

TOWN OF HAMBURG PLANNING BOARD AGENDA

DATE: 9-28-88

TIME	NAME	PURPOSE
7:30	<i>BFT</i> EXECUTIVE MEETING	
8:00	Satellite Dish Antenna Hearing Timothy Garey	4008 Summerway Lane - Special Use Permit
8:20	PUBLIC HEARING RICH SUBDIVISION	Fairgrounds Estates
8:40	Expert Motors A. Almeida	5829 Camp Road Site Plan Review
9:00	GLADYS ROGERS KIDDEE HAVEN DAY CARE CENTER	<i>IN ROYALE DANCE ACADEMY BLDG R+5 - WOODLAWN</i>
9:20	It's Your Day Joyce Eagan - Bridal Shop	6127 South Park
9:40	<i>No. Co. Site plan revisions</i>	
10:00		

Approval of Minutes

- 1. Brierwood Planned Unit Development DEIS Status
- 2. Brompton Estates Part 2 - Public Hearing 10-12-88

TOWN OF HAMBURG

PLANNING BOARD MINUTES

9-28-88

The Town of Hamburg Planning Board met in regular session on Wednesday, September 28, 1988 at 7:30 p.m.

Those attending included: Chairman Richard Crandall, G. Gerald Valgora, Elgin Cary, Steve Strnad, G. Koenig, Dennis Gaughan, S. Carnevale. Others attending included George McKnight.

SPECIAL USE PERMIT FOR SATELLITE DISH ANTENNA LOCATED AT 4008 SUMMERWAY LANE.

Secretary Cary read the following Legal Notice for the dish antenna on Summerway Lane.

LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
Pursuant to Section 29-196.3 of the Zoning Ordinance, notice is hereby given that the Planning Board will hold a Public Hearing on September 28th at 8:00 p.m. to consider the following:
Timothy Garey for Satellite Dish Antenna on Part of Lot 6, T-9, R-8 located at 4008 Summerway Lane.
Public Hearing will be held in the Planning Board room in Hamburg Town Hall, S-6100 South Park Avenue, Hamburg, N.Y. 14075.
DATED: September 8, 1988
TOWN OF HAMBURG
PLANNING BOARD
RICHARD CRANDALL,
CHAIRMAN
9-15 **ELGIN CARY, SECRETARY**

Chairman Crandall opened the hearing on the satellite dish antenna based on ^{section} 196.3 of the code. Use may be permitted in all zoning districts provided that (a) Special Use Permit is obtained by the property owner from the Planning Board. (b) that the facility has a dull finish so as not to cause sun reflection on adjacent properties; (c) In residential districts the dish shall be located in the rear yard as far from the adjacent property lines as practicable; and finally, (d) in commercial districts it may be located on the roof of the principal building. This is a residential district, an R-2 zone. Mr. Garey brought in the drawing of the antenna dish mounted on the roof of his home.

Mr. Garey informed the group that the antenna was mounted on the roof as he does not have very much room in the back yard because of a swimming pool and deck. There is no reflections and produced signatures from the neighbors who are not opposed to the satellite dish. Apparently, a neighbor called into the Building Dept. and asked about a permit. At that time, Mr. Garey did not have one and was then informed of the procedures.

SPECIAL USE PERMIT (CONTINUED)

It was noted that since the code does not allow antennas on roof tops of residential areas, that a variance may be required. Further research on this topic should be reviewed first for an appearance before the Zoning Board.

Motion was made by Mr. Valgora, seconded by Mr. Carnevale to TABLE the application for further review. Carried. (Tabled until October 12th). Public hearing declared closed. Mr. James J. Stephen, owner of Intertech Satellites, Inc. appeared on behalf of owner.

RICH SUBDIVISION - PUBLIC HEARING -

Secretary Elgin Cary read the following Legal Notice on Fairgrounds Estates.

**LEGAL NOTICE
TOWN OF HAMBURG**

Notice is hereby given that the Planning Board will hold a Public Hearing on September 28th, 1988 at 8:10 p.m. for the purpose of approving a subdivision known as Fairgrounds Estates:

Part Two Rich Subdivision on Fairgrounds Road, Hamburg, New York.

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. 53, Township 9, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Parcel 1: Beginning at a point in the southwesterly line of Fairgrounds Road at its intersection with the southeasterly line of the real property conveyed by Rich to Douglas in Liber 5214 of Deeds at Page 467; thence southwesterly at an angle of 90 Degrees and along the southeasterly line of the Douglas property a distance of 150.25 feet to a point; thence southeasterly at an interior angle of 84 Degrees, 55 Minutes and 38 Seconds a distance of 164.35 feet to the northwesterly line of a proposed street; running thence northeasterly at an interior angle of 85 Degrees, 10 Minutes and 51 Seconds, a distance of 138.20 feet to the southwesterly line of Fairgrounds Road; thence running northwesterly along the southwesterly line of Fairgrounds Road a distance of 137.52 feet to the point or place of beginning.

Parcel 2: Beginning at a point in the southwesterly line of Fairgrounds Road at its intersection with the southeasterly line of real property conveyed by Rich to Powell recorded in the Erie County Clerk's Office May 28, 1987; running thence southwesterly at an interior angle of 90 Degrees along the southeasterly line of property conveyed to Powell a distance of 150 feet; running thence southeasterly at an interior angle of 90 Degrees a distance of 150 feet to the northwesterly line of real property conveyed by Rich to Douglas by Liber 5214 of Deeds at Page 467; running thence northeasterly at an interior angle of 90 Degrees a

distance of 150 feet and along the northwesterly line of property conveyed to Douglas to the southwesterly line of Fairgrounds Road; running thence northwesterly along the southwesterly line of Fairgrounds Road a distance of 150 feet to the point or place of beginning.

Parcel 3: Beginning at a point in the southwesterly line of Fairgrounds Road at its intersection with the southeasterly line of real property conveyed by Rich to Taylor on or about July 1, 1987; running thence southwesterly along the southeasterly line of the Taylor property at an interior angle of 90 Degrees a distance of 150 feet; running thence southeasterly at an interior angle of 90 Degrees a distance of 120 feet to the northwesterly line of property conveyed by Rich to Powell; running thence northeasterly along the northwesterly line of the Powell property 150 feet to the southwesterly line of Fairgrounds Road; running thence northwesterly along the southwesterly line of Fairgrounds Road a distance of 120 feet to the point or place of beginning.

Parcel 4: Beginning at a point in the southwesterly line of Fairgrounds Road at its intersection with north line of lands conveyed to Jacob Rich known as parcel "A" in a deed recorded in Liber 3981 of Deeds at Page 504; thence southeasterly along the southwest line of Fairgrounds Road eighty-six and forty-six hundredths (86.46) feet to a point; thence southwesterly at right angles, one hundred fifty (150) feet; thence northwesterly at right angles one hundred eighty-six and twenty-one hundredths (186.21) feet to the north line of lands conveyed by first aforesaid deed recorded in Erie County Clerk's Office in Liber 3981 of Deeds at page 504; thence easterly along said north line of lands one hundred eighty and fourteen hundredths (180.14) feet to the southwest line of Fairgrounds Road being the point of beginning.

DATED: September 19, 1988
 RICHARD CRANDALL,
 CHAIRMAN
 TOWN OF HAMBURG
 PLANNING BOARD
 9-22 ELGIN CARY, SECRETARY

FAIRGROUNDS ESTATES (PUBLIC HEARING)

Chairman Richard Crandall declared the hearing open and Mr. Gary Rich appeared on behalf of his proposed subdivision. Mr. Kenneth Weishaupt, of S-5361 Fairgrounds Road, inquired as to the exact location of the lots. If the land is fully utilized, approximately 30 to 40 homes could be built. At the present time, however, only 4 homes are to be developed for Part II.

Motion was made by Mr. Carnevale, seconded by Mr. Valgora to approve the preliminary as presented. Carried. (Engineer's seal required).

EXPERT MOTORS - A. ALMEIDA, 5829 CAMP ROAD - SITE PLAN REVIEW

Mr. A. Almeida appeared before the Planning Board on site plan review for a used car lot which is located at 5829 Camp Road. The issue of the paper street should be addressed by the Town Attorney. If an abandonment is required, it is done thru the Legal Dept. The following memos were received:

PLANNING - The parking setback on the north side of the house facing Camp Road is less than 10 feet. In fact, when I drove by there yesterday, the display cars were parked right at the property line. The zoning ordinance requires parking to be setback at least 35 feet from the edge of the right-of-way. If the applicant receives approval of the Board of Zoning Appeals, he can park up to 10 feet of the right-of-way, but never any closer. The site plan must be rejected by the Planning Board because the parking setback is not in conformance with the Zoning Ordinance. The proposed building that is identified as under construction was never approved by the Planning Board. In addition, it is required by the Zoning Ordinance to be 20 feet from the side lot line and it is only 12 feet away. The south property line of this development abuts residential properties and as required by the Zoning Ordinance, a six foot high solid stockade fence must be installed. The proposed future expansion area is only five feet from the right-of-way of Franklin St. At this time Franklin is only a paper street. There is no cross section of the required paving for the sales and customer parking areas. The back area that is identified as "grass" has been disturbed and there are no elevations to assure that the residential areas won't be the recipient of unwanted storm water. What will the garage and its addition be used for? If there is to be a free-standing sign, its location must be shown on the site plan. If there is to be lighting, the location of the poles must be shown as well as certification that all lighting is directed downward and inward away from all other properties. Proposed landscaping should be shown. What will the 2 story house be used for? Franklin is an unimproved street. Driveways are proposed to access onto this street. There may be legal issues involved.

BUILDING INSPECTION -

Parking for a used car lot requires 5 spaces plus one for each two employees, and 1 handicapped. In the 30' triangle shrubs less than 3 feet should be planted. There can be no parking in the first 35' unless approved by the Zoning Board. The new addition is in violation of 29-162-B4. No building permits have been issued. No permit was issued for the accessory building. Tree stumps are buried in the rear yard. This is not permitted. Plans must be stamped by a licensed architect. Buildings are to be barrier free. Site plan should reflect elevations, storm drainage, location of utilities, detached sign, details on paving, location of sidewalks, landscaping plans, detail of curbs, detail of location for off-street lighting must be shown.

9-28-88

Mrs. Mary Jane Fallon of Staley Drive noted that the posts for the fence are in place but the fencing has not been completed. Cars are also parked back from the property line adjacent to our property line. When a commercial facility abuts a residential area, fencing is required. The height of the fence, whether 6' or 8' is to be determined by the Building Inspector. Tree stumps have been buried in the back which is not permitted by the Town.

Thelma Bowers inquired as to whether a license to sell has been issued?

Mr. William Fallon of Staley Drive requested that an on site inspection should be made of the premises by the Planning Board.

Mr. Charles Greener of 4020 Staley Drive noted that on the back of the property there is another junk car.

Judy Boyce complained that cars are blocking Staley Drive ^{and} could cause accidents due to line of sight problems.

Applicant is to implement revisions on next site plan and return for October 12th.

GLADYS ROGERS - KIDDIE HAVEN DAY CARE CENTER - 3218 LAKE SHORE ROAD - WOODLAWN

Gladys Rogers appeared before the Planning Board on a proposed day care center which is to be located in the Royale Dance Academy building at 3218 Lake Shore Road. Applicant was advised that this is a permitted use in the district. With regard to public health and safety, this is in the pervue of the Building Inspection Dept. Approval is required by the Planning Board before State approval can be given. There is provision for parking. The day care center requires a Special Use Permit once state approval has been given. Reference was made to the section of the ordinance governing day care centers.

IT'S YOUR DAY - JOYCE EAGAN BRIDAL SHOP - 6127 SOUTH PARK AVENUE

Joyce Eagan appeared before the Planning Board for her proposed relocation of "It's Your Day" bridal shop at 6127 South Park Avenue. A survey was presented for the intended use. At the present time she has been using a building next to the Convenience Store on Buffalo Street and would like to utilize a home on South Park. Stock items such as dresses, veils and accessories would be the basis of the business. Brides usually call ahead for appointments and come in 1 car with their attendants. Ms. Eagan does not plan to live in the residence. There will be no structural changes in the buildings.

Chairman Crandall pointed out that parking requirements should be considered as well as signage. A handicapped ramp will be required for the facility. An Environmental Assessment should be done for the parcel.

Motion was made by Mr. Carnevale, seconded by Mr. Koenig to approve the site for the bridal shop on South Park, contingent on adequate parking and approval of the sign by Building Inspection. Carried.

LETTER FROM RAY VAUGHAN - CONSERVATION BOARD - REFERENCE ON NO CO STATION & MOBIL OIL

A letter from Ray Vaughan from the Conservation Board was received relative to a buffering of trees on the No Co Station site and Mobil Oil on South Park to preserve a buffer of trees as part of the site plan process. (See attachment).

19-28-88

NO CO SITE PLAN - SOUTH PARK AVENUE

Motion was made by Mr. Koenig, seconded by Mr. Carnevale to approve the site plan for the No Co. Station on South Park subject to the preservation of the natural green area, Engineering, Building Inspection, and approval of the curb cut. Carried. (Seal should also be designated on site plan).

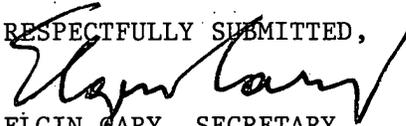
The Planning Board has taken the Conservation Board's request and have modified the preservation of the green areas as much as practical. The concern was over the high-tension wire and traffic safety considerations. That is the reason why the green area could not be moved south.

OTHER ITEMS:

1. Discussion on zoning changes. No action taken
2. Public hearing scheduled for Brompton Part 2. Motion was made by Mr. Koenig seconded by Mr. Strnad to schedule the Public Hearing for October 12th at 8:00 p.m. Carried.

Motion to adjourn the meeting was made by Mr. Valgora, seconded by Mr. Cary. Carried. Meeting adjourned at 10:45 p.m.

RESPECTFULLY SUBMITTED,


ELGIN CARY, SECRETARY
PLANNING BOARD

NEXT MEETING DATE:

10-12-88
7:30 P.M.

TOWN OF HAMBURG

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

Supervisor
JACK QUINN, JR.

Councilmen
D. MARK CAVALCOLI
JAMES F. CONNOLLY
DANIEL J. HENRY
PATRICK H. HOAK



Town Attorney
VINCENT J. SORRENTINO

Town Clerk
GEORGE DANYLUK

Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

Memo To: Planning Board

From: Planning Department

Subject: 5829 Camp Road Used Car Lot Site Plan

Date: September 28, 1988

1. The parking setback on the north side of the house facing Camp Road is less than ten feet. In fact when I drove by there yesterday, the display cars were parked right at the property line.
2. The zoning ordinance requires parking to be setback at least 35 feet from the edge of the right-of-way. If the applicant receives approval of the Board of Zoning Appeals, he can park up to 10 feet of the right-of-way, but never any closer. The site plan must be rejected by the Planning Board because the parking setback is not in conformance with the Zoning Ordinance.
3. The proposed building that is identified as under construction was never approved by the Planning Board. In addition, it is required by the Zoning Ordinance to be 20 feet from the side lot line and it is only 12 feet away.
4. The south property line of this development abuts residential properties and as required by the Zoning Ordinance, a six foot high solid stockade fence must be installed.
5. The proposed future expansion area is only five feet from the right-of-way of Franklin Street. At this time Franklin is only a paper street.
6. There is no cross-section of the required paving for the sales and customer parking areas.
7. The back area that is identified as "grass" has been disturbed and there are no elevations to assure that the residential areas won't be the recipient of unwanted storm water.
8. What will the garage and its addition be used for?
9. If there is to be a freestanding sign, its' location must be shown on the site plan.

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-2-

10. If there is to be lighting, the location of the poles must be shown as well as certification that all lighting is directed downward and inward away from all other properties.
11. Proposed landscaping should be shown.
12. What will the 2-story house be used for?
13. Franklin is an unimproved street. Driveways are proposed to access onto this street. There may be legal issues involved.

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TO: Town Planning Board
FROM: Town Engineer Gilbert
DATE: 9-14-88
SUBJ: FAIRGROUNDS ESTATES SUBDIVISION

Following are our comments on the review of the proposed final plat dated 8-3-88 and received 9-14-88:

- The final plat shall show the following information;
 - the owners of adjoining parcels
 - a typical lot plan as required by the N.Y. State Realty Subdivision Law
 - easement as needed
 - the Planning Board's Drainage Easement Stamp shall be affixed to the plat.
 - there is an added fire hydrant across from SL-2 to be put on plan
- We understand the lots have access to public sanitary sewer and water.
- We require storm sewer plan and a lot grading plan. The requirements for these plans will be found in our Construction Specifications. The engineer has #6 copy.


Jack Gilbert

JG/dp
cc: R. Lardo
J. Lauchert

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September 28, 1988

SITE PLAN REVIEW

RE: 5829 Camp Road, Expert Motors

Please refer to the site plan which I drew all these responses on. If this is a used car lot covered under 29-73A-2. Parking required under 29-119B five spaces plus one for each two employees, plus one handicapped.

Under the orange in the red coloring at the corner please refer 29-160, this a thirty foot triangle, shrubs less than three feet high should be planted in this area. The red lines state what is covered under 29-129B-1 parking thirty-five foot set back. Unless approved by the Zoning Board of Appeals they can grant a variance so they can limit it to 10 feet. If this building is for what is covered under 29-173a-18 for the side yard next to the R-1 and eight foot fence.

The proposed addition under the construction is 20 X 26, the frame garage next to it is 20 X 26. A total of 1,040 square feet. The two story frame house has approximately 1760sq. feet, thirty-five percent of that is 616. This new addition, 20 X 26 would violate 29-162-B4. There are no building permits for the newly remolded front porch constructed without a building permit. Apparently, not constructed properly, no building permit was approved for the addition under construction, 20 X 26. No building permit to build an accessory building, not shown on the plan approximately 12' X 12', plus or minus. There are tree stumps buried in the rear yard, this not permitted.

All plans for additions and new constructions and change in use must be stamped by a licensed architect or engineer licensed in New York State, and conform to the New York State Uniform Fire Prevention and Building Code. Buildings must be barrier free. Site plans also needs elevations, storm drainage, location of utilities, proposed detached sign, details of paving, location of side walks, landscaping plans, details of curbs, and detail of location of off-street lighting.

When you are done with the review of the plan, please return it to the Building Inspection Department. When plans are revised, I will review again.

Sincerely,

John J. Lauchert, C.P.C.A.
Building, Zoning & Plumber Inspector
Code Enforcement Officer
Town of Hamburg

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September 30, 1988

Mr. Terry Leavitt
3668 Horton Avenue
Blasdell, NY 14219

Dear Terry:

You didn't respond to my phone call and time is getting short, so I felt I should write you. A public hearing in Part II of the Brompton Subdivision has been scheduled for 8 PM on Wednesday, October 12, 1988. There were, however, several requested changes in the previously submitted plat layout that have not been done. The existing preliminary plat if submitted for the public hearing will not be approved.

If you submit revised plans at the meeting, no action will be taken until an adequate review has been performed. In case you have misplaced the Town's comments, a set is attached.

Cordially,

TOWN OF HAMBURG PLANNING DEPT.

George
George G. McKnight, Director

GGM/lmd

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September 30, 1988

Ms. Gladys Rogers
Kiddie Haven Day Care Center
1333 Strad Avenue
North Tonawanda, NY 14120

Dear Ms. Rogers:

You Requested a statement regarding the zoning of the former Woodlawn Elementary School currently occupied by the Royale Dance Theater.

The building is zoned NC (Neighborhood Commercial) and a Day Care Center would be allowed as a special permit use in that District.

Cordially,

TOWN OF HAMBURG PLANNING DEPT.

George G. McKnight, Director

GGM/lmd

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ROBERT A. MARS

October 5, 1988

Emmett J. Creahan
Attorney at Law
Suite 1110
69 Delaware Avenue
Buffalo, New York 14202

Dear Emmett:

Attached is a letter from our Conservation Board relative to the Mobil Oil development on buffering. Please take this into consideration and leave a buffer of trees for proper screening.

Sincerely,

TOWN OF HAMBURG PLANNING DEPT.

George McKnight
George McKnight, Director

GM:tad

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September 23, 1988

TO: ALL PLANNING BOARD MEMBERS

A Public Hearing on Brierwood Estates will be held on October 5th at 8:00 p.m. It is important that we have a quorum and for members to be on time.

RICHARD CRANDALL, CHAIRMAN
PLANNING BOARD



Town of Hamburg Conservation Advisory Board

S-6100 SOUTH PARK AVENUE HAMBURG, NEW YORK 14075

September 26, 1988

To: Hamburg Planning Board

From: Raymond C. Vaughan, Conservation Advisory Board

Subject: Location of Noco Gas Station Rel. to Buffer of Trees

On behalf of the Conservation Advisory Board, I recommend strongly that the proposed paved area—together with all associated buildings, tanks, etc., shown on the Noco site plan—be moved southward about 65 feet. In other words, the whole proposed development would be moved as a unit, essentially the whole distance to the south line of the property. The 65-foot-wide strip that would then exist at the north end of the property would be left in its present undeveloped state, as scattered trees and heavy brush.

The purpose of this would be to provide a substantial visual buffer at right angles to South Park Avenue, with the intention of 1) preventing a continuous "strip"-type vista down South Park Avenue and 2) helping to screen the fairgrounds property from the development occurring at and around Town Hall and Bells Plazas.

This general principle was discussed at the ^{August} ~~September~~ joint meeting of our two boards, in connection with the Grossmans development on Camp Road.

The same principle of a visual buffer at right angles to the road should also be applied to the south end of the Bells Plaza on South Park Avenue, where a gas station (Mobil, as I recall) has been proposed. Construction of that station should not be allowed to eliminate the buffer of trees that now bounds the Bells development on the south. A sufficient buffer is needed there to screen the development in and around Bells and Town Hall Plazas from the adjoining churches, residences, etc., and more generally to prevent a "strip"-type vista from being opened up in that direction.

If buffers of trees are adopted as part of a site plan, the Planning Board should ensure (through a deed restriction or performance bond or other appropriate means) that such buffers will not be removed in the foreseeable future.

TOWN CLERK

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HAMBURG, N.Y.

Ray Vaughan

TOWN OF HAMBURG

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Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

TO: Town Planning Board
FROM: Town Engineer Gilbert
DATE: 9-10-88
SUBJ: SITE PLAN REVIEW
JOE BALL SANITATION

Following are comments on a site plan dated 9-6-88 and received in this office on the same day:

- The property fronts on a private road, so called "Pieczonka Drive"
- A location map should be added
- The road surface should be dustfree
- Building downspouts should be connected to a ditch or to Rush Creek
- Show location of sewage disposal system if not connected to a public sewer. Show location of sewer if it exists.
- Show existing waterlines or well location
- Show first floor elevations for existing and new construction
- Show on plan who owns the private road
- Confirm by copy of deed or drawings the right of way width of the private road.

The drawing is not being returned with this memo.


Jack Gilbert

JG/dp

cc: R. Lardo
J. Lauchert