewalk requirement waived for his property on Tasseff Terrace. It was noted that since this subdivision was approved with the sidewalk requirement, & shown on the plan, the Planning Board has no authority to waive the requirement for one property owner.

Nike Recreation Site - Town Facility

Drew Reilly noted that comments for a coordinated review were submitted to the Dept. of Env. Consv., Dept. of Env. & Planning, and other agencies for review. To date, the only response that we received was from Holfoth Risk Management. We have also received information from Niagara Mohawk on fly ash. This item will be reviewed again at the September 6th work session.

Comments from Engineering are as follows: A clearing, stripping, and Erosion Control permit will be required to be obtained from the Engineering Dept. A County highway permit will be required for the Lakeview Road driveway access and drainage culvert. A drainage collection system will be necessary around the base of the hill. The assistance of the Town Buildings and Grounds Dept. will be needed for clearing of grass and brush from the site, in order to provide access for survey and stake-out by our department. The potential insurance risks and ramifications associated with the Town operating a facility for sledding, tobogganing, tubing, and snow boarding have been analyzed by the Town's Insurance Consultant. Their concerns should be addressed.

Review of Drawings for the Town Park Jetty Project

Board members reviewed the proposed drawing for the Town Park Jetty Project. Since this matter has already been advertised for bid, no comments were presented by the Planning Board. It was noted that the Town Board should set up some type of policy for projects which the Town itself approves as a governmental agency.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Pohlman to approve the minutes of the meeting of July 19th. Carried.

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

Respectfully submitted,

Gerard Koenig
Gerard Koenig, Secretary
Planning Board