

TOWN OF HAMBURG

PLANNING BOARD MINUTES

10-26-88

The Town of Hamburg Planning Board met in regular session on Wednesday, October 26th, 1988 at 7:30 p.m.

Those attending included: Chairman Richard Crandall, Elgin Cary, G. Koenig, Dennis Gaughan, S. Strnad, S. Carnevale. Others attending included: George McKnight, Dan Gorman, Attorney, & Terry Dubey, Stenographer.

EXCUSED: G. Gerald Valgora

Minutes of the meeting of 10-12-88 were approved on motion by Dennis Gaughan, seconded by Mr. Carnevale. Carried.

F.E.I.S. - BRIERWOOD VILLAGE ESTATES - BURKE REALTY & CONSTRUCTION

Director of Planning McKnight informed the board that the Brierwood Planned Unit Development Final Environmental Impact Statement has been prepared. The Statement contains the concerns that have been raised with respect to the project. A legal notice must be prepared and sent to the newspapers that the statement has been submitted to the State Dept. of Env. Conservation. There is a period of 10 days that comments can be submitted on the project. The Findings of Fact should be readied by the November 16th meeting.

Motion was made by Mr. Cary, seconded by Mr. Strnad to accept the Final Draft Environmental Impact Statement and prepare a Legal Notice based on the SEQR law to submit the statement to the Dept. of Env. Conservation in Albany. Carried.

EXPERT MOTORS - A. ALMEIDA

A memo was sent to the Planning Board regarding whether the used car lot of A. Almeida falls under the category of a public garage of new and used vehicle sales on Camp Road. Since there is no collision shop, board members agreed that this would fall under the category of 29-73A. However, the entire area should be treated as one unit and be properly fenced or have plantings around the whole facility. Memo to be sent to the Building Inspector.

SAW MILL OPERATION - CHIP SPITTLER - LAKEVIEW ROAD.

A memo was received from the Building Inspector regarding the proposed use of Chip Spittler on Lakeview Road. According to 29-16 of the code, the use is not listed. Therefore it is not a permitted use. There are 3 alternatives which the applicant may chose: A use variance, a rezoning, or complete stoppage of the operation. Attorney Gorman is to compose a letter regarding same.

SUB-COMMITTEE MEETING WITH PLANNING BOARD & CONSERVATION BOARD

The Sub-Committee with Conservation and Planning is scheduled for October 27th, 1988 in the conference room. The first meeting will draw up the guidelines of the open space policy.

10-26-88

PROPOSED HAVENWOOD SUBDIVISION - DUPLEX UNITS - RT. 20 - SOUTHWESTERN BLVD.

Due to the large audience of persons interested in this hearing, meeting adjourned to the upstairs court room. Excused: Dennis Gaughan.

Secretary Cary read the following Legal Notice:

<p>TOWN OF HAMBURG LEGAL NOTICE HAVENWOOD SUBDIVISION</p> <p>Notice is hereby given that the Planning Board will hold a Public Hearing on Wednesday, October 26, 1988 in the Hamburg Town Hall at 8:00 p.m. for the purpose of approving HAVENWOOD SUBDIVISION:</p>	<p>Southwestern Boulevard, a distance of 750.21 feet, more or less to the place or point of beginning, containing 20.98 acres, more or less.</p> <p>DATED: OCT. 13, 1988</p> <p>RICHARD CRANDALL, CHAIRMAN PLANNING BOARD</p> <p>10-20 ELGIN CARY, SECRETARY</p>
<p>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 6, Township 9, and Range 8 of the Holland Land Company's Survey and bound and described as follows:</p> <p>BEGINNING at a point in the Northernly Right-of-Way of Southwestern Boulevard, being a 100.00 wide road, at the Northeast corner of Lands conveyed to the State of New York in deed recorded on Liber 7870 at Page 185; Thence South along the east line of said deed, a distance of 1267.91 feet, more or less, to the North line of Map Cover 2390; Thence East along said north line, a distance of 636.01 feet, more or less, to the West line of Bethel Estates; Liber 8465, Page 107; Thence North along the west line of Bethel Estates, a distance of 1603.07 feet, more or less, to the south line of Southwestern Boulevard; Thence Southwesterly along the south line of</p>	

HAVENWOOD SUBDIVISION (CONTINUED)

Chairman Richard Crandall opened the hearing for discussion:

Mr. William Schifferle, applicant, appeared on behalf of his duplex subdivision which is to be located near Bethel Estates and the State Dept. of Transportation facility on Southwestern Boulevard. Approximately 48 sub lots are being considered for development with duplex units similar to the type that Ben Nicosia built on Twilight Lane. The audience present was concerned about the proposed connection that would connect Sunway Lane and the Four Seasons Subdivision, as another point of access to the Havenwood Subdivision.

Mr. Mike Archangel, resident of 3943 Summerway Lane noted that the residents have several concerns over this proposed subdivision; namely; the connection on Sunway Lane into the phase I development of Havenwood Subdivision.

Mr. John King of 4889 Winterway Lane asked why the road could not just go out to Southwestern Blvd. instead of into Four Seasons Subdivision.

Mr. Merrill, engineer, noted that it is possible to have egress and ingress just on to Southwestern Blvd. but at the initial meeting of the Planning Board had discussed the feasibility of having two access points; one from Southwestern and one in the back portion into Four Seasons for emergency access.

Mr. McKnight then explained the subdivision review process to the residents and noted that the public hearing is being heard on the Subdivision for preliminary approval. After input is received, all comments are taken into consideration and the applicant can either revise with modifications and proceed to final. The action on the preliminary can also be tabled.

Mr. Archangel stated that the information that has been submitted on the SEQR is inadequate. It was further explained that the duplex units would be individually owned and is similar to the type of development which Ben Nicosia has constructed in Twilight subdivision.

Mrs. Betty McLaughlin of 4889 Springway again stated that she cannot see why the access is necessary into Four Seasons. It was explained that Sunway is a stub street and the access would be an extension to that connection. Mrs. McLaughlin noted that she hoped the Planning Board would consider carefully this proposed connection as this would jeopardize the safety of children in the Four Seasons Development.

Mr. Ferraro of 3956 Summerway noted that he was at the intial meeting on the development and asked about the natural trailway and stream relocation. Also, he stated concerns on increased traffic and was opposed to the Sunway Lane connection into Four Seasons.

Mr. Archangel noted concern during the construction period of trucks, in and out of the development. He also stated concern of increased traffic and concern for his own children. Concern was raised on traffic during construction and that Four Seasons streets would become traffic generators.

Mr. John Kyte of 3949 Summerway noted that an average family makes 7 trips a day coming and going from their residence and noted that with 47 units, this would become a problem.

HAVENWOOD SUBDIVISION (CONTINUED)

Mr. J. Verbanoff of Winterway Lane stated that the main purpose the residents are present is with respect to the connection and wondered what impact the group would have on the decision.

Mrs. McLaughlin of 4889 Springway noted that there is a great deal of traffic that cuts thru from Dartmouth and Camp and stated concerns that the subdivision would be used for a cut-thru.

Mr. D. Wittmeyer of 3983 Summerway feels that the proposal would intrude on the privacy of the Four Seasons Subdivision.

Mr. R. Neilo of 3932 Summerway stated that he would like to see the developer use Southwestern Blvd. only as a point of access.

Mr. P. Seidler of 3910 Sowles Rd. noted that he feels the developer wants to use Sunway as it would reduce the developers costs and make it easier to tie into sewers, etc.

Sandy Sieviec of 3964 Summerway noted that she would like to see the woods retained. Since the back yards of Four Seasons and Havenwood will back up to one another, she would like to see some type of buffering between the two developments and retain as many of the trees as possible so that this will not ruin the aesthetics of the area.

Mr. Kyte of 3949 Summerway stated that he does not want to see Hamburg turn into another Amherst with just rows and rows of homes. He would like to see some type of buffering and to maintain the green open space concept which he has been reading about.

Mr. Platek of 4004 Summerway Lane noted that he would like to see some type of passive recreation area such as 10% donated by the developer to the Town in keeping with the green space concept. There are approximately 22 acres of land involved and 2.2 acres which could be dedicated is a reasonable request.

Mr. Archangel noted that his concerns are ingress and egress. He too would like to see some type of buffering. He also noted that the proposed development is in the 100 year flood plain and spoke on the drainage concern. At the present time, there are no grades of what is existing and there is no drainage plan. This project could also have an archaeological impact.

It was noted that the drainage plan and grades will be requested by the Town Engineer's department. Also, with respect to the flood plain, the building inspector usually requires that the homes should be elevated 1' higher on the first floor and no basements. Also, a holding pond could be constructed to hold back the water and discharge it at a slower rate.

Mr. Archangel noted that he has reviewed the SEQR and has noticed that there are inconsistencies with the SEQR and the proposed development.

Mr. Greg McCorkhill of Midway Court noted that he would like to see some calculations on the proposed site. He would like to see what is happening with the upstream drainage from the Thruway.

Mr. G. Rucker of 3933 Summerway stated that he does not want to see the

connection to Four Seasons Subdivision.

Mr. J. Wilson of 3950 Summerway noted that he is concerned about the safety exit.

Mr. W. Tunney of 4921 Springway stated concerns over property values. At the present time, Four Seasons consists of single family dwellings and wonders what affect duplexes will have on the value of their properties.

Mr. Torsey of 4894 Winterway Lane noted that he would like to see a strip of forest retained as a form of buffering.

Mr. Crandall noted that it appears that the concerns are the tie in to the back road, buffering, drainage, the 100 year flood plain. He stated that he would poll the members to see what the feeling is on the subject. The developer will have to take the issues into consideration and make adjustments to the proposed site. It was suggested that Four Seasons send a group representing the homeowners in the area to work out a viable solution.

A new resident of Four Seasons, who walked in late, noted concerns of property values and is opposed to the connection. Resident lives at 3929 Summerway.

Mr. Mike Stanek of Autumnway Lane noted that this proposed subdivision will change the environment of the neighborhood.

Chairman Crandall noted that he is in favor of the buffer, the size to be determined at a later date; and agrees that the back road connection can be eliminated. He is in support of those two points. The configuration of the subdivision will be adjusted to take that into account.

Mr. Koenig noted that he would like to see a layout with a buffer. Also, the Traffic Safety Board agree with the people on the point of access and that it could have a raceway affect. I do not wish to see any connections between the two subdivisions. If there is to be a connection, than there should be some type of bonding dollars for signalization.

Mr. Strnad noted that he would like to see a buffer and no connection.

Mr. Carnevale stated that he is in favor of a buffer and no road connection.

Mr. Cary noted that he is in favor of a buffer of some type. However, this is a problem that will have to be worked out.

It was pointed out that the site plan must be redrawn with a 30' buffer, front to back, and offered for dedication to the Town. Also, the lots should be pushed closer to Southwestern Blvd. and that there be no road connection to the Subdivision from Four Seasons. Matter was tabled.

CORRESPONDENCE RECEIVED FROM: - CONSERVATION

The Conservation Advisory Board recommends that a Conditioned Negative Declaration be predicated on the condition that the developer dedicates to the Town, 25 feet on each side of the center line of the relocated channel, to be in accordance with the 2010 Master Plan which shows the present stream as an Open space trailway.

ENGINEERING - JACK GILBERT

The owner should be advised the proposed site is not in the wetlands but is within the 100 year flood boundary as established by F.E.M.A. Special measures must be taken into consideration for house and storm sewer construction.

Rights of way for the site are to be shown as 70'. The entrance road must be located in the center of the R.O.W. All horizontal curves must have a 150' minimum center-line radius. The site is not in a water district. A new water district must be created for service. The site is in the Master Sewer District and should not be a problem. The phase lines are subject to Engineering review depending on utility layout. They shall be removed. The street names are unacceptable. The existing sanitary trunk sewer must be relocated on S.L. 26 to be useable. We may have a problem with the stream relocation.

JACK LAUCHERT - BUILDING INSPECTION

I feel there should be a 30' buffer between the two subdivisions, left in its natural state with as many trees as possible. On the north side, two exceptions exist along S. Western Blvd. Consideration should be made to have Havenwood coincide with the 30' sanitary sewer maintenance easement. On S.L. 12, 15, 16, and 17, these do not conform to the 35' setback. All others lots appear to conform.

SOUTH SHORE PHYSICAL THERAPY OFFICE - FORMER MC KNIGHT'S PLUMBING

Messrs. Bart Horrigan and John Pitarresi appeared before the Planning Board on a proposed professional physical therapy office to be located in the former McKnight's Plumbing site on South Park Avenue across from Town Hall. At the present time, they have one office in Derby and plan to open up another office across the street. They will have 1 therapist on duty at one given time. Comments were received as follows:

ENGINEERING:

No review comments

BUILDING INSPECTION

The site plan reflects 6 parking spaces. If this location is based under 29-119G each doctor office requires 8 parking spaces. Based on 29-119H, other business or professional use, 1 space for each 175 s.f. would be required. Under 29-119J, based on 1 space for each 350 s.f., five spaces are required. This office has 1734 s.f. The two handicapped spaces do not conform to ANSI A117.1-1980. The setback denotes 35', however, there is only 16' and will require an appearance before the Zoning Board. I would like to see a detail of the construction drawing for the new ramp to make this building handicap accessible.

Board members agreed that this is a professional office use and should require 5 parking spaces. Parking layout is to be re-arranged to conform to the code. It was also noted that the parking area should be paved by the end of next summer.

Motion was made by Mr. Gaughan, seconded by Mr. Carnevale to approve the site plan contingent upon Engineering approval for drainage and that the area be paved by the end of next summer. Carried.

CONSUMER'S BEVERAGE ADDITION - MAELOU DRIVE

The manager of Consumer's Beverage appeared before the Planning Board with a site plan for a proposed addition for warehouse storage to be located at the Maelou Drive facility. The Conservation Board has noted that the septic tank will have to be removed from the property before the addition is built. Comments were received as follows:

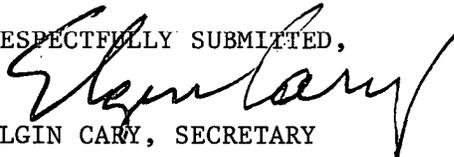
ENGINEERING

The print quality is poor. We are unable to read the engineer's stamp. We request a legible print. The site has been changed since first presented in 1976. The plan shall be updated to show the new sewer lateral location and additional storm catch basins. A site location plan and north arrow shall also be shown. If new roof downspouts are to be installed, they must be shown piped to the storm sewer. We suggest the Planning Board request a landscaping plan. The southwest frontage of the site labeled green area is a weed patch and trash collector.

Motion was made to accept the site plan contingent upon permission and clarification of the engineer's seal, that the green area be maintained properly with some shrubs and landscaping, by Mr. Gaughan, seconded by Mr. Strnad. Carried.

Motion to adjourn the meeting was made by Mr. Koenig, seconded by Mr. Gaughan. Carried. Meeting adjourned at 10:40 p.m.

RESPECTFULLY SUBMITTED,


ELGIN CARY, SECRETARY

NEXT PLANNING BOARD MEETING
NOVEMBER 16, 1988 - 7:30 P.M.

W. G. Schiferle Real Estate

COMMERCIAL • INDUSTRIAL • LAND DEVELOPMENT
6455 VERSAILLES ROAD LAKE VIEW, NEW YORK 14085

October 18, 1988

Mr. George McKnight
Director of Planning
Town of Hamburg
S 6100 South Park Avenue
Hamburg, NY 14075

RE: Havenwood Subdivision

Dear Mr. McKnight:

I am writing in response to the Traffic Safety Advisory Board's memorandum of October 11, 1988.

The revised site plan prohibits access to Southwestern Boulevard from lots 35, 36, 61, 62.

The extension of Sunway Lane will provide two entrances into Four Seasons and Havenwood. If there was a major fire or catastrophe near the entrance to Four Seasons at the present time, there would be no other exit out or entrance in for a second emergency vehicle, or for residents to enter or leave the subdivision.

Very truly yours,


William G. Schiferle

WGS/cs

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

October 27, 1988

TO: Jack Lauchert, Building Inspector
Town of Hamburg

SUBJECT: Chips Spittler - Saw milling in R-A zone

At the Planning Board meeting held on October 26th, the board discussed the operation of Chip Spittler for a saw mill operation and logging in Lakeview. Based on 29-16, the use is not listed, therefore it is not a permitted use. There are 3 alternatives: a use variance, rezoning, or to stop the operation entirely.

Dan Gorman is to write a letter explaining the alternatives.

RICHARD CRANDALL, CHAIRMAN
TOWN OF HAMBURG PLANNING BOARD

RC:tad

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

October 27, 1988

TO: Jack Lauchert, Building Inspector

SUBJECT: Expert Motors

At the Planning Board meeting held on October 26th, the issue of Expert Motors was discussed. Since there is no collision shop, this should be treated as a new and used motor vehicles sales facility. The entire area should be fenced or have plantings all the way around.

Richard Crandall, Chairman
Planning Board

RC:tad

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

October 27, 1988

LEGAL NOTICE

Pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, the Town of Hamburg Planning Board as lead agency for the review of the environmental impact of the Brierwood Village Estates Planned Unit Development has completed and filed with the New York State Department of Environmental Conservation a Final Environmental Impact Statement for this project. A copy is available for local review in the office of the Clerk of the Town of Hamburg and the Hamburg Sun. It is the intention of the Planning Board to issue a "Findings Statement" at their regular meeting to be held on November 16th, 1988 at the Hamburg Town Hall.

RICHARD CRANDALL, CHAIRMAN
TOWN OF HAMBURG PLANNING BOARD
S-6100 SOUTH PARK AVENUE
HAMBURG, N. Y. 14075

DATE: 10-27-88

RESOLVED, that based on the recommendation of the Planning Board, a Public Hearing be scheduled for 7:00 p.m. on Monday, November 14, 1988 on the following proposed amendments to Chapter 29 of the Code of the Town of Hamburg known as Local Law No. 10 of 1986 Zoning.

ARTICLE VI - R-A - Residential Agricultural District

29-19 Maximum height of buildings

E. Farm buildings: No limit

ADD Farm buildings shall be no closer to a side or rear lot line than their height.

ARTICLE IX

R-2 Single - Family Residence - Attached District

29-39 Minimum lot size

A (2) Two family dwellings:

DELETE (a) Four thousand (4,000) square feet per dwelling unit where the lot is served by a public sanitary sewer

(b) Ten thousand (10,000) square feet per dwelling unit where the lot is not served by a public sanitary sewer.

ADD - Five thousand three hundred ten (5,310) square feet per dwelling unit where the lot is served by a public sanitary sewer.

DELETE B(1) Where a lot is served by a public sanitary sewer: sixty (60) feet for one (1) dwelling unit plus an additional fifteen (15) feet for a second dwelling unit.

ADD B(1) Where a lot is served by a public sanitary sewer: sixty (60) feet for one (1) dwelling unit plus an additional twenty-five (25) feet for a second dwelling unit.

29-41 Required Yards

DELETE - B(2) Two-family dwelling where the lot is served by a public sanitary sewer: The minimum width of any side yard shall be five (5) feet.

ADD

B(2) Two-family dwellings where the lot is served by a public sanitary sewer: The minimum width of any side yard shall be ten (10) feet.

29-162 Limitations on obstructions in required open space.

B(4) No detached accessory buildings shall be permitted in required front yards and the size of any accessory building shall not exceed (thirty-five 35%) fifty 50% percent of the square footage of the principal building. Farm buildings used for agricultural purposes are exempt from this limitation.

TOWN OF HAMBURG

LEGAL NOTICE

HAVENWOOD SUBDIVISION

Notice is hereby given that the Planning Board will hold a Public Hearing on Wednesday, October 26, 1988 in the Hamburg Town Hall at 8:00 p.m. for the purpose of approving HAVENWOOD SUBDIVISION:

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

BEGINNING at a point in the Northerly Right-of-Way of Southwestern Boulevard, being a 100.00 wide road, at the Northeast corner of Lands conveyed to the State of New York in deed recorded on Liber 7870 at Page 185; Thence South along the east line of said deed, a distance of 1267.91 feet, more or less, to the North line of Map Cover number 2390; Thence East along said north line, a distance of 636.01 feet, more or less, to the West line of Bethel Estates; Liber 8465, Page 107; Thence North along the west line of Bethel Estates, a distance of 1603.07 feet, more or less, to the south line of Southwestern Boulevard; Thence Southwesterly along the south line of Southwestern Boulevard, a distance of 750.21 feet, more or less to the place or point of beginning, containing 20.98 acres, more or less.

RICHARD CRANDALL, CHAIRMAN
PLANNING BOARD

ELGIN CARY, SECRETARY

DATED: OCT. 13, 1988