

TOWN OF HAMBURG

PLANNING BOARD MINUTES

11-12-86

The Town of Hamburg Planning Board met in regular session on Wednesday, November 12, 1986 in the Planning Board room of Hamburg Town Hall.

Members attending included: Chairman G. Gerald Valgora, Messrs. R. Crandall, Mr. Danyluk Elgin Cary, Dennis Gaughan and Mrs. Sally Saunders. Others included George McKnight. Minutes were approved on motion by Mrs. Saunders, seconded by Mr. Crandall. Carried.

EXCUSED: Dan Gorman

BROOK GARDENS PHASE II & CREEKVIEW ESTATES

Mr. Paul O'Neill and Mr. Filipiak owner of Brook Gardens appeared before the Planning Board for site plan review on a 19 sub-lot preliminary for Phase II and a proposed layout for 235 sub lots for Creekside Estates. The parcel has recently been rezoned for development. Comments were received as follows:

BUILDING INSPECTION - JACK LAUCHERT

The lot size exceeds our code, but it should also be brought to your attention that part of the Phase II section of Brook Gardens may be in a flood plain. In that case, please follow Town regulations in Chapter 27, Flood Damage Prevention, Local Law #8, 1980. Also, follow Chapter 30A, Mobile Home Courts, Local Law #7, 1973.

Mr. McKnight is to check into the flood plain delineation. There is no problem with Traffic Safety. They look favorably upon the project. A seal should be reflected on the plot plan. Creekside Estates to be re-submitted to Mr. Lauchert for review.

GRISHKAT REZONING - ECKHARDT ROAD

This matter was tabled for an on site inspection. Since that time, correspondence has been received from Dean Becker requesting that the R-2 remain. (See attached letters from Mr. Becker and Shaw & Shaw Attorneys). There are approximately 3 homes in that area, with large frontages.

RESOLVED, that the Grishkat - Peleckis property be added to the existing R-2 zoned area and to retain this existing R-2 area in the proposed comprehensive zoning revision as R-2. Motion was made by Mr. Crandall, seconded by Mr. Cary. Carried.

USED CAR LOT - MR. FREDERICKSON 4526 CAMP ROAD. ZONED C-2 -PART OF LOT 23, T-9,R-8

Mr. Frederickson appeared before the Planning Board with a request to have a used car lot located at 4526 Camp Road. The parcel is zoned C-2. This property is located near the Tool Rental facility which the Planning Board approved on Nash Road. Two cars will be displayed in the front parcel. The survey is adequate as a site plan and is a minor commercial use in this zone.

Motion was made by Mr. Danyluk, seconded by Mrs. Saunders to accept the site plan as presented. Carried.

11-12-86

RON BUGAJ - GUS FEHRER - ATTORNEY'S OFFICE - SOUTHWEST CORNER OF SOUTHWESTERN BLVD. & LAKEVIEW ROAD.

Mr. Ron Bugaj and Gus Fehrer appeared before the Planning Board with a site plan for a proposed legal office to be located on the southwest corner of Southwestern Blvd. & Lakeview Road. The SEQR is ready to be filed, the survey has been updated. Mr. Bugaj noted that he would like conceptual approval to proceed with the project. Contacts have been made for the water and septic systems. There is no public water or sewers in the immediate area. Therefore a septic system and well will require County and Dept. of Health Dept. approvals. The drainage information is not yet available. If the building and parking layout is adequate, further plans will be drawn. Traffic Safety has not submitted comments as yet on the driveway location. On the Southwestern side, the State D.O.T. must approve the curb cut as well as the County. Planning Board agreed that concept approval is acceptable.

BELL'S BAZAAR - FINAL SITE PLAN REVIEW -

A new site plan has been presented on Bell's Bazaar showing bumper blocks to close off the ditch portion at the end of the parking lot. Comments were received as follows:

BUILDING INSPECTION - JACK LAUCHERT

On the north side I relocated the existing parking and paved area with a solid red line to the approximate location. There should be poured in place curbs to the existing paved area. I recommended bumpers in the north area in case there is any future development, the bumpers could be removed. On the west side, approximately 490' there should be a guard rail as there is a 3' drop between the existing pavement and the existing wooded area which is lower. The guard rail should return around both corners across 10' as you proceed to the south along the west side. As you reach the corner where it states end of blacktop that should be seeded with grass in the spring. There is an existing stone base in the approximate location to allow access to the rear pond area. This drains to a detention area. On the south side, along the existing construction swale 490' a guard rail should be constructed along with a 10' return to protect the people using the parking lot from driving to the construct swale which drains the water to the pond. At the present time, they have put up concrete bumpers as a temporary measure to stop cars from driving into the swale which is 3 to 4' deep. The first time a snow plow clears the area, they might take the curbs away. There should be reinforced bumper guard rail should be installed. When that happens, the concrete bumpers should be placed on the west side at the edge of the blacktop area to separate the paving from the grass area. The curb area around the existing hydrant including the light standards should be filled in with topsoil and grassed area. The handicapped parking spaces were not installed correctly to begin with. He also does not have the signs installed for the handicapped spaces. This should be completed before the final Certificate of Occupancy was granted. The temporary certificate expired November 10, 1986. The site plan is to be reviewed by the Planning Board before there are any extensions.

No approvals were given until a revised site plan has been submitted showing pre cast curbs on the north side, guard rail on the south side; no requirements on the west side. Fire hydrant should be indicated on the site plan.

BELL'S BAZAAR (CONTINUED)

Future correspondence should be sent to Jim Poremba & Frank Conorozzo, Peter J. Schmidt Co., 355 Harlem Rd. West Seneca, N. Y. 14224

ROBERT CONTI--5100 LINWOOD AVENUE

Mr. Conti appeared before the Planning Board to convert a dwelling from a 3 unit complex to a 4 unit complex. The existing foundation will be used and the building will be off to the back. The ordinance states that any unit other than a double must be 50' from any property line. This unit does not and never did conform but is a legal non-conforming use as a 3 unit. Planning Board members thought that the matter should be referred to the Zoning Board of Appeals. The structure was razed by a fire, will be leveled, and new construction will be started.

HAMBURG DISTRIBUTING--LAKEVIEW ROAD - BULK MAILING ADDITION - 3556 LAKEVIEW RD.

Mr. Monckton appeared before the Planning Board for a proposed bulk mailing addition to be located at 3556 Lakeview Road. The Engineering Dept. will require finish grades for the buildings and the parking lot. First floor elevations should be indicated on the site plan, and drainage denoted.

Motion was made by Mr. Danyluk, seconded by Mrs. Saunders to approve the Hamburg distributing site plan, Phase III, subject to Engineering requirements. Carried.

LIBERTY PARK SUBDIVISION - KEN NIGRO

The filed Map Cover for Liberty Park was submitted with sub-standard lots. The first and second phase met the requirements. No one ever realized that the lots were smaller when the Map Cover was filed. At the last Town Board meeting, a request was made by Attorney Fox to change the zoning to R-2 in order to meet requirements for the last phase. A recommendation will be made to the Town Board to change the zoning to R-2.

On the office-warehouse complex on Big Tree, which has since been turned into apartments, the applicant was advised to bring in a new site plan with corrections.

REQUEST FOR B. SCHIFERLE FOR BUTTERMILK FALLS

A letter was submitted by Bill Schifferle requesting that 336 lots and the commercial frontage on Southwestern for Buttermilk Falls be retained as commercial. Request granted. Recommendation to be made to the Town Board at the next public hearing.

CORRESPONDENCE RECEIVED FROM DAN GORMAN - PLANNING BOARD ATTORNEY

1. Received and filed

CORRESPONDENCE RECD.

1. Letter from Wymar Builders, Inc. - Response to letter willing to zone for multiples.

Motion to adjourn was made by Mr. Danyluk, seconded by Mr. Cary.
Carried.

RESPECTFULLY SUBMITTED,



GEORGE DANYLUK, SECRETARY
PLANNING BOARD

NEXT MEETING DATES:

DECEMBER 3, 1986
DECEMBER 17, 1986

TOWN OF HAMBURG PLANNING BOARD AGENDA

DATE: 11-12-86

TIME	NAME	PURPOSE
7:30	EXECUTIVE MEETING	
8:00	Paul O'Neill	Brook Gardens Phase II & Creekview Estates
8:20	Grishkat Rezoning	Eckhardt Rd.
9:00	Jake Schoelkopf	Property on Old Lakeshore Rd.
9:20	Robert Conti	Change of 3 unit dwelling to four 5100 Linwood Ave.
9:40	Gus Fehrer Attorney's Office	Site plan review - Southwestern & Lakeview Southwest Corner
10:00	Mr. Frederickson 4526 Camp Rd.	Used Car Lot - Zoned C-2
	Bell's Bazaar Completion of Phase III	Bell's Plaza - South Park Avenue Open Ditch
	Hamburg Distributing 3556 Lakeview Rd.	Addition to bulk mailing operation
	Jack Fox, Esq. Ken Nigro N.D.C.	Liberty Subdivision Change to R-2 4678 Big Tree Rd. Change of Warehouse to Apts.

1. Approve Minutes
2. Request of Bill Schiferle for Buttermilk Falls - Commercial frontage

852-
7368

Town of Hamburg

Supervisor
JACK QUINN, JR.

Councilmen
D. MARK CAVALCOLI
JAMES F. CONNOLLY
DANIEL J. HENRY
SALLY A. STEPHENSON



Town Attorney
JEAN PETERSON

Town Clerk
PATRICIA A. MEAD

Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

S-6100 SOUTH PARK AVENUE - HAMBURG, NEW YORK 14075

TEL: (716) 649-6111

December 2, 1986

To: Planning Board

Re: Site Plan Review
Creekside Estates
Preliminary Site Plan
Revised Plan 10/28/86

In this proposed mobile home park development it must conform to Local Law 7 - 1973 entitled Chapter 30A Mobile Home Court. In block A, subplot 67 & 68 may be nonconforming. It is difficult to tell on this plan. All the other sublots appear to conform at the set back line. Sublot 1,2,3,4, and possibly 12,15,16,17, block A and subplot 1,2,3,4,5,7,8, block B must conform to 30A-8C (1c). As you are aware, this is called Foster Brook which runs between block A and block B and it does have a flood hazard boundary restriction on it. It appears from the elevations on the plan that the flood plane may miss this proposed development, but this has to be determined by a licensed land surveyor who must fill out a development permit before approval should be obtained. These same regulations must be conformed to for phase II of Brook Gardens which you heard earlier under the same regulations. For this plan, please follow town regulations for Chapter 27 Flood Damage and Prevention Local Law #8 - 1980. Also, there should be a licensed engineers/architects seal on the plan. I like the idea of two separate entrances in case there is an emergency at one entrance or exit, it still permits one entrance to be accessible.

Hope this information is helpful to you.

Sincerely,

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

JJL/cms

December 2, 1986

Mr. George McKnight
Hamburg Town Planning Board
Hamburg, N.Y.

Gentlemen:

At this point in the economic cycle it seems that a change in zoning would help to more fully utilize the possibilities of the development of our property on McKinley Parkway, namely a vacant tract of 60 acres more or less with half of it in woods and half in open meadows, with a frontage on McKinley Parkway of 1,150 ft. directly across from the Village of Hamburg streets, namely Mark Ave., Sherbourn Ave. Therin Ave. and Torrey Ave.

The R2 District requested for 2-family and smaller singles would open up the door for housing for many young adults who cannot afford the housing in the R1 areas of about \$100,000. per dwelling unit and who could afford a 2-family with income to help pay for the house.

At the present time there are few desirable areas where 2-family and R2 single lots are available.

The R3 District is necessary to attract cluster dwelling groups, multi-family dwellings or condominiums. Also needed is a desirable district where a nursing home or convalescent or retirement homes may be erected; also hospitals or institutions of a religious, charitable or philanthropic nature.

We cannot hope to attract developers who would build the above mentioned institutions unless they can come to Hamburg and find a parcel of land ready to be used for this purpose.

The successful industrial parks that have been developed in the Western New York area during the past 3 to 4 years have without exception had the proper zoning before they went after customers to fill up the park. The same is true for the land above for which the R2 and R3 zoning is requested.

The cost of developing the R1 District land is greater than the developers are willing to pay. The average cost for street, sewers and water is \$150.00 per front foot. So take an 80 ft. front lot by 125 ft. in depth (10,000 sq. ft.) and the cost of developing street, sewer and water is \$6,000. per 80 ft. lot. The average builder in Hamburg wants to keep his lot cost around the \$10,000. level. So at this cost of developing there is no incentive to develop an R1 district in this area. When you build a 2-family house the land value can be raised to the \$12-15,000. range, thus attracting a developer to put in streets, sewer and water. This could not happen in an R1 District at this time.

We have owned this land since October, 1940 and the investment in the property has escalated over the past 46 years. The taxes and interest on

Mr. George McKnight

-2-

December 2, 1986

our original investment really adds up in 46 years. During all these years we have never had a serious buyer for this 60 acre tract of vacant land. We hope that by changing the zoning we can attract developers who could really add to the community in more ways than just an increase in the tax base.

I hope that the Hamburg Planning Board will give this proposal a favorable review. I realize, after being on the Planning Board for 10 years, that the best interest of the whole Township must be considered in all matters of this nature.

Respectfully yours,

Sherwood B. Sipprell
Marjorie G. Sipprell

Sherwood and Marjorie Sipprell
Owners

SMS/rew

see R-1

Cross Road
Middlebury, CT 06762
December 1, 1986

Mr. George McKnight, Director
Planning Board
Town Hall
Hamburg, New York 14075

office

Subject: Land Use Proposed

Dear Mr. McKnight:

With reference to our phone conversation of today, the following is pertinent:

- (1) Planning now will enhance your tax base as you further develop Hamburg.
- (2) Planning from a view of your 2010 map, will mean beauty and sound development for an enhanced economic base.
- (3) Your door of opportunity is open now with your planning proposals being placed before the town.

Accordingly, I strongly, as a Hamburg property owner, urge that you zone McKinley Parkway between Route 20 and Bay View Road as originally proposed in your March 16, 1983 plan.

The Transit District will enable you to move to rail or bus as future economics dictate. Town property adjacent to transit can later be rezoned, most likely, at a profit to the town. The Transit District also can be readjusted later.

That portion now outlined in your plan as office and warehouse can be developed with quality to build the tax base. Quality office and warehouse will attract residents who, no doubt, will build homes in Hamburg.

Sewers and water are there now - for forty years or more of my memory, McKinley has been a 50 m.p.h. or faster traffic artery which further contributes to the foregoing and backing your 2010 map as a best use plan.

Sincerely,

R.A. Bernick
R.A. Bernick

Copy: Mr. Jack Quinn, Supervisor
Town of Hamburg

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Supervisor
JACK QUINN, JR.



Town Attorney
JEAN PETERSON

Town Clerk
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S-6100 SOUTH PARK AVENUE - HAMBURG, NEW YORK 14075

TEL: (716) 649-6111

December 2, 1986

To: Planning Board

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Preliminary Site Plan
Revised Plan 10/28/86

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

JJL/cms

Cross Road
Middlebury, CT 06762
December 1, 1986

Mr. George McKnight, Director
Planning Board
Town Hall
Hamburg, New York 14075

Subject: Land Use Proposed

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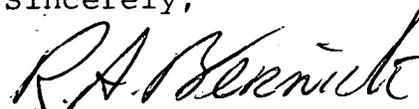
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Sincerely,



R.A. Bernick

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December 2, 1986

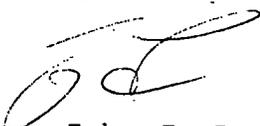
To: Planning Board

Re: Site Plan Review
Office Building
Southwestern Boulevard & Lakeview Road
Hamburg, New York 14075
Plan Dated - 11/28/86

The site plan should reflect elevations and locations of the new proposed septic system and detail of the sign that is proposed, and the elevation of the building as well as the parking lot. We definitely have to have a stamp on the site plan as well as the building plan. As far as the building plan is concerned, I only have one sheet and I want to know what happened to the rest of the plans. On the one sheet that I have, which is sheet #2, it has to have a licensed stamp by an architect or an engineer, license of the State of New York and also should reflect that it is barrier free for the handicapped. This appears to be almost slab on grade, but if it is not, it must have a ramp to be accessible by the handicapped. All the doorways appear to be satisfactory with the exception of door #3 which must be 3 feet wide and equiped for the handicapped, including the grab bars. If there are five or more employees, Section 900.2D-4 shall be conformed with which states that toilet facilities shall be in separate rooms for each sex where there are five or more employees and shall be readily accessible and convenient to their regular working place which means we didn't want two outhouses. This must conform to the handicapped requirements.

When the rest of the plans are completed, I would appreciate looking at them so that I can do a plan review on the whole structure. I also need to know the locations of the gutters and downspouts which are going to the storm sewer which means the front ditch or the side ditch.

Sincerely,


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

JJL/cms

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S-6100 SOUTH PARK AVENUE - HAMBURG, NEW YORK 14075

TEL: (716) 649-6111

December 2, 1986

To: Planning Board

Re: Site Plan Review
Bells Supermarket
South Park Avenue
Hamburg, New York 14075
Plan Dated 11/15/86

I still agree with the memo dated 11/10/86 to the planning board on site plan review for this project. The present plan reminds me of the early City of Lackawanna. If you make an on site inspection to the site, please be careful when you drive on the North or the West side near the wooded area. Don't drive your car off the edge because if you do, you are stuck. I agree that hydrant with curb should be installed during retail construction of phase II.

I have a fire department meeting the same night as the planning board meeting with the Village of Hamburg Fire Department. If my appearance is required by you, the members of the planning board, call fire control and they will summons me and I will return to the meeting.

Sincerely,

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

JJL/cms

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

November 10, 1986

To: Planning Board

Re: Site Plan Review

Just returned from a meeting with the architects, engineers and the contractor for Peter J. Schmidt Company and they gave me this revised drawing which is dated 11/5/86. Some of it has been updated since my last inspection with them.

On the North side, I relocated the existing parking and paved area in the solid red line to the approximate location and where that solid red line is, there should be a poured *IN* place curb since there is a difference in grade from the existing paving to the wooded area. I recommended concrete bumpers in the wooded area on the North side so that in the case there is any future development the concrete bumpers could be removed. On the West side where the solid red line is, approximately 490 feet plus or minus there should be a guardrail since there is approximately a 3 foot drop between the existing pavement and the existing wooded area which is lower. The guardrail should also return around both corners approximately 10 feet as you proceed to the South along the West side. When you get around the corner of the parking where it says end of blacktop, no doubt that will be all seeded with grass in the spring. There is an existing "stone base" in the approximate location which allows access to the rear pond area and when the road crosses over the construction swail, it drains the parking lot into a detention pond where they have installed a corrugated metal pipe for easy access into the rear property which is the only real access to the detention pond area.

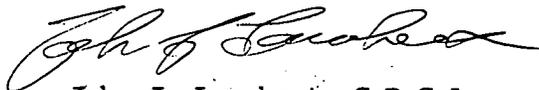
On the South side along the existing construction swail, approximately 490 feet plus or minus a guardrail should be constructed with a 10 foot return on each end to protect the people using the parking lot from driving into the construction swail which drains the water from the parking lot to the rear detention pond. At the present time, they have installed concrete bumpers as a temporary measure to stop any cars from driving into the swail which is approximately 3 to 4 feet deep. No doubt after it snows the first time snow plows will probably deposit those along with the snow into the construction swail.

The people who use this parking lot, a reinforced highway type bumper guardrail should be installed. When that happens, the existing concrete bumpers should be placed on the West side at the edge of the blacktop area to separate the blacktop area from the grass area.

The curbed area around the existing hydrant in front of the Bells store including the light standard should be filled in with topsoil and grass planted inside the curbed area. This goes along with the hydrant with curb in front of the new proposed retail space where the pipe is already installed but the hydrant has not been installed along with the curbs.

The handicapped parking spaces were not installed properly and I informed him how to correct the problem, which he did. Unfortunately, he has not installed the signs in the handicapped areas as yet. Attached is a copy of the construction which should be completed and was expected to be completed before the final Certificate of Occupancy was granted. Please be aware that this temporary Certificate of Occupancy has expired on November 10th, 1986. I know that some of the work has not been corrected, but I wanted to have the site plan reviewed by the planning board before I would consider any possible extensions. I will be attending the zoning board of appeals meeting this evening in another part of the building, but if you would like to talk to me, I will no doubt become available at your request.

Sincerely,



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

JJL/cms

September 26, 1986

John J. Lauchert, C.P.C.A.
Code Enforcement Officer
S.6100 South Park Avenue
Hamburg, New York 14075

Re: Bells Bazaar
S.5999 South Park Avenue
Hamburg, New York 14075

Dear Mr. Lauchert:

174-86 + 11-10-86

Please be informed that we will complete construction as per the stipulations of the Temporary Certificate of Occupancy issued for the above mentioned address on or before the expiration date of November 10, 1986:

- Final Electrical
- Final Painting
- Finish Plumbing
- Complete landscaping to approved site plans
- Final Grading
- Install curbs in proper locations
- Health Department Approval
- Certification from Sprinkler Company with plans and approval
- Fire and smoke detecting and burglar alarm Certification
- Install proper directional signs and fire lane signs
- Install culvert pipe in rear detention pond area
- Install paper dispensers in both ladies & mens restrooms on both floors.
- Patch walls on four spots in Locker Room upstairs
- Final painting in Loading Dock Area
- Finish Tile Floor in Frozen Food Area
- Install steel plates in Frozen Food Area
- Pipe pressure and temperature relief valve for hot water tank to floor.
- Install bolts on steel bar joists with nuts at bottom
- Cut steel plate in Produce Room.

OK

OK

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OK

OK

OK

OK

OK

This statement is to be made a part of the aforesaid Temporary Certificate of Occupancy.

B.P. - Flag Pole # 9.02

Sincerely yours,

Handcapped Sign
No Parking Sign
Loading Dock wall sign

KMD 062 - Elect. Room Ext.

Town of Hamburg

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

November 12, 1986

To: Planning Board

Re: Site Plan Review - Phase III - 11/12/86, 4:45 P.M.
Hamburg Distributing Company
3556 Lakeview Road

Zoned M1. The proposed 60 by 100 foot building which is an addition to the existing building which is 50 by 110, falls within our Zoning Code as far as setback and use.

There appears to be adequate parking at the site and I would like to see the plans for the proposed building as soon as they become available.

If I can be of anymore assistance please feel free to contact me.

Sincerely yours,


John J. Lauchert, C.P.C.A.
Code Enforcement Officer
Building, Zoning & Plumbing Inspector

JJL/kmd

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S-6100 SOUTH PARK AVENUE - HAMBURG, NEW YORK 14075

TEL: (716) 649-6111

November 12, 1986

To: Planning Board

Re: Brook Gardens Phase II Off Waterview Parkway

In reviewing these plans, the lot size exceeds our code, but it also should be brought to your attention that possibly part of this new part Phase II of Brook Gardens may be in a flood plane. Therefore, they would have to follow the Town regulations to find in Chapter 27, flood damage prevention known as Local Law No. 8 1980. They would also have to follow Chapter 30A, Mobile Home Courts known as Local Law No. 7 1973. I hope this information is helpful to you. If I can be of any more assistance, feel free to contact me.

Sincerely,

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

JJL/cms

DIEBOLD, BERMINGHAM, GORMAN, BROWN & COOK, P.C.

ATTORNEYS AT LAW
1500 STATLER TOWERS
BUFFALO, NEW YORK 14202-3066

MARK J. MAHONEY
IRWIN E. GINSBERG
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MICHAEL J. BROWN
DANIEL J. GORMAN
JOSEPH D. BERMINGHAM, JR.
RICHARD J. DIEBOLD
ANDREW P. FLEMING

TELEPHONE
(716) 853-8190

November 9, 1986

George McKnight
Town Hall
Hamburg N.Y. 14075

Dear George:

Please excuse the hand written note but I'm in my office on Sunday before leaving for San Francisco tomorrow & there are no typists available.

Answers to questions are as follows

- 1) Contrary to my earlier inclinations, I find that Zoning Variances do run with the premises, not the owner. However, the ZBA can limit the length of a variance when it grants the variance, ie, as long as Jones owns the premises. It can also limit qualitatively, ie, in law apt. There are legal questions regarding proper notice to third parties etc, be I

Don't feel they're the Planning Board's province and should be left to Charlie Spinner + Van Baalen.

2) The Planning Board probably cannot legally restrict Negro to single-family homes in an R-2 district. The fact that the district was inadvertently zoned R-2 and that he has been building single family homes probably wouldn't be given any weight by a court in an Article 78 proceeding. If the board does restrict him, it might work, so long as he doesn't take you to court. Doing it with his written agreement as a quid pro pro for issuing the building permits that he didn't get is another viable possibility. But, I think a corrective rezoning is the best course of action.

3) Didn't have time to work on PUD/PRD Language. I'll do it on my return.

Regards,
Dan Gorman

SITE PLAN FOR HAMBURG DISTRIBUTING

1. Need 1st floor elevations
2. Need finished grades for parking lot and behind Phase III buildings for drainage flow.
3. Where is parking for existing and new buildings?

TOWN OF HAMBURG

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



Supervisor
JACK QUINN, JR.

Councilmen
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SALLY A. STEPHENSON

Town Attorney
JEAN PETERSON

Town Clerk
PATRICIA A. MEAD

Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

TO : Town Planning Board
FROM: Town Engineer Gilbert
DATE: 11-12-86
SUBJ: PHASE III SITE PLAN
HAMBURG DISTRIBUTING CO.

We have received the subject site plan which we reviewed on November 5, 1986. Our only comment is for them to show finish grades for the buildings and the parking lots.

Please forward these comments to the engineer.


Jack Gilbert

JJG, Jr./jnl

cc: J. Lauchert

TOWN OF HAMBURG PLANNING BOARD AGENDA

DATE: 11-12-86

TIME	NAME	PURPOSE
7:30	EXECUTIVE MEETING	
8:00	Paul O'Neill	Brook Gardens Phase II & Creekview Estates
8:20	Grishkat Rezoning	Eckhardt Rd.
9:00	Jake Schoelkopf	Property on Old Lakeshore Rd.
9:20	Robert Conti	Change of 3 unit dwelling to four 5100 Linwood Ave.
9:40	Gus Fehrer Attorney's Office	Site plan review - Southwestern & Lakeview Southwest Corner
10:00	Mr. Frederickson 4526 Camp Rd.	Used Car Lot - Zoned C-2
	Bell's Bazaar Completion of Phase III	Bell's Plaza - South Park Avenue Open Ditch
	Hamburg Distributing 3556 Lakeview Rd.	Addition to bulk mailing operation
	Jack Fox, Esq. Ken Nigro N.D.C.	Liberty Subdivision Change to R-2 4678 Big Tree Rd. Change of Warehouse to Apts.

1. Approve Minutes
2. Request of Bill Schiferle for Buttermilk Falls - Commercial frontage

852-
7368

PLANNING BOARD SCHEDULE

Schedule was agreed upon at meeting of 10-15-86 that there would be no Planning Board meeting the night before Thanksgiving.

December schedule was set for December 3rd and the 17th of Dec.

Dean E. Becker
S-6152 Old Lake Shore Rd.
Lake View, N.Y. 14085

November 7, 1986

George Mc Knight
Director of Planning
Town of Hamburg
Hamburg Town Hall
S-6100 South Park Avenue
Hamburg, New York 14075

Dear Sir:

As a taxpayer for over 40 years of property on Eckhardt and Schoellkopf Roads in the Town of Hamburg, I find it difficult to believe that the Hamburg Planning Board is considering changing the zoning from the existing R2 to R1.

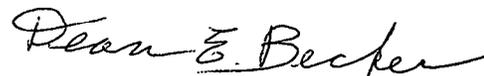
I am of the opinion that limiting the use of this land is detrimental to its ultimate utilization; Town Houses and two family dwellings allow equally desirable development.

It seems to me that without consulting the property owners and without express opposition to the present zoning, the existing R1 designation should be retained.

According to the realtors and local builders Town Houses and two family dwellings are becoming increasingly popular due to the unstable economic conditions of this locality.

Also, having lived in this same area for over 4 decades, I am greatly interested in its proper development as testified by the fact that I was instrumental in arranging for the highest type of residences ever constructed in this area, which incidently placed over \$600,000 of new assessed valuation on the tax rolls of the Town of Hamburg.

Very truly yours,



Dean E. Becker

DEB/jm

SHAW & SHAW

ATTORNEYS AND COUNSELORS AT LAW

3819 SOUTH PARK AVENUE

POST OFFICE BOX 1909

BUFFALO, NEW YORK 14219-0109

(716) 822-1000

JAMES M. SHAW
JOSEPH H. SHAW, JR.

LACKAWANNA OFFICE
(by appointment only)
1286 ELECTRIC AVENUE
LACKAWANNA, NEW YORK 14218-1498

November 11, 1986

George McKnight
Director of Planning
Town of Hamburg
Hamburg Town Hall
S-6100 South Park Avenue
Hamburg, New York 14075

RE: Dean E. Becker - Eckhardt/Shoellkopf Roads Property

Dear George:

I have been informed by my client, Mr. Dean E. Becker, that the Town of Hamburg Planning Board is contemplating a redesignation of the zoning classification of vacant land located in the Lake View section of Hamburg, more specifically bounded by Eckhardt Road and Shoellkopf Road running in a westerly and easterly direction from the intersection of Eckhardt and Shoellkopf Roads.

As you are undoubtedly aware, the existing classification is R2. A reclassification of all of the property to R1 would not necessarily put the property to a more economically desirable usage. The existing R2 classification is ideal for the portions of the Becker property that the classification presently covers. Portions of the property which are already designated as R1 should remain in that classification since the R1 portions abutt the Old Lake Shore Road and front Shoellkopf Road near its point of intersection with the Old Lake Shore Road. It is those portions that are ideally suited to upscale single family homes.

However, the rear portions of the Becker Property which border the Eckhardt/Shoellkopf intersection in all four directions would be better suited for an expensive and elegant Town House or Condominium project. There is a definite market in the Town of Hamburg for more highly priced Town House and Condominium developments.

PAGE TWO

Attention: George McKnight

November 11, 1986

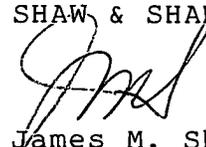
Certainly Town Houses that are two to three thousand square feet and constructed with the finest materials in a well landscaped setting would be an asset to all properties in the Old Lake Shore section of Lake View.

I would appreciate very much if you would inform me of the exact status of the purported plans to rezone the affected areas of the Becker Property.

Thank you most kindly for your courtesy and cooperation.

Very truly yours,

SHAW & SHAW



James M. Shaw, Esq.

JMS/jm

W. G. Schiferle Real Estate

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

November 6, 1986

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

Dear George:

As per our conversation, enclosed is a copy of the preliminary subdivision plan for Buttermilk Falls, Part II, which was approved by the Planning Board.

I would appreciate it if you would make the necessary adjustment to the new zoning map to reflect all 336 lots and the commercial frontage on South-Western Boulevard.

Very truly yours,



William G. Schiferle

WGS/cs

- of -

MRS Alys M. GRISHKAT

SABIC CLIFFORD PRINCE

HAMBURG, New York 14075
petitioner (s).

From the Office of
PAT MEAD
Hamburg Town Clerk
Date 10/22/86
cc. [unclear]
[unclear]

For Amendment of Ordinance

To the Honorable Town Board of the Town of Hamburg, New York

The Petition of Alys M. Grishkat

of the Town of Hamburg in the County of Erie and
State of New York, respectfully shows:

That your petitioner(s) is/are the ^{PURCHASER} owner(s) of certain premises situated in the Town of Hamburg, County of Erie and State of New York, and more particularly described as follows: (use additional sheet if necessary) include name of nearest cross street and distance to it. VACANT LOT ADJACENT TO 6125

ELKHARDT RD - LAKEVIEW, N.Y. (4th Lot from Old Lakeshore Rd)

Zoning change from R-1 to R-2

RECORD TITLE OWNER AND ADDRESS: FRANK PELECKIS, 7233

ELMTREE PL., HAMBURG, N.Y. 14075

PETITIONER'S INTEREST IN LAND TITLE: PURCHASE OFFER TO BUY

That your petitioner(s) desire(s) that the said premises or so much thereof as the Town Board shall approve, be zoned for the following uses, for the following reasons: To Convert A

TWO FAMILY RESIDENCE FOR SELF AND DAUGHTER TO LIVE IN.

That your petitioner(s), enclose(s) herewith, the sum of \$75.00 to pay the cost of publishing a notice of a public hearing which your petitioner(s) request(s) be called by your Honorable Body pursuant to the provisions of the said Zoning Ordinance.

That no previous application has been made for the relief herein sought except: NO PREVIOUS APPLICATION

Dated this 16th day of OCTOBER 19 86.

Robert L. Dole

Alys M. Grishkat

ROBERT L. DOLE
Notary Public, State of New York
Qualified in Erie County
My Commission Expires

9/30/88

OWNER'S SIGNATURE
PURCHASERS