

T.C.

Town of Hamburg Planning Board
Meeting 9-20-95
Actions Taken

Forest Acres 25 lot Subdivison Schoellkopf Rd.	Tabled until Oct. 4 Work Session
Lango 2 lot Subdivision 6868 & 6878 Southwestern Blvd. -	Approved
Connelly Subdivision Newton Road - R-1 William Connelly	Approved
Potter Realtors Commerce Park Camp Road	Conditional approval granted.
Maplewood Apts. Part II - Southwestern Blvd.	Coordinated review required.
Liberatore Commercial Plaza - Camp Road	Tabled
Bill Adams Karate School Lake Avenue	Approved.
Bristol Woods Restaurant B&B - South Park Ave. Wayne Cole	Tabled
Rezoning Petition Benderson Development McKinley & Big Tree Seven Corners From R-2 To C-2	No action taken.
Benderson Development Outparcel #5 - Retail Bldg. - McKinley Mall	Favorable recommendation to be sent to Town Board
Buttermilk Postal Facility White Oak Way & S.W.Blvd.	Conditional approval given.
Southampton Condos Chuck Bailey Big Tree Road	Landscaping plan approved.

Campbell Sidewalk
Issue -

Requirement of 15' made.

Town of Hamburg Planning Board
Meeting - September 20, 1995

The Town of Hamburg Planning Board met in regular session on Wednesday, September 20th, 1995 at 7:30 p.m. in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Secretary Gerard Koenig, Paul Eustace, Don Fitzpatrick, Dick Pohlman, Sue Ganey. Others attending included: R. Juda, Esq., Rich Whipple, Drew Reilly, Rick Lardo, and Terry Dubey, Stenographer.

Minutes of the meeting of 8-16-95 were approved on motion by Sue Ganey, seconded by Paul Eustace. Carried.

Public Hearing - Forest Acres - Schoellkopf Rd.

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
LEGAL NOTICE
FOREST ACRES SUBDIVISION
SCHOELLKOPF RD.
SEPTEMBER 20TH MEETING**

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing for Forest Acres Subdivision consisting of 25 sub lots, plus one remnant lot, located on Schoellkopf Rd. in Hamburg Town Hall, Room 7 for Arthur Lewin and Michael Wysocki, on September 20th, 1995 at 7:30 p.m.

All that tract or parcel of land situate in the Town of Hamburg, County of Erie, State of New York being part of Lot 47, Township 9, Range 8, and being further described as follows:

Commencing at a point on the south

line of Schoellkopf Road 1,297 feet east of the north east corner of Lot 47 running thence easterly 1600 feet along the south line of Schoellkopf Road to a point running thence southerly 157 feet to a point running thence westerly 96.60 feet to a point 175 feet of the southline of Schoellkopf Road, running thence westerly 441.3 feet along a line parallel to the south line of Schoellkopf Road to a point 175 feet south of the south line of Schoellkopf Road, running thence south westerly 1,339.90 feet to a point 857.18 feet south of the south line of Schoellkopf Road, running thence northerly 857.18 feet to the point or place of beginning.

Dated: Sept. 7, 1995

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

9-14

Messrs. Art Lewin and Mike Wysocki appeared before the Planning Board on a proposed 25 sub lot subdivision, plus one remnant lot to be located on Schoellkopf Road. Mr. Lewin explained that this has been an on-going process since Sept. 1994. The land far exceeds the requirements. Each lot will be 11,000 s.f. in R-2 zoning. The other advantage to the property is the remnant lot will never be developed as the topography shows a ditch which cannot be sewerred, and is very low. There is also 3 acres of wetland in the middle of the property. There will be no neighbors behind the proposed new dwelling units.

Mr. Koenig also noted that in spite of the green space behind the 25 lot development, there will be a \$600 recreation fee charged for each unit, which is different from that of Privacy Subdivision. This is definitely a plus for the area.

Chairman Crandall asked 3 times if anyone wished to be heard

for or against the subdivision. Hearing no remarks, the hearing was declared closed.

Engineering Comments: 1. Water service is available to the site. 2. Stormwater detention will be required. Show the proposed pond location on the plan. 3. There are 25 lots approved for residential construction, and not 26 as noted on the plan.

Mr. Drew Reilly asked whether there would be a detention pond on site. Response is that Engineering is requiring one.

Motion was made by Mr. Pohlman, seconded by Mr. Fitzpatrick to **Table** for the October 4th work session. Carried.

Lango 2 Lot Subdivision - 6868 & 6878 Southwestern Blvd.

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
LEGAL NOTICE
LANGO 2 LOT SUBDIVISION
6868 & 6878**

SOUTHWESTERN BLVD.

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing for Lango Subdivision consisting of 2 lots, located at 6868 & 6878 Southwestern Blvd. in Hamburg Town Hall, Room 7, at 7:35 p.m. for Lynn Lango.

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 43, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING in the northwesterly line of the Southwestern Boulevard and at the southeast corner of land conveyed by deed recorded in Liber 2335 of Deeds at page 206; thence northerly along the westerly line of said lands 786.2 feet to the southerly line of land formerly owned by Simon Siles; thence easterly and along the southerly line of said Siles land, 183.5 feet; thence southerly parallel with the westerly line of said Lentini's land 640 feet to the northwesterly line of Southwestern Boulevard, thence southwesterly along said line 243.3 feet to the place of beginning, containing 3 acres, being the same more or less.

9-7-95

Richard Crandall, Chairman
Gerard Koenig, Secretary
Planning Board

9-14

Attorney Tim Greenan and Lynn Lango appeared on behalf of this 2 lot minor subdivision located on Southwestern Blvd. This project involves the division of 3 acres of property into 2 lots. One lot has a commercial structure located on it. The existing system services the rear property and encroaches on the front parcel. This problem will be handled by an easement. When the new system is constructed, the easement will be discontinued.

Comments from **Engineering** are as follows: 1. Show the location of the septic system for the house. Separate septic systems will be required. 2. Separate water services to each lot will be required. Show the location of the service.

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

Motion was made by Mr. Koenig, seconded by Mr. Eustace, to issue a Negative Declaration for the project; approve the

preliminary, and waive the filing of a map cover. Carried.

Public Hearing - William Connelly Subdivision Newton Road East of McKinley Pkwy.

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
LEGAL NOTICE
WILLIAM CONNELLY
SUBDIVISION
NEWTON ROAD
EAST OF MCKINLEY PKWY.**

Notice is hereby given that the Town of Hamburg Planning board will hold a Public Hearing for Connelly Subdivision consisting of 2 lots, located at Newton Rd. East of McKinley Pkwy. in Hamburg Town Hall, Room 7, at 7:40 p.m. on September 20, 1995 for William Connelly.

ALL THAT TRACT OR PARCEL OF LAND located in the Town of Hamburg, County of Erie and State of New York.

Being part of Lot 43, Township 9, Range 7 of the Holland Land Company Survey. Bounded and described as follows:

COMMENCING at a point in the south line of Lot 43, said south line being the centerline of Newton Road, distant 2,013.00 feet, easterly of the southwest corner of said Lot 43; thence westerly along said south line of Lot 43, a distance of 195.80 feet to the point of beginning; thence northerly at an interior angle of 90°-01'-20", along the west line of John Korba, as recorded in the Erie County Clerk's Office in Liber 4370 of Deeds at Page 212, a distance of 1,114.75

Chairman Crandall declared the hearing open. Mr. Dave Pettit, representing Mr. Connelly, appeared on behalf of the 2 lot subdivision on Newton Road. This is an R-1 zone and they are taking the existing parcel of 11 acres and cutting out 1 lot from it for a single family dwelling for Mr. Connelly. Other members of the family currently live on this acreage. The lot is located behind the current property owners. The applicant will be using a sand filter septic system and there is enough room. There is no sewer available. Comments from **Engineering** are as follows: There is public water available to the site. (2) Sanitary sewer service is not available to the site. 3. We recommend that the map cover requirement be waived for the subdivision.

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

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

Potter Realtors Office Buildings - Commerce Place - Camp Road

Messrs. Tim Dressler of Environmental Concepts and Dave Pettit of Nussbaumer and Clarke appeared on behalf of 3 proposed office buildings to be located in Commerce Park off Camp Road. The 3 buildings consist of 7200 s.f. for the 2 floor office for Potter, a 4,000 s.f. office building, and a 3800 s.f. office building. The structure will be residential in nature and will be a red brick, traditional building. In Phase I, the building will be for Potter

Potter Realtors (Cont.)

realtors who plan on moving from the Buffalo street location as they are cramped for space. Phases 2 and 3 will depend on the interest in leasing office space. There is a possibility that there will be an upper and lower parking area. Mr. Reilly stated that there should be more landscaping in that area to conceal the parking from Camp Road.

Engineering Comments: 1. The easterly 120 foot portion of the property fronting along Camp Road is owned by the New York State Thruway Authority, and is to be acquired by the developer. 2. The site plan is generally acceptable. We will review detailed utility plans after site plan approval is granted by the Planning Board.

Traffic Safety - They are concerned with the additional traffic, left turns onto oncoming thruway exit traffic. Recommendation: Obtain accident reports from the Town Police for this location and make recommendations to NYSDOT on improving this road.

Mr. Pettit, in response to the traffic issue, stated that he has a letter from the State D.O.T. stating that they will issue a curb cut permit as this will not impact significantly on the highway system. Drew Reilly is to check the traffic study again on this project. Mr. Lardo noted that there is a plan for this part of Camp Road when they do the reconstruction project.

Motion was made by Mr. Pohlman, seconded by Mr. Fitzpatrick to give an approval contingent upon satisfying the traffic issue, and to provide another landscaping plan with additional landscaping to screen the parking lot from the road. Carried.

Maplewood Apartments - Southwestern Blvd.

Messrs. Bill Tynn, Lee Weber, and Gary Filipiak appeared before the Planning Board on a proposed 34 building, 8 unit apartment complex, consisting of 272 units, which was formerly Oxford Heights, on Southwestern Blvd. This will be a continuation of apartments in the back to the existing Southwestern Apartments. Concerns have been raised as to a second access. A stub street to the west has been provided for emergency access. This will be barricaded off. On the water supply, there is an existing 10" line and we will tie into this system and bring a line and loop the system thru.

Drew Reilly stated that a Traffic Study will be required for this area. This is considered a Type I action and a coordinated review will be required. There is also the possibility that an Environmental Impact Statement will be required. Mr. Tynn responded that based on traffic counts at peak hour 166 trips have been generated.

Traffic Safety Concerns: Too many units for 1 entrance/exit and

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Commercial Plaza (Cont.)

amount of traffic that will be generated on Southwestern Blvd. No access road from the rear; Do inside roads conform to Town specs. for school busses and emergency vehicle access; Number of lanes are not specified on the entrance/exit. Recommendation: Address all concerns. Include acceleration/deceleration lanes on Southwestern Blvd. Submit updated plan to TSAB for final input.

Engineering: 1. Sewer and water service is available to the site. 2. We will review detailed engineering plans for the project after site plan approval is granted.

Motion was made by Mr. Koenig, seconded by Mr. Pohlman to authorize the Planning Dept. to send out the necessary paper work requesting a coordinated review, and to solicit Lead agency status. Carried.

Liberatore - Commercial Plaza - Camp Road

Attorney Jay Pohlman, representing Peter Liberatore, appeared before the Planning Board for a commercial site for office buildings on Camp Road. He explained that revisions were made showing the elimination of the front center island and a reconfiguration was made of the center entrance. Mr. Pohlman stated that they have applied to the State for a curb cut. However, due to the mess on Camp Road at the present time, no one has gotten back to him.

Engineering comments: 1. Include storm water offsite flows in the drainage calculations. 2. Provide for offsite runoff onto the site. 3. All storm sewers are to have a minimum of two (2) feet of cover on top of the pipe. 4. Provide a letter of approval of the driveway cut from the NYSDOT. 5. relocate the fire hydrant within the center island towards either the north or south retail buildings. 6. Provide a letter of approval from Erie County Sewer Dist. #3 for the sanitary sewer design. 7. Provide additional construction details for the detention pond. 8. Provide concrete dumpster pads. 9. The center island in the driveway and parking lot should be removed. 10. The pavement section should indicate a minimum of 10" of sub-base and 3" of binder asphalt.

Chairman Crandall noted that the detention basin should be designated on the site plan, as well as the fire hydrant location. Also, the road going back and the location of parking as it relates should be designated and more landscaping in the front. Mr. Lardo stated that 2 smaller detention ponds could be placed on the property. These ponds will be very shallow. Revised drawings should be submitted so that Traffic Safety could look at it at their next meeting.

Traffic Safety Concerns: That the TSAB receive an updated plan showing the configuration of Camp Rd. in its final form, the exact type of business to be housed at this location, where the business

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is located on Camp Road showing cross streets and also an assurance from the Planning Board that they will not approve until the TSAB reviews new plans at their October meeting.

Motion was made by Mr. Koenig, seconded by Mr. Eustace to **Table** for the October meeting. Carried. (Abstained D. Pohlman)

Weekley's Bait Shop - Big Tree Road.

Messrs. Gary Benner and Strawbrich appeared before the Planning Board on their proposed storage building located on Big Tree Road. **Engineering Comments:** 1. The berm should extend further south towards the existing building. 2. New asphalt paving is proposed for the existing stone parking area. The driveway should also be paved. Provide a proposed pavement cross section.

Mr. Benner asked if the pavement could be done by oil or millings. Response given is that this is up to the Building Inspector. Applicant asked if they could defer paving to the fall of 1996. A question was raised as to whether a variance was granted on the side yard requirement for the building.

In reviewing the Z.B.A. minutes of 7-11-95, the motion was to grant permission for the accessory building, upon construction of a berm as directed by the Bldg. Dept. and removal of the old trucks. Nothing was discussed about the 5' front yard setback.

Drew Reilly is to check out the conditions of the variance for this project.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Eustace to grant a conditional approval upon clarification of the driveway location, the relocation of the accessory building as it relates to the side lot line, and the berm. Also, to issue a Negative Declaration on the project and that paving for fall of 1996 is to be determined by the Building Inspector. Carried. (D. Pohlman, Abstained).

Mr. Bill Adams Karate School - Lake Avenue

Mr. Bob Adams appeared before the Planning Board with revised plans for the karate school to be located on 4856 Lake Avenue. Board members noted that there is no seal on the drawing, nor is there a new date in the revision block. Mr. Reilly stated that he would also like to see some dotted lines for the parking spots in the back.

Motion was made by Mr. Pohlman, seconded by Mr. Eustace to issue a Negative Declaration for the project and approve the site plan. Carried.

Bristol Woods Restaurant - Wayne Cole - South Park Avenue

Mr. Wayne Cole appeared before the Planning Board on a proposed restaurant, which is the former Bonerb property, located on South Park Avenue. He is trying to maintain the character of the house for a restaurant. In addition, there is a small conference room upstairs which could be used for dinner parties. He is also exploring the option of having a bed and breakfast to utilize the other existing rooms.

Board members noted that the bed and breakfast was never mentioned when the rezoning took place. Mr. Reilly responded that in the R-3 zone, combinations of roomers and lodgers is mentioned. Mr. Cole will not be adding to the facility but utilizing the existing one.

Comments from departments are as follows: **Traffic Safety** Submit updated plan to Traffic Safety for input. **Engineering:** Plan is acceptable to this office.

Drew Reilly noted that Mr. Cole should come in and talk to him about the plan.

Motion was made by Mr. Koenig, seconded by Mr. Fitzpatrick to **Table** for the October 4th work session. Carried.

Rezoning Petition of Benderson Development - Seven Corners - Expansion of C-2 zone from R-2.

Mr. George McKnight, representing Benderson Development, appeared before the Planning Board on a proposed rezoning request for adjacent property next to the former C.I.D. property, on McKinley Pkwy. and Big Tree at the 7 corners. This property has been purchased by Benderson Development. The request is from R-2 to C-2. Three of the 4 parcels are vacant. No automotive uses are anticipated on this corner. Comments from **Engineering** are as follows: 1. The parcel has public water service available to it. 2. The parcel has public sanitary sewer service available to it.

Mr. Reilly noted that the applicant should prepare a sketch as to what type of plaza could go on that parcel. Also, the Master Plan is being updated and discussion has not been held on the future of that corner. No recommendation was made.

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

Benderson Development, Proposed Retail bldg. Outparcel #5 - McKinley Mall.

Mr. George McKnight, representing Benderson Development, appeared before the Planning Board on a 9,184 s.f. non-sprinklered building which will be located next to Sun T.V. and Dick's Clothing. The proposed use is for retail sales and is in keeping with the rest of the commercial development at the McKinley Mall. Comments from **Engineering**: 1. If the proposed building will require an outside garbage dumpster, it should be shown on the plan. The dumpster is to sit on a concrete pad and be enclosed with a fence. 2. The sanitary sewer service to the site is to be approved by Erie County Sewer District #3 prior to Planning Board approval of the site plan.

Traffic Safety - What is this business going to be. Recommendation: Once business is identified resubmit to Traffic Safety for recommendations.

It was noted that on this site plan as in all others, Town Board grants the approval. Therefore, a recommendation should be forwarded to the Town Board on this project.

Motion was made by Mr. Koenig, seconded by Mr. Pohlman, to forward a favorable recommendation to the Town Board on this retail project. The building complies with the present zoning and is within the parameters and tenor of the rest of the retail facilities at the McKinley Mall. Carried.

Buttermilk Postal Facility - White Oak Way and Southwestern Blvd.

Mr. Bill Schifferle appeared before the Planning Board on a proposed post office which is to be located on White Oak Way and Southwestern Blvd. Comments from **Engineering**: The design engineer for Buttermilk Falls is currently working on the utility plans for White Oak Way. We will review site utility plans along with the subdivision plan review. 2. The one-way customer entrance from White Oak Way and exit onto the service road (as proposed in a 9-19-95 letter from EMS Consulting) is acceptable to our dept. The driveways should be appropriately signed to indicate the one-way traffic circulation pattern. In addition, the width of the one-way entrance driveway should be reduced to less than the 25 feet currently shown in the site plan (15 feet suggested). 3. All paved areas are to be curbed. 4. A sidewalk will be required along White Oak Way. 5. A landscape plan will be required for Planning Board approval.

Motion was made by Mr. Koenig, seconded by Mr. Eustace to grant conditional approval for the site plan, pending submission of a landscaping plan, compliance on the Southwestern Overlay District, to provide angle parking to enhance the one way in and out, Carried. Opposed: S. Ganey. (does not like traffic circulation pattern)

Southampton Condos - Change of Condition - Big Tree Road

Mr. Chuck Bailey appeared before the Planning Board on a change in the Southampton Condo units on Big Tree Road. Three buildings had to be relocated to move out of the way of the easement. Dick Tripp of Recreation has been consulted about the recreation space and should pose no problems.

Engineering: 1. The proposed layout is generally acceptable to this office. 2. Utility Plans for the project will be reviewed and approved by this department after the site layout is approved by the Planning Board. 3. The Planning Board must also approve the Landscape Plan for the project. We require that a copy of the access and maintenance agreement with the owner to the east be provided to the Town before final approval of the project is issued. 5. A storm water detention area will be required. The location of the pond should be shown on the site plan.

Motion was made by Mr. Koenig, seconded by Ms. Ganey to approve the modification and the landscaping plan for Southampton Condos. Carried.

Campbell Sidewalk Issue - Tasseff Terrace.

The Planning Dept. has received a memo from the Town Engineer, Gerry Kapsiak, relative to the elimination of 15 feet of sidewalk from Mr. Campbell's residence on Tasseff Terrace. The following letter was read into the record: This is a request to eliminate approximately 15' of sidewalk that would extend from the west side of my driveway to the lot line. Phase I of Tasseff Terrace is complete, with no plans for a sidewalk to East Eden Road. As a result, my 15' of sidewalk would end in my lawn. If a sidewalk would ever extend to East Eden Road, I would be happy to install my sidewalk at that time.

Planning Board members noted that they have no objection to waiving the requirement under the conditions outlined.

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Other Matters:

Site plan review has been waived on a patio for McKenzie's Restaurant on the Lake Shore as well as one for Foit's on the Lake Shore.

Motion was made by Ms. Ganey, seconded by Mr. Eustace to adjourn the meeting. Carried. Adjourned 11:00 p.m.

Respectfully submitted,

Gerard Koenig
Gerard Koenig, Secretary
Planning Board

W.S. 10-4-95 - 7:30 p.m.