

**Town of Hamburg
Planning Board Meeting
August 17, 2005
Actions Taken**

**Old Milestrip Subdivision
Old Milestrip Road**

Approved Preliminary

**Clark Street 2 lot Subdivision
Clark Street
Duane Draudt, Developer**

Approved Preliminary

**ABASCO Subdivision & Site Plan
5225 Southwestern Blvd.**

**Public Hearing on Subdivision set for
September 21st, 2005 at 7:30 p.m.
Site Plan to also be reviewed**

**Matusick Rezoning
McKinley Parkway**

**Zone to be amended to H-C, Hamburg
Commercial**

**Town of Hamburg Planning Board
Meeting - August 17, 2005**

The Town of Hamburg Planning Board met for a regular meeting on Wednesday, August 17th 2005 in Room 7B of Hamburg Town Hall. Those attending included: Chairman Gerard Koenig, Vice-Chairman David Phillips, Paul Eustace, Secretary, Steve McCabe, Sasha Yerkovich, Karen Rogers. Others attending included: Drew Reilly, Rick Lardo, Attorney Don McKenna, Michael Fruth, Atty., and Terry Dubey, Stenographer. Excused: Bob Reynolds

Old Milestrip Subdivision - Old Milestrip Road

Secretary Eustace read the following Legal Notice of Public Hearing:

**LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
2 LOT SUBDIVISION
OLD MILESTRIP SUBDIVISION
OLD MILESTRIP ROAD**

The Town of Hamburg Planning Board will conduct a Public Hearing on a 2 lot subdivision known as Old Milestrip Subdivision located on Old Milestrip Rd. on August 17, 2005 at 7:30 p.m. in Room 7B of Hamburg Town Hall.

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. 40, T-10, R-7 of the Old Ogden or Old Buffalo Creek Reservation according to a survey and Map made by John Lamberton, surveyor, bounded and described as follows:

Beginning at a point on the south line of Lot 40, said point being the intersection of the west boundary line of land heretofore conveyed to Jerome Joseph and Genevieve V. Zasowski, by deed dated June 17th, 1946, and recorded in

the Erie County Clerk's Office September 16th, 1946 in Liber 3979 of Deeds at page 271; said point of intersection also being at a point which is a distance of 425.85 feet measured easterly from the intersection of the west line of Lot 40 and the south line of Lot 40; thence running northerly along the said westerly boundary line of lands so conveyed to Zasowski, a distance of 330 feet to a point; thence westerly on a line parallel with the south boundary line of Lot 40, a distance of 120 feet to a point; thence southerly and parallel with the first mentioned boundary line which is also parallel with the said westerly line of Lot 40, a distance of 330 feet to the south boundary line of Lot 40; thence easterly along the south boundary line of Lot 40 a distance of 120 feet to the point or place of beginning.

Dated: 8-4-05

Gerard Koenig, Chairman
Paul Eustace, Secretary
8-11 Planning Board

Chairman Koenig declared the hearing open:

Mr. Reilly explained that originally, Mr. Hollins applied for a review for six condo units. However, he never pursued that project and constructed a duplex zero lot line unit which needs minor subdivision approval. The units have been built, and each unit was sold independently.

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

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to issue a Negative Declaration on the project, approve the preliminary for the two zero lot line units; waive the filing of a map cover, as well as the sidewalk requirements; subject to deed restrictions and the Engineering memo of 8-17-05. Recreation fee is to be charged for each unit. Carried.

TOWN OF HAMBURG

ENGINEERING DEPARTMENT

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

Supervisor
PATRICK H. HOAK

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

Town Engineer
GERARD M. KAPSIK, P.E.



Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

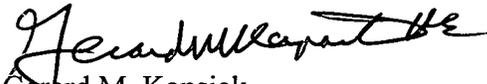
DATE: 8/17/05

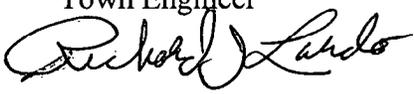
SUBJ: 8/17/05 PLANNING BOARD MEETING AGENDA
Minor Subdivision-Old Milestrip Road - Hoss Inc.

The following are review comments on a survey plan dated 10/8/04:

- (1) The Planning Board granted contingent approval on 2/18/04 for a six unit condo project at this site that was never approved by this office or constructed.
- (2) We have received an acceptable legal description for the project.
- (3) The building shown in the survey has been constructed without the required approvals from the Planning Board or our office.
- (4) The developer should be required to record deed restrictions which are typically required by the Planning Board for zero lot line units.
- (5) The survey should identify the building as a zero lot line dwelling (not a duplex).

All comments are to be satisfactorily addressed for approval.


Gerard M. Kapsiak
Town Engineer


Richard J. Lardo
Principal Engineer

TOWN OF HAMBURG

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



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Town Attorney
VINCENT J. SORRENTINO

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

Town Clerk
CATHERINE A. RYBCZYNSKI

August 23, 2005

Supt. of Highways
JAMES F. CONNOLLY

Hoss Inc. HDI Builders
4408 Milestrip Rd.
Blasdell, NY 14219

Subject: Old Milestrip Subdivision

Please be advised that the preliminary for your two lot subdivision was approved at the last Planning Board meeting held on August 17, 2005.

Mr. Rick Lardo, of Engineering, needs the deed restrictions before the sign off can be made.

If you have questions, feel free to call us at 649-2023.

Very truly yours,

Town of Hamburg Planning Department

Andrew C. Reilly
Andrew C. Reilly, Planning Consultant

ACR:tad

Clark Street 2 lot Subdivision - Duane Draudt, Developer

Secretary Eustace read the following Legal Notice of Public Hearing:

**LEGAL NOTICE
CLARK STREET
2 LOT SUBDIVISION
(DUANE DRAUDT, DEVELOPER)**

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a 2 lot subdivision located on Clark Street for Duane Draudt on August 17, 2005 at 7:45 p.m. in Room 7B of Hamburg Town Hall.

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. 44, T-9, R-7 of the Holland Land Company's Survey:

Beginning at a point in the center of Clark Street where it is intersected by the easterly line of land conveyed to Harry Kuster and Cecelia Kuster, his wife, by deed dated April 29, 1935 and recorded in the Erie County Clerk's office in Liber 2425 of deeds at page 1; thence northeasterly along the center line of Clark Street 168.74 feet to land now or formerly owned by Knab; thence

southeasterly along the southwesterly line of land formerly owned by Knab which is also the northeasterly line of lands conveyed to Ferdinand H. Asbury and Mary R. Asbury by deed recorded in the Erie County Clerk's office in Liber 5741 of deeds at page 173, 300 feet; thence southwesterly 516.68 feet to the southeasterly corner of lands conveyed to Harry Kuster and Cecelia Kuster, his wife, by deed above mentioned; thence northerly along the easterly line of lands so conveyed to Harry Kuster 409.66 feet to the place of beginning.

Dated: 8-4-05

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

8-11

Chairman Koenig declared the hearing open:

Mr. Duane Draudt appeared on behalf of this minor subdivision. He noted that he purchased the dwelling unit with an extra lot, and now wants to build a home for himself. Mr. Draudt owns all the land behind this lot. The driveway will be kept on S.L. 2.

Chairman Koenig pointed out that the Traffic Safety Board would like to see a turn around driveway. There is a great deal of depth to the property, and Mr. Draudt responded that he plans on putting in a turn around driveway. He also has another driveway on Best Street. The barn will be kept.

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

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to issue a Negative Declaration on the project, approve the preliminary, waive the requirements for the filing of a map cover, as well as the sidewalk requirements, and comply with all Engineering comments. Lot #2 will be relocated, a recreation fee will be charged, and the drawing should state "preliminary plat." Carried.

Burke Industrial Park. The DEIS has been received and the board is to review the document for completeness. Comments are to be made at the September 7th work session.

TOWN OF HAMBURG

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board
FROM: Engineering Dept.
DATE: 8/17/05
SUBJ: 8/17/05 PLANNING BOARD MEETING AGENDA
Clark Street Subdivision for Duane Draudt

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

- (1) The legal description is acceptable.
- (2) Public sanitary sewer service is available to the site.
- (3) Public water service is available to the site.
- (4) There are no public sidewalks in the area. We have no objection to waiving the sidewalk requirement.
- (5) We have no objection to waiving the Map Cover requirement.
- (6) The existing driveway for Lot No. 2 is to either be relocated or an easement provided within Lot No. 1.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

ABASCO Subdivision & Site Plan - Southwestern Blvd.

Mr. Greg Burrows of ABASCO, appeared before the Planning Board with aerial views of the proposed addition to their facility on Southwestern Blvd. Revised plans have been submitted. Also, the legal description on the subdivision has been submitted so a Public Hearing can be set up.

Mr. Burrows noted that Mr. Liberatore will not sell them enough property for parking of 60 cars. At the present time, they have 20 employees and will be hiring another ten when the addition is completed. Board members noted that a variance on parking can be considered.

Mr. Lardo of Engineering stated that he has reviewed the legal description and it does not match the survey. He has forwarded the description back to NESW for correction.

Chairman Koenig stated that he feels the Public Hearing should be held at the regular meeting as there are residents who are interested in the project. The hearing and site plan review can take place simultaneously on September 21st.

As for the revised site plan, the drawing shows no encroachment on the property owners Deb & Jim Ucci, located at 3359 Creekview. It appears that the surveyor measured wrong on the first plan. This has now been corrected.

There are several Engineering issues that are still outstanding. On the revised drawing, the biggest change is that they have pushed the drainage swale more toward the building to lessen disturbance of the tree line. The ditch is overgrown. If necessary, the applicant is willing to replant more trees. There will be a catch basin for drainage. Mr. Burrows also stated that they will be installing an overhead door for better ventilation as the heat inside reaches 120 degrees.

Mr. Reilly stated that he has concerns on the disruption of trees and that the area should be piped. The applicant is to work with Rick Lardo of Engineering to work this out to come to a better solution..

The hydrant is located at the corner of the existing building. A landscaping plan is required as this project is located in the Southwestern overlay zone. More trees have been added in the parking area. Exterior lighting has been shown that is off the building and faced downward

Mr. Reilly stated that the Planning Department has received a documentation of the dates and time that noise is heard while picking up the dumpster. (See attached sheet from Deb Ucci). A memo has been sent to Chief Coggins to determine what residents should do if awakened at 4:50 a.m.

It was noted that Mr. Vic Liberatore owns that portion of the facility and that noise could be coming from this dumpster location pickup point. MSDS sheets have been provided.

(ABASCO cont.)

Mrs. Rogers stated that perhaps Mr. Burrows could speak to the employees about using fowl language outside and confine their remarks inside.

Kathy Scharlock, of 3369 Creekview, noted that at the last meeting the issue of the air compressor was discussed. This same compressor kept going off on Saturday, all day long. This noise has not stopped. Also, the trees that are in place, belong to the residents. The foliage on their property is just vines. Mr. Burrows will speak to Frank Saile about the compressor.

Carol Dane of Creekview noted that it was her opinion that the Planning Board should protect the residents. ABASCO has a mess back there. Board members responded that the Planning Board is not an enforcement agency. They have no authority to enforce environmental rules or noise problems.

Kathy Scharlock asked why the extra height to the addition? Response: The corporation has 2 potential contracts; the missile project that involves Lockheed Martin F-22 raptor jets. They have an assembly system that is 28' in height and height is needed for the crane. They work on the fuselage of a plane and install hydraulic wings. They are also involved in the DDX program for the Navy.

Mr. Burrows advised that the debris in the back belongs to Victor Liberatore. Also the trees belong to Victor.

On the variance for the parking, Motion was made by Mr. Phillips, seconded by Mr. Eustace to forward a favorable recommendation to the Zoning Board to reduce the parking requirements from 60 spaces to 25 spaces. Carried. The Zoning Board meeting will be held on September 6th.

Motion was made by Mr. Phillips, seconded by Mr. McCabe to Table to the September 21st meeting. Carried.

Matusick Rezoning - McKinley Parkway

This rezoning was referred to the Planning Board for consideration. The petition states that the parcel should be N-C, or H-C. Mr. Reilly stated that it has to be one or the other. The Town Attorney has requested that the petition reflect one specific zoning and be amended. After considerable discussion, board members and Mr. Matusick agreed that the petition should reflect an H-C, Hamburg Commercial zoning. Recommendation to the Town Board can be made at the September 7th Planning Board Work Session.

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Supt. of Highways
JAMES F. CONNOLLY

FROM : Engineering Dept.
DATE : 8/17/05
SUBJ : 8/17/05 PLANNING BOARD MEETING AGENDA
ABASCO Subdivision and Expansion -5225 Southwestern Blvd.

Minor Subdivision

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

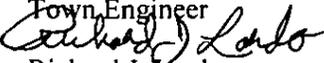
Site Plan

The following are review comments on a site plan dated 6/20/05 and revised on 8/2/05:

- (1) It appears that the building may not meet the 400 feet hydrant requirement of the New York State Fire Code. Contact the Town Building Inspector for direction. Show the nearest fire hydrant on the site plan.
- (2) Provide clearing limits for the project. Label all non-pavement areas to be topsoiled and seeded.
- (3) The Planning Board is to review and approve the site landscaping. A landscaping plan needs to be submitted.
- (4) Provide a pavement detail and parking bumpers for all parking spaces.
- (5) Show the locations of all exterior lighting.
- (6) The proposed swale would be seven (7) feet deep and require removal of the existing vegetation. It is suggested that a storm sewer close to the building instead be installed between the existing storm sewer and the easterly property line.
- (7) The building water service is not located on the parcel. Is there a utility easement? The sanitary sewer serving both buildings is private. Is there a sewer use and maintenance agreement?

All comments are to be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.
Town Engineer


Richard J. Lardo
Principal Engineer

August 17, 2005

To: Chief Joseph Coggins
Town of Hamburg Police Department
S-6100 South Park Avenue
Hamburg, NY 14075

Dear Chief Coggins:

We are presently reviewing a site plan addition for ABASCO on Southwestern Blvd. (Once known as Century Warehouse). The residents of Country Woods have appeared at our meetings and have complained about a dumpster pickup that wakes them up at 4:50 a.m.

Isn't there a noise ordinance? What should these residents do if they are continuously awakened from a sound sleep?

Please advise.

Town of Hamburg Planning Department

Drew Reilly, Planning Consultant

DR:tad

Ucci
3359 Creekview Drive

Documentation just started as of date below, this has been going on for at least 6 months?
or more.

Saturday
July 16, 2005
Approx. 5:50 AM – garbage truck, dumpster crash

Thursday
July 21, 2005
Approx. 4:50 AM – garbage truck, dumpster crash
Approx. 7:15 AM – voices heard

Friday
July 22, 2005
Approx. 7:20 AM – voices heard, loud music from car

Tuesday
July 26, 2005
Approx. 9:55 PM – truck with engine running, headlights on for approx. 20 min
building lights not on, looks like cars pulling out after truck
truck back at 10:30 PM for just a few minutes

{Gone a few days --vacation}

Thursday
August 4, 2005
Approx. 5:09 AM – garbage truck, dumpster crash
Approx. 7:22 AM – yelling and foul language (f--- bombs)

Wednesday
August 10, 2005
Approx. 6:25 AM – beeps from truck, garbage truck, dumpster crash

Thursday
August 11, 2005
Approx. 6:19 AM – garbage truck, dumpster crash
Approx: 7:25 AM – yelling, foul language (f--- bombs)

On minutes, Motion was made by Mr. Phillips, seconded by Mr. McCabe to approve Work Session minutes of July 6th, 2005. Carried.

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to approve the minutes of the meeting of July 20th. Carried.

Motion was made by Mr. McCabe, seconded by Mrs. Yerkovich to adjourn the meeting. Carried. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Paul Eustace, Secretary
Planning Board