

Town of Hamburg Planning Board  
Meeting - August 19, 1998

Actions Taken

Frank Guadagno 2 lot  
Subdivision - near  
2581 Lakeview Rd.

Preliminary approved with  
conditions.

Sawgrass Court Part II,  
Phases 1 & 2

Reapproved preliminary

Iroquois Energy Addition  
and Garage - Camp & Nash Rd.

Approved contingent upon  
ZBA approval & Engineering

Chiacchia Law Office  
5113 South Park Avenue

Approved.

Corto's Beauty Salon  
6108 South Park Avenue

Approved contingent upon  
Engineering & ZBA approval

Benchmark Retail  
Southwestern & Big Tree

Concept approved. To proceed  
with site plan review.

Sprint Tower  
Nick Site  
Lakeview Rd.

Update given on status

Maplewood Apartments  
Southwestern Blvd.

Repositioning of units  
approved.

Dennis Griffin Auto Resale  
4090 St. Francis Dr.

Tabled.

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

7:38 PM '98

TOWN CLERK

**Town of Hamburg Planning Board  
Meeting - August 19, 1998**

The Town of Hamburg Planning Board met in regular session in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Paul Eustace, Dick Pohlman, Don Fitzpatrick. Others attending included: Drew Reilly, Don McKenna, Attorney, Wendy Salvati, Rick Lardo, and Terry Dubey, Stenographer.

Minutes of the meeting of July 15, 1998 were approved on motion by Mr. Pohlman, seconded by Mr. Eustace. Carried.

Excused: Sue Ganey

Public Hearing - Frank Guadagno 2 Lot Subdivision - Lakeview Road

Secretary Koenig read the following Legal Notice of Public Hearing:

**LEGAL NOTICE  
TOWN OF HAMBURG  
PLANNING BOARD  
GUADAGNO 2 LOT  
SUBDIVISION  
NEAR 2581 LAKEVIEW ROAD,  
LAKEVIEW, N.Y.**

Notice is hereby given that the Planning Board of the Town of Hamburg will hold a Public Hearing for a 2 lot subdivision known as the "Guadagno 2 lot Subdivision" on Wednesday, August 19, 1998 at 7:30 p.m. in Room 7 of Hamburg Town Hall.

Certificate of Complete Record Search, County of Erie, against all that plot of land situated in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number

thirty-six (36), township nine (9), range eight (8) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING in the north line of Lot Number thirty-six (36) and in Lakeview Avenue, distant nineteen hundred seventy-eight (1978) feet westerly from the northeast corner of Lot Number thirty-six (36); thence easterly along the north line of Lot Number thirty-six (36) in Lakeview Avenue three hundred twenty six and sixty-eight hundredths (326.68) feet to a point; thence southerly parallel with the east line of Lot Number thirty-six (36), two thousand (2000) feet to an iron pipe which is distant nineteen hundred sixty (1960)

feet north of the south line of Lot Number thirty-six (36); thence westerly parallel with the north line of Lot Number thirty-six (36), three hundred twenty-six and sixty-eight hundredths (326.68) feet; thence northerly parallel with the east line of Lot Number thirty-six (36), two thousand (2000) feet to the north line of Lot Number thirty-six (36) in Lakeview Avenue to the point of beginning, containing fifteen (15) acres more or less.

**RICHARD CRANDALL, Chairman  
GERARD KOENIG, Secretary  
Dated: 8-6-98**

Chairman Crandall declared the hearing open:

Mr. Frank Guadagno appeared before the Planning Board on a proposed 2 lot subdivision to be located on Lakeview Road. This is a subdivision of land on a 15.5 acre parcel. The property is zoned Residential Agricultural and is in the South Central Conservation Agricultural area. A note is to be added to the drawing that the property is not to be further subdivided.

Mr. Guadagno reported that the existing septic tank is in front of 2581 Lakeview Road. The sand filter is on the front lot.

The Planning Board feels that the structure should be within the 200' width of the property to conform with zoning. Also a Map Cover is to be filed in the Erie County Clerk's office in order to preserve the intent of the conservation law.

Mr. Guadagno objected to the filing of a Map Cover. Attorney Don McKenna noted that the filing of a map cover is expensive and time consuming. He feels that a declaration of restrictions should

be submitted and drawn by Mr. Rooth to make it simpler and cheaper, with a certified copy to be attached to the drawing.

Mr. Reilly stated that deed restrictions do not help the Town on enforcement. If a map cover is filed, it protects the buyer and the Town. The Building Inspection Dept. has complained in the past that deed restrictions do not work.

Attorney McKenna continued that deed restrictions with notes added would cover the problem. If a certified copy is attached to the drawing, this would serve as better notice, and becomes part of the zoning status.

Chairman Crandall disagreed with that rationale. He stated that this problem has come up in code review discussions time after time. The issue is to be checked out.

**Engineering Comments:** 1. Sanitary sewer service is not available to the site. 2. Public water service is available to the site. 3. Provide the location of the existing septic system. 4. We have no objection if the map cover requirement is waived.

Motion was made by Mr. Pohlman, seconded by Mr. Fitzpatrick to approve the preliminary, waive the map cover with the provision that deed restrictions be drawn up and a certified copy be attached to the drawings; that there will be no further subdivision of the property; that the structure be placed in the 200' width requirement to comply with zoning; that a Negative Declaration is to be issued. Carried.

#### Reapproval of Sawgrass Court Part II, Phases 1&2

**Engineering Comments:**

The preliminary subdivision plan was previously approved by the Planning Board on 6-7-95. We have no objection to reapproval of the original plan prepared by Nussbaumer & Clarke, Drawing No. SC2284, dated 2-6-95.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to reapprove the preliminary for Sawgrass Part II, Phases 1&2 as outlined on Drawing SC 2284 dated Feb. 6, 1995. Carried.

#### Iroquois Energy - Camp Road - Addition and Garage

A review has been made for the Iroquois Energy Addition, which is 32' x 70', with an 80' x 20' garage to be located on Camp & Nash Roads. An appearance before the Zoning Board of Appeals will be required on the rear yard setback. A letter was received from Robert Dunlop Harris noting Engineering Changes. They are: 1. Additional grade elevations have been added to the plan especially along Norther P.L. with a note added to assure run-off to the south. 2. The existing fin. floor is noted as the Benmark of 100.00'. 3.

The utilities are all existing with the sanitary sewer lateral, water, gas & Electric all indicated as we believe them to be located. The new service demands will all connect to existing laterals. 4. Roof eave gutters will be drained to exposed D.S. and then run into 4" O PVC storm drains hubs at grade and thence to new C.B. 5. We have upsized the storm sewers and corrected the inv. elev. at C.B. #3. 6. A note has been added near the title block stipulating work is not to be done within the NY ROW without a NYS permit. The storm drainage calculations are being sent to Brian Skok at the South Erie DOT office relative to the acceptability of our off site storm water reception. 7. Reference to a possible "Future Building Expansion" has been deleted. 8. Paving profile has been revised to 10" stone base and 2" binder course depths. 9. Town of Hamburg Engineering Standards will be followed as pertains to CSEC and we added an erosion control detail to the plan along with the CSEC plan requirements. 10. It is my understanding this project is on the ZBA agenda for rear/side yard variances and we request your approval contingent upon favorable ZBA action. Robert D. Harris, Architect.

**Engineering Comments:** 1. A site plan for this parcel was previously approved by the Planning Board on 8-29-88. 2. Provide existing site elevations and an elevation bench mark. 3. Show the location of the existing sanitary sewer lateral and water service. 4. The storm sewer elevations and/or slopes are not mathematically correct. Revise as necessary. 5. Note on the plan that a NYSDOT permit is required for work within the Camp Road highway right-of-way. 6. Note that the "future building expansion" shown on the plan is not approved at this time, and will require separate site plan review and approval. 7. Additional stone based (10") and asphalt binder (2") is required for the proposed paving section.

**Traffic Safety** - Remove driveway on Camp Rd. and use Nash Rd. entrance only.

A letter was received from Michael and Kelly Skowronski of 3362 Nash Rd. which reads as follows: Mr. Ted Kurtzman and Mr. John Howe, owners of 3368 Nash Road, have approached us about the planned expansion of their building. We have looked at a copy of their site plan and discussed the setback variance that is necessary in order for them to expand their building in an orderly fashion. As owners of the property directly adjacent to the planned construction we do not object to the Town Zoning Board granting a variance to the setback requirements.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to forward a favorable recommendation to the Zoning Board for the rear yard variance and possible side yard; to grant approval contingent upon implementation of Engineering concerns on the 32 x 70 addition and an 80' x 20' garage; and that a Negative Declaration can be issued on the project. Carried.

Chiacchia Law Office - Change of Use - 5113 South Park Avenue

This is for a conversion from a single family dwelling to a law office for Daniel Chiacchia. **Engineering:** No comments. There will be 7 parking spots allocated for the office use. Five cars can be parked in the driveway and there is a two car garage whereby the attorneys will use the garage. At the work session, a question was raised about the infringement of the Niagara Mohawk Power Corp.

A response from them was forwarded to Planning 8-18-98. This reads as follows:

August 18, 1998

---

NIAGARA MOHAWK POWER CORPORATION/93 DEWEY AVENUE, BUFFALO, NEW YORK 14214/TELEPHONE (716) 831-7496

Town of Hamburg Planning Board  
c/o Mr. Daniel J. Chiacchia  
5113 South Park Avenue  
Hamburg, NY 14075

RE: Driveway and Deck Encroachment upon Niagara Mohawk Power Corporation Land in the Town of Hamburg

Ladies and Gentlemen:

This letter will serve to confirm that Niagara Mohawk Power Corporation is in the process of preparing an agreement for the purpose of consenting to an existing encroachment upon Niagara Mohawk land in the vicinity of South Park Avenue near the intersection of Sowles Road in the Town of Hamburg. This encroachment consists of a portion of a blacktop driveway and a wooden deck as shown upon Millard and MacKay Survey File No. 171.00-1-51, dated July 29, 1998.

The completion and execution of this agreement is contingent upon transfer of title of property located at 5113 South Park Avenue, Hamburg, New York, from its present owner to Mr. Daniel Chiacchia. The issuance of this encroachment agreement is also contingent upon Mr. Chiacchia's surveyor providing Niagara Mohawk with actual measurements of clearances to our existing electric conductors. Once Niagara Mohawk receives this information and verifies that all safety codes and clearances have been met, we will issue a consent agreement to encroach with conditions and restrictions more fully explained with the text of the agreement.

Should it be necessary to alter any Niagara Mohawk facilities due to this existing encroachment, any and all expenses relating to alteration shall be incurred by Mr. Chiacchia.

Attached is a copy of Niagara Mohawk guidelines for measuring wire heights. This guideline should be submitted and adhered to by Mr. Chiacchia's surveyor at all times while measuring existing wire heights. Verification of acceptable wire height to finished grade clearances will be determined by Niagara Mohawk Power Corporation.

Mr. Chiacchia will provide a survey to Niagara Mohawk showing the requested information prior to execution of said agreement. We will continue to process the proposed consent. If you have any questions, please do not hesitate to call me. I may be reached at (716) 831-7496.

Sincerely,



Judy A. Malizia-Nightengale  
Staff Assistant  
Land and Right of Way

The survey is to be amended to show where the property lines are in relation to the existing lot line. A proposed sign will be located on the north side of the property. It was also noted that the trellis should be kept as this blocks the view of cars.

Motion was made by Mr. Pohlman, seconded by Mr. Koenig to approve the law office at 5113 South Park Avenue; that 7 parking spaces have been made available in conformance with the existing pavement, and that a Negative Declaration be issued for the project. Carried. (Applicant was advised that we will need 5 copies for signing.

**Corto's Beauty Salon - 6101 South Park Avenue**

Messrs. Dominic Corto and Richard Schwartz appeared before the Planning Board on a proposed beauty salon to be located across from Hamburg Town Hall. This shop will be in addition to the one that is located at the corner of Legion Drive and South Park Avenue. At the last work session, Kurt Allen of Building Inspection was asked to look at the floor plan and determine how many parking spaces would be required for this facility. He came up with a determination of 20 parking spaces. The plan shows 22'. Therefore, there will be a variance required on the parking spaces as well as setback on South Park Avenue and Norway Place. The landscaping plan has been reviewed by Wendel and suggestions were made to enhance the site.

**Engineering Comments are as follows:**

1. A minimum of 10 inches of sub-base is required for the parking areas. 2. Provide existing and design site elevations. 3. Note on the plan that a Town of Hamburg Highway permit will be required for the project. The engineer should contact the Highway Dept. for storm sewer requirements along Norway Place. 4. The plan is to be drawn with an Engineering (not architect) scale. 5. We suggest that the parallel parking spaces adjacent to the building be eliminated and a second entrance to Norway Place be provided.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Pohlman to approve the site contingent upon implementation of modifications as requested by Engineering; that a positive recommendation be forwarded to the Zoning Board of Appeals on the parking spaces and parking setback on South Park and the side yard on ~~Colonial~~ <sup>Norway</sup> Place; that a Negative Declaration be issued; and that there will be no dumpster on site. Carried.

**Benchmark Retail - Southwestern Blvd. & Big Tree Roads**

This is for a concept plan for a 1.98 acre parcel; one building to be 11,000 s.f. and the other 4,250 s.f.

It was noted that the Engineer has shifted the building by 6-7' more towards the intersection to bring the proposal more into compliance. On the future second user for the restaurant, they were able to bring this into conformance with the Southwestern

Overlay District with the exception of the drive. Comments from the **Traffic Safety Board**: No driveway on Southwestern as this is a dangerous intersection. Move building or reconfigure so that it is more accessible (entrance/exit) to Big Tree. Suggest joint use of chiropractor driveway (one common).

It was noted by the board that the chiropractor office would not agree to this. Perhaps some internal signage would help to direct people in and out. A landscaping plan is yet to be worked out. Some form of underground detention or a shallow swale is to be considered. Conceptual approval was granted. To proceed to site plan review. Item is to be on next agenda.

**Engineering Comments are as follows:** 1. A previous site plan for this parcel was approved by the Planning Board on 12-20-93. 2. Sanitary sewer service is available to the site. 3. Water service is available along Big Tree Rd. The Erie County Water Authority should be contacted for pressure and flow information in the system. 4. We will review the site plan when it is submitted in a non-preliminary format, and in compliance with the Town's site plan requirements.

#### **Sprint Tower - Nike Site**

Drew Reilly informed the board that a Sprint Telecommunications tower was approved by the Planning Board in late March. In further negotiations, it was decided that this will be a Town-owned facility. The location has been shifted to the southwest portion of the parcel. The Town will be able to charge for additional users. There are also many needs for a telecommunications towers especially as it relates to fire and police. Sprint will maintain the tower.

#### **Maplewood Apts. Revision of Part 2 - Southwestern Blvd.**

Mr. Lee Weber appeared before the Planning Board with a revised site plan for some of the buildings in the back portion of the parcel. Some units have been shifted so as to allow the preservation of more trees. There is to be no further development of the site. They have ample parking and extra garages for 40 spaces.

#### **Engineering Comments:**

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to approve the modifications as presented on Part II with the stipulation that no further development take place; and that a Negative Declaration can be issued. Carried.

Dennis Griffin Auto Resale - 4090 St. Francis Drive.

Mr. Dennis Griffin appeared before the Planning Board with a revised, as built drawing of his facility on St. Francis Drive. He stated that curbs and fencing are in and is seeking approval of his storage building in the southeast corner of the property, which is approximately 40' x 60.

Engineering Comments are as follows:

SUBJ: 8/19/98 PLANNING BOARD MEETING AGENDA  
Dennis Griffin Auto Resale Lot - 4090 St. Francis Drive

The following are review comments on a plan dated 8/13/98 and received on 8/18/98:

- (1) The site plan for this parcel was previously approved by the Planning Board on 8/20/97. The required work has not been completed.
- (2) Paving millings are not acceptable in the driveway area. Delineate the driveway area on the plan.
- (3) The site is in a flood plain. A flood plain development permit will be required to be obtained from the Building Inspector.
- (4) The site is located within the boundaries of the Town's coastal management zone, as designated by the Town's Local Waterfront Revitalization Program. Therefore, a Federal Consistency Assessment Form is to be prepared and submitted to the Town's Shoreline Revitalization Committee for review and approval.
- (5) The sanitary sewer service shown on Sheet No. 1 does not match the location of the service shown on Sheet No. 2. Revise as necessary.
- (6) Show all sewer, water, electric and gas services to the buildings.
- (7) The proposed storage building will require a floor drain. Include the proposed sewer pipe slope and a profile view. Submit the plan to the Erie County Dept. of Environment and Planning (ECDEP) for review on behalf of the Erie County/Southtowns Sewage Treatment Agency. We will not approve the site plan prior to the approval of ECDEP.

- (8) The drawings should be updated to correctly show current conditions (existing vs. proposed items).
- (9) The drawings should show the locations for installing the post and chain detail, parking spaces, parking bumpers and all previously approved requirements.
- (10) The entrance to New Lake Shore Road is to be perpendicular (90 degrees) to New Lake Shore Road.

Applicant was advised to show these drawings to the Building Inspector, Kurt Allen for review.

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

**Other Matters:** Teleconferences to be set up for October 7th and December 2nd 1998 in the conference room at S-6122 South Park Avenue, cost of which is \$220.00.

Motion was made by Mr. Phillips, seconded by Mr. Pohlman to adjourn the meeting. Carried. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

  
Gerard Koenig, Secretary  
Planning Board

Next meeting: September 2, 1998