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**Planning Board Minutes
September 12, 1990
Actions Taken**

Abbott Pines Preliminary Subdivision Approval. F. Igoe
P. O'Neill, Mel Johnson. No action taken as nothing is back from
the Corps of Engineers.

Berkley Square - Rezoning and Public Hearing on D.E.I.S. -
Scheduled for September 24th at 7:15 p.m.

Mobile Home Ordinance - Public hearing scheduled for October 22nd
at 7:15 p.m.

Special Meeting - Planning, Zoning, Shoreline, and Conservation
Board. Set for Saturday, Sept. 15th at 8:30 a.m.

Bob Evans Restaurant - Commerce Place - Referred to Zoning Board on
parking setback. Back on agenda for October 24th, 1990.

Milestrip Plaza - 2,000 s.f. addition approved for the old Howard
Johnson's Restaurant for a retail outlet.

Windshire Downs Rezoning Petition - L. Weber, G. Filipiak from R-1
to R-2. Favorable recommendation submitted to Town Board.

Ballard Subdivision - 4 lots on Smith Road - Public Hearing set for
September 26th at 8:00 p.m.

Camp Road Collision - E. Howorka - applicant did not appear. To
appear at Oct. 24th meeting.

Erie County Agricultural Society - Groomsman's Building - Approved.

V.F.W. Post - South Park Avenue - Approved contingent on 30' buffer
being dedicated to the Town for linear trail near railroad tracks.

Slater Rezoning Petition from R-1 to C-1 for Craft shop and
Apartment - Favorable recommendation submitted to the Town Board.

Big Tree Car Wash - Mr. Kahnel - Approved contingent upon
Development Permit to build in flood plain.

**Town of Hamburg
Planning Board Minutes
September 12, 1990**

The Town of Hamburg Planning Board met in regular session on Wednesday, September 12th in the Recreation Room of Hamburg Town Hall at 7:30 p.m. Those attending included: Chairman Richard Crandall, Vice-Chairman Elgin Cary, Secretary Gerard Koenig, Sandy Carnevale, Steve Strnad, David Phillips, and Dennis Gaughan. Others attending included: G. McKnight, S. Bower, P. Steele, L. Rockwood, B. Pietrocarlo and Terry Dubey, Stenographer.

Excused: Dan Gorman

Minutes of the meetings of August 22 and September 5 were approved as amended by Mr. Cary, seconded by Mr. Carnevale. Carried.

1. Abbott Pines Preliminary Subdivision - No action can be taken. Nothing back from the Corps of Engineers. In their last memo, the Corps wanted a better delineation of the wet lands area. They would like the area mapped out or designed without the infringement of the wet lands.

2. G. McKnight informed the Board that he is preparing the response on Durham Road & Emerald Green from Attorney Giacalone which will be given to the Chairman Richard Crandall. Mr. Crandall will then make the determination as to how and when the memo will be submitted to the rest of the members or made public.

3. Berkley Square--it was noted that the Legal Notice for Public Hearing on the proposal and the rezoning will take place on September 24th at 7:15 p.m.

4. Mobile Home Ordinance- Public Hearing set for October 22nd at 7:15 p.m.

5. Special Meeting with Planning, Zoning, Conservation and Shoreline is set for Saturday morning 9-15, at 8:30 a.m. in Room 7. All are encouraged to attend.

6. Chairman Crandall noted that there will be some special seminar type meetings on September 29th on the Rezoning process and one on October 16th at 8:30 a.m. on Code Enforcement. This is in conjunction with the Hamburg Future Advisory Board. Duke Spittler has been named the new Chairman for this session. Mr. Strnad stated that there has never been a motion to abolish the Green Space Committee. Chairman Crandall noted that this matter will be pursued by the Town Board.

7. At every Planning Board meeting, Chairman Crandall would like a sign in sheet so that he knows who is in attendance. Motion was made by Mr. Phillips, seconded by Mr. Strnad to use a sign in system for every meeting. Carried.

Planning Board Minutes, Page 2, 9-12-90

Bob Evans Restaurant - Commerce Park - Camp Road

Mr. Nick Vollman, appeared before the Planning Board on the proposed Bob Evans Restaurant which is to be located at Commerce Park, near the Red Roof Inn. These restaurants are now being built in the W.N.Y. area. One has recently been opened in Erie, another in Clarence, near the Red Roof Inn, and one in Hamburg. This will be a 140 seat capacity restaurant requiring 132 parking spaces. They will occupy a parcel closest to Camp Road. Comments from departments are as follows:

Conservation Board--Frontage along Camp Road, shown on the site plan as a sodded area, appears to be owned by the Thruway Authority. Reviewer peered approx. 90 ft. from the toe of the slope on Camp Road to the edge of lawn presently maintained by Thruway personnel.

Much of the woody vegetation is elm and wild plum and of small consequence. Elm will probably be eliminated by the Dutch elm disease. Some white ash was noted and per item #11 under general notes. This species should be given priority by the Bob Evans representative.

Item 16 under general notes. The site reviewer noted an electric terminal box at the northeast corner of the site, adjacent to the Thruway property. The box is attached to an iron pipe, approx. 2 ft. above the ground and 2 wires leading from the box extends southwesterly into the brush (not mounted on poles). The ownership and purpose of this installation should be determined prior to site clearing. Reviewer finds no significant impact. **Duke Spittler**

Engineering--1. Stripping and soil erosion control is required and is to be detailed in the plans. 2. The pavement slope of the west entrance is excessive. Adjust grades for a 3 to 4% slope. 3. Specify SDR 35 for the P.V.C. roof drains. 4. The sanitary sewer must be connected to the existing town manhole along Commerce Place. 5. The roll curb at the entrances along Commerce Place must be replaced with a 2' concrete gutter curb. Provide a detail of the proposed curb and note that a Highway Permit is required and that the Engineering Department must inspect the replacement.

Fire Chief's Checklist--Glenn Zawierucha - Scranton Fire Dept. Checklist suggests a sprinkler system be installed. Show fire department connection for the sprinkler system. All existing hydrants must be shown and must be within 500 feet of each other including the hydrants on the existing streets.

Planning - 1. Area map of location. The parking along Commerce must be 35' from the Right of way. 3. One driveway, located

Planning Board Minutes, Page 3, 9-12-90

Bob Evans (Continued)

further back from Camp Rd. is preferred. 4. Handicap spaces must be shown. 5. The location of existing and proposed fire hydrants. 6. A letter from the Thruway Authority is needed.

Building Inspection--This is an irregular shaped building 77' x 86'. They propose 150 seats and require 60 parking spaces of which they shown 132. This is more than is required by the code. Five handicapped spaces are required. The entrance closest to Camp Road is 140' back from Camp. Hopefully there will be sufficient stacking as this is a difficult driveway and there are blind spots to the south as well as the north, and cars exiting from the Thruway. A letter is required from the Thruway as a detached sign is involved. Need detail on the height of the flagpole. All plans must be stamped by a licensed architect or engineer.

The applicant would like to park closer than the 35' setback requirement. He has 10' and will need a variance of 25'.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to reject the site plan as presented and refer the matter to the Zoning Board of Appeals with a favorable recommendation. Carried. Applicant must also bring back the letter from the Thruway Authority. Item to be placed on the October 24th agenda.

Mr. Strnad noted that he is pleased to see the new format that is being used by the Fire Departments. Mr. McKnight responded that this sheet is being attached to the Development Check list.

Change in Milestrip Plaza site (old Howard Johnson's Restaurant) to a retail outlet.

Mr. Jim Manguso from Benderson, appeared before the Planning Board on a ~~modification of the Milestrip Plaza site~~. Approximately 2,000 s.f. is proposed to be added to the existing former Howard Johnson's Restaurant building. There is no change to the site utility plans and the change in use from a restaurant to a retail outlet decreases the number of required parking spaces so that the plan in total provides 8 more spaces than required. Comments are as follows:

Planning - The proposed addition is to be built over existing pavement. There are more parking spaces than required.

Engineering - No Comments.

Building Inspection--Some of the curbs and parking area have been changed and it should reflect not only on the site plan, but also on the site grading plan, reference sheet, site plan and utility plan. For the 4500 s.f. existing building and the 2000 s.f. addition, 37 parking spaces are required; two of which should be designated for the handicapped. They should be as close to the main entrance as possible. We need construction drawings to

Milestrip Plaza (Continued)

determine location of the front door, loading dock, and the utilities. If the Planning Board approves the plan, it should be for this portion only of the overall plan.

Motion was made by Mr. Koenig, seconded by Mr. Phillips to approve the Milestrip Plaza site plan as it relates to the 2000 s.f. addition for the Howard Johnson's Bldg. for a retail user; that the drawing be acceptable to the Building Inspector for the parking; and that a negative declaration be issued that this will not adversely affect the environment. Carried.

Windshire Downs - Rezoning Petition from R-1 to R-2 with restrictions - Southwestern Blvd. near Able Road

Messrs. G. Phelps, L. & R. Weber and G. Filipiak appeared before the Planning Board for a recommendation on a rezoning petition from R-1 to R-2 to single family residential use on Southwestern near Abel Road. This was once approved to R-1. However, due to the housing market Marrano would like to construct single family dwelling units, minimum of 10,000 s.f. and a frontage of 80'. The minimum side yard would be 10 on each side for a total of 20'. This is very similar to the type of housing that is being constructed in Amsdell Park.

Chairman Crandall noted that Ron Hayes of Community Development is opposed to the rezoning as it takes away from the industrial and commercial use. However, this rezoning was passed once before, therefore the precedent has been set. Comments from departments are as follows:

Building Inspection--This proposed 221 lot subdivision should conform to R-1 regulations, namely 90' frontage at the setback and 11,250 s.f. Also would like to know what will be set aside for green space and the 10% requirement. S.L. 22 is questionable, as well as 35, 37, 50, 51, 70, 71, 72, 73 and 203.

Conservation Board--1. Empire Soils report on page 11 recommended soil testing for heavy metals and P.C.B.'s and former septage disposal areas. A soil testing program is needed to determine any potential risk to the public. 2. The creek is defined as one of the trailways in the 2010 Master Plan. We feel a 50' strip on both banks be dedicated to the Town to continue the linear trail systems. 3. Observed in the spring were 55 gallon drums visible in part of the barn facing Abel Rd. The drums should be checked for hazardous materials and then disposed. In addition to the above, the review of the E.A. F. 1990-52 raised the following concerns: (4) The plan shows building in the flood plains of Berrick-Creek. (E-7, 6 NYSCR). Building in the flood plain should be discouraged. 5. The linear green space along the creek mentioned earlier is not shown. In order to have it as a contiguous corridor, in compliance with the 2010 master plan, the

Windshire Downs (Continued)

land must be obtained during development. 6. The 2010 Master Plan shows that most of the 90 acres should be light industry. We feel that any rezoning should be towards the Master plan direction, and not towards an R-2. 7. There was no mention of a sampling program and what would be done if heavy metals and or P.C.B's were found on the property. Sampling should be a priority before any rezoning is done.

Mr. Phelps responded that environmental audits were conducted and the State D.E. C. has determined that there is no hazardous waste on the site, and the Health Dept. has also cleared the site. The area is free of any mapping of State Designated Wetlands and the Corps of Eng.agrees. The 100 year flood plain problem can be addressed.

Engineering--1. The site is in the Master Sewer District. 2. The site is not in a water district. A new district will be required. 3. The two cul-de-sacs should be eliminated by making them a through street. The Highway Supt. has requested cul-de-sacs not be used. 4. The corner lots along Able should not have access to Abel. Label this on the plan. 5. Stub streets to adjoining properties should be considered for the future. 6. Drainage facilities such as the detention pond and open ditch shall comply with the design standards and requirements of this office. The ditch may require piping. 7. A topo map is required. 8. A vicinity map is required. 9. Two of the block lengths exceed 1500 feet. (Section 31-19), 10. Side lot lines are to be at right angles or radial to street lines and should be labeled as such on the plan. 11. The name of the owner is required. 12. The zoning requirements are to be shown. 13. The names of the adjacent owners are to be shown. 14. Show the building set back line. 15. ~~Label road width and show curve data.~~

Motion was made by Mr. Carnevale to forward a favorable recommendation to the Town Board on the Rezoning Petition from R-1 to R-2 for single family dwelling units with a 10,000 s.f. lot area; 80' frontage, and 10' side yard requirement on each side totalling 20', and that green space be provided along the stream, seconded by Mr. Cary. Carried. Opposed: D. Phillips, S. Strnad Abstained. Vote was 4 out of 6. Motion carried.

Ballard Subdivison - 4 Lot subdivision on Smith Road

Mr. Panara appeared before the Planning Board for a 4 lot subdivison to be located on Smith Road. Comments are as follows:

Planning--The property is zoned R-A and is located in the designated Eden Valley Agricultural District.

Conservation - 1. Subject property is located in an Agricultural District--see Items A-18 and Part 2 item 10. Project could prevent

Ballard Subdivision Continued:

installation of Agricultural land management systems such as sub-surface drain lines, etc.

2. Recommend that a minimum of 100' be included in a deed restriction as land to be left in its natural state. This strip would abut lands presently owned by the Town of Hamburg and extend 100' to the east. This strip would mitigate potential problems stated above and also mitigate disturbance of habitat for non-endangered wildlife (see item 9) of Assessment Form. **Duke Spittler**

Engineering--The back of the parcel is near the HB11 wetlands area. Water service is available and the existing main is to be located on the final plot. There are no sanitary sewers in the area. A typical septic and water service layout is to be shown on the final plot. The owner of the parcel to the south is to be shown. The building setback line is to be shown. **Gerard Kapsiak**

Bldg. Insp. This property is zoned R-A, requires a 200' frontage by 400 feet deep. This more than exceeds the requirement of 2 acres and is not served by a sanitary sewer. Septic tanks must be used.

The applicant was not in a position to respond to the comments. To proceed to public hearing. Motion was made by Mr. Koenig, seconded by Mr. Strnad to set the Public Hearing for September 26th at 8:00 p.m. Carried.

Camp Road Collision - Camp Road.

Applicant was not present. This was a situation where there were 2 separate parcels and the Planning Board requested that the site plan reflect one parcel. Mr. Howarka uses one portion of the property as a car sales and collision work operation. On the parcel which he recently acquired, he would like to live on premise. Comments are as follows:

Engineering--No comments

Planning - The revision box should be used. Landscaping should be included along Camp Rd. 3. If the gravel area is to be used for the service or storage of motor vehicles, this area must be surfaced with a durable and permanent material (concrete, asphalt or similar) according to Section 29-150(A) of the town code. Landscaping in front is required.

Motion was made to **Table** by Mr. Phillips, seconded by Mr. Koenig in order for the applicant to appear. Item to be placed on October 24th agenda. Carried.

Erie County Agricultural Society - Groomsman's Quarters McKinley Parkway.

Mr. Ben Bernard, Architect, appeared on behalf of the Erie County Agricultural Society on a proposed Groomsman's Quarters

Erie County Agricultural Society (Continued)

to replace the present trailers that are located near the horse ring. There would be 30 units which is similar to a motel concept and will be a great improvement over the present facility. The building will be a fire proof masonry construction, similar to a dormitory transit occupancy. The proposal will not adversely impact on adjacent parcels as it is part of the fairgrounds. Comments are as follows:

Bldg. Inspection--This proposed 30 room bldg., plus 1 residential caretakers unit will be adjacent to the horse ring. It is an ideal location for the building. This is needed and the end result will be the removal of 14 trailers. The bldg. is a 4 beam construction and must conform to the New York State Uniform Fire Prevention and Building code. On the proposed plans, they should show the location of all the utilities as well as extra parking required.

Planning--Because of the location, relatively small size of the proposed building and adequate parking in close proximity, I have no problems with the proposed plan.

Motion was made by Mr. Strnad, seconded by Mr. Phillips to approve the groomsmen's quarters. Since there are no environmental concerns, a negative declaration can be issued. Carried.

V. F. W. Post 1488 South Park Avenue

Mr. Mark Tiedeman appeared before the Planning Board on the revised site plan for the V.F.W. Post to be located on South Park Avenue. Comments are as follows:

Bldg. Inspection--Property has no sewers and is zoned C-2. The 60' x 80' building containing 5010 s.f. gross floor space, is to be a 1 story building. The hall floor area is 47' 6" x 58' 6" and is 2779 s.f. 72 parking spaces are required, they have 89; 4 of which are required for the handicapped. All curbs should be poured in place. The pre-cast bumper blocks should be back a minimum of 3' to the end of the parking space, which shows on the plan as 9' x 19'. Septic should be approved by the Erie Cty. Health Dept. & located further to the east at the rear of the property, to permit future expansion for the proposed bldg. and lot. The 40' setback at the front should be landscaped. Lighting should be designated on the plan. If the flag pole will be located in the middle, the height of the pole should be indicated.

Test borings were conducted by Empire Soils and they indicated that there is no hydric soil on site. Traffic Safety noted concern of site distance on South Park Avenue. The permit for the State road cut has not been filed as yet. The Conservation Board asked for a 50' buffer to be located along the railroad tracks to be left in its natural state, to connect to a future linear trail. A compromise of a 30' buffer was agreed upon by the members of the post. Engineering changes have been made as requested.

V.F.W. Post (Continued)

Motion was made by Mr. Phillips, seconded by Mr. Carnevale to approve the site plan for the V.F.W. post and to have the applicant provide a 30' buffer to be deeded to the Town and subject to approval by the Town Board. Carried.

Rezoning Petition of Mr. Slater - Clark Street - from an R-1 zoning to C-1 for a craft shop and apartment.

Mr. Slater appeared before the Planning Board on a recommendation for a rezoning change from R-1 to C-1 for a craft shop and apartment. He presently has a use variance in order to open the craft shop. However, he was of the impression that the parcel was zoned C-2. After the purchase, he learned it was R-1. The unit is sandwiched between the R-1 and the power line on one side. Across the street is C-1 zoning, Conservation Board noted concern with the rezoning change as this is in a conservation area.

Motion was made by Mr. Koenig, seconded by Mr. Phillips to forward a favorable recommendation to the Town Board for the zoning change from R-1 to C-1 for the craft shop and apartment on the basis that this property is sandwiched between the power line and a C-1 property. Across the street is C-1 property and Slater's is diagonally across from the restaurant which is C-1. The rezoning would match with the rest of the corner and would not be spot zoning. Carried.

John Klocke - Mr. Kahnel - Big Tree Car Wash - Big Tree at Circle

Mr. Kahnel appeared before the Planning Board on his proposed car wash to be located at the Circle. ~~Item was tabled for input on the curb cut permit.~~ Hamburg Traffic Safety still feels this is a very poor location for a car wash.

Also, the Conservation Board has concerns of building in a flood plain. At the present time, a Development Permit can be issued by the Building Inspector who determines that the structure can be built 1' above the flood plain. Applicant noted that he went to the D.E.C. and spoke with Becky Anderson with respect to the project and that they have given approval. Letter from D.E.C. is as follows:

1. The department reviewed the proposal and noted the following:
 1. It was noted on the Federal Emergency Management Agency's FIRM Map No. 360244 0005B that the site is located within the 100 year flood plain designation.
 2. Contact the appropriate U.S. Dept. of Army, Corps of Engineers, office noted on the attached Dept. notice concerning COE's regulatory jurisdiction to ensure that the project will not involve federally regulated wetlands or any other approval from that agency. If the proposal requires Water Quality

Car Wash (Continued)

Certification from the COE, this department would be the approving authority. Please be aware that if this project requires Sewer Extension approval, the Erie County Dept. of Environment and Planning would be the approving authority. Information concerning Sewer Extension Approval can be obtained by contacting ECDEP's Env. Compliance Services at 858-6370. The entire site is located within an archaeologically sensitive area. If the COE requires Water Quality Certification for this proposal, the archaeological concern will need to be addressed prior to this depts. issuance of Water Quality Certificaiton. Copies also went to T. Hersey Erie Cty. Dept. of Env. & Planning, Ms. Barbara Shilling, Erie Cty. Dept. of Env. & Planning. **Steve Doleski**

Conservation Board again cautioned in approving structures that are in a flood plain.

Motion was made by Mr. Cary, seconded by Mr. Carnevale to approve the facility for the car wash contingent upon the Building Inspector requiring a Development Permit & to supervise the filling of this flood plain as outlined in the procedures, & Engineering approval. Carried. Opposed: D. Gaughan, S. Strnad.

Motion was made to adjourn the meeting at 11:30 p.m. by Mr. Phillips, seconded by Mr. Koenig. Carried.

Respectfully Submitted,

Gerard Koenig
Gerard Koenig, Secretary
Planning Board

Next Meeting Date:
September 26, 1990
7:30 p.m.