

**Town of Hamburg
Planning Board Minutes
11-15-89**

The Town of Hamburg Planning Board met in regular session on Wednesday, November 15, at 7:30 p.m. in the Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman Elgin Cary, Secretary G.Koenig, Sandy Carnevale, S.Strnad, Dennis Gaughan and David Phillips. Others attending included: George McKnight, and Terry Dubey, Stenographer. Excused: D. Gorman

Minutes of the meeting of 10-11-89 were approved on motion by Mr. Gaughan, seconded by Mr. Phillips. Carried.

Minutes of the meeting of 10-25-89 were approved as amended by Mr. Koenig, seconded by Mr. Cary. Carried.

Rezoning Petitions in Progress

Councilman Mark Cavalcoli informed the board that at the present time, the Town Board is bogged down from the rezoning petitions that have accumulated during recent months. He asked the Planning Board not to accept any more rezonings until next year. Decisions on the present ones must be made. This is as a result of the Hamburg Future Advisory Board report, and the attitude of the constituency. Sometimes, the requests do not fit in with the attitude plan and the character of the neighborhood. There is a limit as to what can be handled.

Also, on a rezoning, the Planning Board will take the information but not make a recommendation. We will table it for 2 weeks in order to digest the implications before submitting a recommendation. Chairman Crandall pointed out that the Planning Board should become more deliberate with rezonings. We should take more time in analyzing the proposals. It should be a prerequisite that at least 2 or 3 members should visit a site formally and look over the property. Then a report should be brought back before a decision is made. On controversial issues, there should be more consideration given for review. We should not delay the project, but we need more time for scrutiny. We know that the applicant wants to get his project moving, but more time is needed for review. It is unfair for the Planning Board to make immediate decisions on projects that are coming in. Extra time is needed.

With respect to the Conservation Board, they usually assign a member to do an on-site inspection as part of the environmental assessment review and discuss the project with that board. Another problem that we have had is the coordination between boards; namely Conservation and Traffic Safety. This would give us time to make sure that their input is obtained before moving on a project. We are also putting the Town Board in a difficult situation when we make a positive recommendation and then at the board level there is objection to it. The Board needs more input from the Planning Board as to what they are looking at in terms of

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Rezoning Petitions (Continued)
projects.

Princeton Square Development - From PUD To R-2

Messrs. Hayes and Hull appeared before the Planning Board on the Princeton Square Affordable Housing Program which has been scaled down from a PUD to singles and doubles. On July 26, 1989 the first presentation was made to the Planning Board regarding the program. A motion was made to favorably recommend a rezoning of the area in and surrounding the project to PUD. Since that time, there have been 5 meetings in which the public, including some of the residents of Carnegie, have participated.

The Town of Hamburg originally proposed: 1. Rezoning a 25 acre parcel of land in Carnegie from PUD. 2. Building approximately 20 double and 10 single homes. 3. Build double and single homes with approximately 62' frontage. Since the meetings with the residents and the public, the Town of Hamburg has withdrawn the proposed PUD rezoning. The Town of Hamburg is now proposing: (1) rezoning a 6.3 acre parcel of land from C-2 to R-2. This rezoning is in accordance with the Town of Hamburg 2010 Master Plan. Lot sizes have to follow all current R-2 zoning regulations, which are 60' for a single and 85' for a double. (2) The number of doubles will be reduced from 20 to approximately 13, and the number of singles will be increased from 10 to approximately 15. Overall the number of units has been reduced by approximately 10. The single home built will most likely be a Raised Ranch type, instead of the Victorian style two story-single that was originally planned. This will fit in to the current neighborhood scheme. The double homes will be 3 bedroom versus 2 bedroom instead of the 3 bedrooms over 3 bedrooms. This will allow a garage to be built with the house, and will cut down on the number of people in the subdivision. The Town of Hamburg will donate as green space approximately 1.4 acres or 16% of the total project area.

Mr. Hayes informed the board that a question was raised if all the commercial could be rezoned. However, then we get back to the problem of individuals stating they don't want something rezoned unless they are aware of the proposed use. The only part that is being rezoned is the portion where the project will be built upon. The other portion will remain commercial. That was part of the objection to the PUD area. The project is being developed due to the availability of the land considered as in-rem properties from the County. We have identified that street as the best use of the land and money. There is a mixture of County owned land and many scattered parcels which are privately owned. This is an area where a sufficient block could be obtained as opposed to other areas. The value of the homes will be in \$80 to 85,000, and \$105,000 per double. The Town is contributing to the project by purchasing land. In affect, HUD is putting more money

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Princeton Square (Continued)

in the land and less homes to keep the neighborhood happy. The Town is in the process of securing the lots from the County and from a realtor who is negotiating for the parcels. There were 47 parcels secured from the County and 30 from private individuals. The residents stated they are not opposed to the project but requested modifications to it. This is as much of a change that can be made without pricing it out of affordability. Catholic Charities is also involved in running the project. Homeowners have been contacted and they are not opposed.

Sharon Zeittler of Dartmouth spoke with respect to the project. A question was raised about the 6 acres to be rezoned. Based on her calculations, 5.7 acres has been advertised. Response given is that they included the right-of-way. Thirteen doubles and 15 singles are planned which would equal 69 lots. The map shows 64 lots on the project. Mr. Hull responded that homes will be built on required lot sizes for R-2 zoning. According to traffic figures, you are using a ratio of 1.5 cars. We feel it is more likely to be 2 cars or more. This will be an additional 61-1/2 cars going thru one exit every day. That is too much traffic for one exit.

Mr. Hayes noted that they have appeared before the Traffic Safety Board with the project as well as the Highway Dept. and both agencies felt this would meet the standards.

Chairman Crandall asked why Mrs. Zeittler felt this was excessive. He explained that he lives on Stilwell and Sterling is the only exit for several hundred homes and I have been there 35 years and have seen no problems. Mrs. Zeittler responded that this additional housing will make a difference in the traffic generated. This will mean an extra 60 to 80 cars in the area. Mr. Crandall responded that a determination will have to be made on whether the traffic generated is out of the norm or if it will create a hazard as opposed to simple traffic volume that would be expected in that type of subdivision. Some traffic counts have been done on what was thought of as peak periods. However, we want an actual count taken with a counter. I would like it monitored for 24 hours or a week to establish existing traffic. It was explained that traffic is not an internal problem but rather from people cutting thru from Sowles to Camp to other areas. Streets are also very narrow, and there are no shoulders on the road. The Traffic Safety Board has looked at the project and indicated there should be no problems.

Mr. Carnevale noted that the area could have been developed just as easily with single homes. The lots have been established and would have been there regardless.

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Princeton Square (Continued)

Mrs. Zeittler suggested that there be some type of plan to alleviate the traffic situation, to make it safe. Traffic Safety has been alerted to the situation and a request has been made for stop signs to reduce the traffic situation. A review will be made.

Mrs. Zeittler also indicated that the developer should be made to put a street thru so that there is another point of access. The exit is for one block. We are suggesting that traffic congestion be considered. The developer should be made to do something with the road system. We are asking for a safe development, with road capability to handle extra traffic.

Mr. McKnight pointed out that the developer will not redo the existing road system. A developer will not come in and rebuild existing roads. You are asking for an illegal situation. This project does not have the funding to extend to Camp Road. There is a possibility that the state may not allow it. Also, the problem appears to be in making left hand turns into or out of the neighborhood. The traffic problem is not an internal problem within the subdivision, but rather entering or exiting. The stop signs in the neighborhood are not adequate.

Chairman Crandall stated that traffic safety will be a consideration. This will be reviewed during the subdivision review process. At the present time, we are gathering information as far as traffic involvement. The Planning Board can ascertain as to how extensive a problem this will be. The site plan will also show the configuration of each lot and how it relates. The site plan review process begins after the rezoning issue is settled. An engineer is brought in to review the site.

Mr. Hayes noted that a concern that was raised before is the number of people that can fit in this area. We told the neighborhood in a meeting that we would not build more doubles than singles. We guaranteed that to the residents and we guarantee that to the Planning Board. The singles will be on 60' lots and the doubles will be on 85' lots. This is a preliminary review to put a package together.

Diane Kaczmarek of Bradford Street asked about variances that will apply to the subdivision, specifically on lot sizes. Once a map is filed, it cannot be changed. The Town has agreed to put the units on 85' lots. The Town will not ask for a variance on 65 or 70. We have not gone to engineering plans as yet, so we are not completely sure of what will be required. If a variance is required, an appearance will be made before the Zoning Board of Appeals. There is a certain amount of refinement that will dictate the sizes of lot at the site plan review process. The Planning Board will not agree to any significant changes by going to the Zoning Board of Appeals. Two approvals are required; one

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Princeton Square (Continued)

for rezoning, and a Public Hearing must be held on the subdivision.

Mrs. Kaczmarek stated that she has lived in the area for a long time, there are traffic concerns, & I would ask each one to find the time, and look at this area very carefully.

Mr. Phillips asked if the residents had ever gone to the Traffic Safety Board with a list of concerns? It was suggested that they contact Tim Ellis, the Traffic Safety Coordinator and perhaps some solution could be reached. It was also pointed out that homes could be placed on the property now without advice from the residents as it is already properly zoned. As a developer I could just build and not ask your opinion. An appearance should be made at the Traffic Safety Board level to review your concerns. They meet once a month. The liasion has agreed to take the matter to the Traffic Safety Board for their input. This is the first time that it has ever been mentioned. They meet on the first Thursday of the month and therefore an appointment should be made with Mr. Ellis.

The question was raised as to what type of action this is. Response given is that this is an unlisted action involving 6 acres of land.

Motion was made by Mr. Phillips, seconded by Mr. Carnevale that on the Princeton Square Affordable Housing Program, a favorable recommendation is to be made to the Town Board to rezone a 6.3 acre parcel from C-2 to R-2, as this is an outstanding opportunity for the Town to provide affordable housing for our children; that if legally possible, it should be restricted to Town of Hamburg residents; that there have been an overwhelming number of residents interested in this type of housing; that it is in conformance with the 2010 Master Plan; and that there should be a strong emphasis on doing a Traffic Study in the Carnegie area. Carried.

Deerfield Heights - Maintenance of Fence and Berm Area along McKinley Parkway.

Mr. Tom Moses appeared before the Planning Board with respect to the fence and berm which is located at Deerfield Heights. He has had discussions with some of realtors who are selling the homes and there appears to be some confusion as to the issue of who will maintain the fence and the berm area along McKinley Pkwy. He received several different answers and there needs to be a clarification on the matter. Mr. McKnight stated that based on his knowledge, the fence and berm is to be maintained by the individual property owner which is

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Deerfield Heights (Continued)

set forth in the deed restrictions of the subdivision. Mr. Moses noted that a letter should be submitted to the realtors clarifying this. The homeowner should be aware of his responsibility before committing to a contract. It was so noted that a letter should be sent out.

Community Development Alleviation of Blight - Target Areas of Town

Mr. Ron Hayes appeared before the Planning Board on a proposed resolution on the alleviation of blight throughout areas of the Town. Motion was made by Mr. Phillips, seconded by Mr. Koenig to accept the following resolution from the Community Development Advisory Board on target areas within the Town of Hamburg:

Whereas, the Hamburg Town Board with the recommendation of the Community Development Advisory Board agreed to finance the prevention and alleviation of blight with the allocation of \$65,000 in CDBG funds, and:

Whereas, the Commercial Building Renovation Program to be administered by the Hamburg Development Corporation will be made available in these target areas to aid in the prevention of blight, and;

Whereas, the Hamburg Planning Board reviewed the Program at its meeting of June 28, 1989, to consider possible target areas in need of assistance, and;

Whereas, at the Hamburg Planning Board meeting of July 26, 1989, the Board stated, "the main corridors and entrances to the Town should receive proper attention in bringing the avenues up to code." The Board also requested the Director of Planning to identify specific target areas.

Now, Therefore Be It Resolved that, The Planning Board designate the following target areas to be forwarded to the Hamburg Town Board for final approval and placed on file with the U. S. Dept. of Housing and Urban Development:

Route 5	Woodlawn Neighborhood Preservation Target Area Town Line to 179.
Route 5	179 to Kennison
Abbott Rd.	Willet to Olympic
Route 20	Evans Town Line to Rogers Road
Camp Road	St. Francis Drive to Route 20
Camp Road	New York State Thruway to Hamburg Village Line
Lake Ave.	N.Y.State Thruway Overpass to Abbott Rd. Carried.

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Erie County Community South - Day Care Center

Secretary Koenig read the following Legal Notice of Public Hearing:

<p>LEGAL NOTICE TOWN OF HAMBURG PLANNING BOARD</p> <p>Pursuant to Section 29-196.3 of the Zoning Ordinance, notice is hereby given that the Planning Board will hold a Public Hearing on November 15th at 8:00 p.m. for a Day Care Center to be located at the South Campus of Erie County Community College at 4140 Southwestern Blvd.</p>	<p>Public hearing will be held in the Planning Board room in Hamburg Town Hall, S-6100 South Park Avenue, Hamburg, N.Y. 11-1-89 Town of Hamburg Planning Board Richard Crandall, Chairman Gerard Koenig, Secretary 11-9</p>
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Ms. Marcia Tresmond appeared on behalf of the proposed day care center. They would like to apply for a license from the State Social Services Dept. and are applying for a special use permit to operate a full-time day care center at the Campus. They are operating on a part-time basis through the auspices of the YMCA. This day care center is for the benefit of students and staff and is located on campus in Building 2, Room 2117.

Chairman Crandall noted that he is the director of buildings for Erie Cty. Public Works and this is the first time I have heard of a day care center at the South Campus college. How was the day care center put in the college without going thru the proper channels? Ms. Tresmond responded that the college applied for a grant and we received \$10,000 on that grant. There is a capacity for 28 children on a flex schedule. At peak time, there might be 5 or 6 children. Mr. Crandall pointed out that he has concern on ingress and egress from that building, what goes on in this particular area that might be detrimental to the children; an outside play area, & fire safety should be in place for the center

The present drawing does not show any of these conditions. Conceptual approval is required by the State before the State gives their approval. It must meet our Town code, however, there is no site plan to look at. This is totally run by the college. The only approval that can be made is conceptual approval. There must be drawings for us to review.

Mr. McKnight noted that based on the code a Certificate of Occupancy cannot be given unless the community accepts the facility. There must be an adequate play area based on the number of children. The court area is the play area to be used by the children. If it abuts a residential area, it must be properly buffered. That does not apply to this situation. There must be a child discharge and pick up area which is not to be in the public

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Erie Community South - Day Care Center

right-of-way. Chairman Crandall stated that none of this can be approved as we do not know what the staff consists of, we don't know where the outdoor recreation area is, we don't know about the space around as far as access is concerned. We need drawings, dimensions, where the parking is.

There was a similar situation with the Woodlawn School. That was shown in a site plan. We need a preliminary layout that shows the floor plan to determine the number of exits, how the plan relates to the outside of the building, where the play area will be, and how that will relate to sidewalks, & identified parking so that it complies with the code. Contact should also be made thru Erie County.

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

Motion was made by Mr. Koenig, seconded by Mr. Phillips to **TABLE** the matter with an indication of conceptual approval that the college location is acceptable. Carried.

Benderson Development - Outparcel Plaza - McKinley Mall

Mr. Bob Alonzo appeared before the Planning Board on a proposal by Select Sites of Buffalo, for an outparcel at the McKinley Mall next to an entranceway and adjacent to Silo. The project calls for 2 buildings, of 9,000 s.f., the other being 33,000 s.f. We meet the codes, parking required is 168 and we have 168 spaces. The first building will be Pier I, and the other building #2 will be a retail type building although we do not have the tenant as yet. We are using the ring road of the mall. Final approval will be required by the Town Board.

Mr. McKnight noted that 190 spaces for parking is required. Mr. Alonzo responded that there is a cross easement for parking and access for the mall. A variance will be required for the 22 parking spaces. There is a posted rail fence indicated on the plan to alleviate anyone from falling off the bank. The back portion will be paved for delivery acceptance. Comments were received as follows:

Building Inspection - Six parking spaces are required for handicapped and should be indicated on the plan. ✓ Handicap parking should be close to the main entrance of each of the stores. A common driveway will be shared between building #2 and the existing Silo. The entrance, located at the ring road, near the McKinley Mall North entrance should be eliminated. It is very close to a stop sign. Nine more pine trees should be added to the

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Benderson Development Continued

northwest corner of the site, between the high side of the ditch and the proposed fence, and should be placed 30' apart. Details of the rip rap should be indicated on 6 locations. The drainage swale must be maintained by the owners to insure proper drainage. The water line should be extended to the north approximately 190' to the island where a new hydrant should be added. This new hydrant will service both retail stores and be 450' from the existing hydrant to the south with the 6 inch steamer connection facing south.

Engineering - 1. The southerly entrance next to the main mall entrance intersection is to be eliminated. It is in a very poor location for several reasons.

2. Drawing C-3. Stone rip rap is to be added at the outlet of all pipes into the mall ditch. The profiles show the top of bank, at the main ditch being filled 10 to 20 feet and the side slopes being steepened. The outside slope along McKinley is also being filled. Trees have been planted along McKinley and the grass is growing well. Why dig the County right-of-way up again? Why fill 20 feet? The ditches were installed as designed and approved during original construction. The proposed changes to the ditch and/or the county right-of-way is unacceptable. Show a roof drain outlet for building #1. The storm sewer design co-efficient and frequency used is too low. The minimum acceptable pipe size is 12" to all catch basins. All pipes are to have at least 24" of cover on top of the pipe. Revise as necessary. 3. Drawing C-4--the water meter pit location must be approved by Erie County Water Authority in writing prior to plan approval. The existing eight (8) inch waterline along the ring road is to be connected to form a looped system. A minimum of one (1) hydrant is to be placed on the line along the ring road. Additional fire protection measures as determined by the Newton Abbott Fire Company must also be added. 4. Show parking light locations on the plan.

Motion was made to **Table** this site plan for 2 weeks, and to reject the site plan as presented for the parking variance, by Mr. Phillips, seconded by Mr. Koenig. Carried. (Referred to the Zoning Board of Appeals.)

Kevin Maloney - Auto Sales Facility - Formerly Terry's Treasures - Camp Road.

Mr. Kevin Maloney appeared before the Planning Board on a request that he has a party interested in leasing the former All State Building, which is next to Jack Adkin's Chevrolet on Camp Road. This is an auto wholesaler who would like to display two cars on the parcel. Board feeling on the matter is that this has been reviewed before and since there is no room to park, would not be acceptable.

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Heritage Squre Subdivision - Lynda Mason - McKinley Parkway

Ms. Lynda Mason appeared before the Planning Board on a proposed subdivision which is to be located on McKinley Parkway. Approximately 24 sub lots are planned.

Chairman Crandall pointed out that the drawings are deficient. The layout is poor. The lines should be radial to the curbs. If there aren't property lines radial to the street, there is a tendency to get into neighborhood conflicts as to who owns what. The first phase is acceptable for public hearing, however, the back portion is not. Comments were received from **Engineering** as follows: 1.2 The 10' green area at the rear of the lots should be omitted and the area included with the lots. This area is usually reserved for a drainage easement and is too small for a dedicated green area. If dedication of a green space is required for Part 1, the area is to be shown on the map cover. 2.2 The center of pavement radius on the future street is to be a minimum of 150'--show the radius on the plan. Lot lines on the curve are to be radial--revise as necessary. 3.2 The property is in the Hamburg Northeast Sewer District and the Hamburg North Central Water District. 4.2 The proposed storm sewers and water line shown on the plan have not been reviewed. These utilities must be submitted in detail for review by the Engineering Dept. 5.2 Erie County Highway Dept. must approve the curb cut.

Also, a check should be made on the size of the water line. It should be 8", not 6". Mr. Phillips noted that he would like to see a total package and how the green space relates to the site plan. The front lots will be 200' in depth facing McKinley Parkway. There may not be any green space and money in lieu of land may be the only solution.

Motion was made by Mr. Strnad, seconded by Mr. Phillips to **Table for an on site inspection.** Carried. Item to be on November 29th agenda.

Special Use Permit - Mrs. Kelm - Storage of Boats on Lake Shore Road

Mrs. Kelm appeared before the Planning Board for the second time for the storage of boats in a quansit hut on her property located on the Lake Shore Road. This item required legal counsel opinion. Mr. Phillips noted that he feels this is a commercial operation in a residential area. There was no opposition at the Public Hearing. Approximately 17 acres of land is involved.

Motion was made by Mr. Carnevale, seconded by Mr. Cary to approve the Special Use Permit for the storage of boats in Mrs. Kelm's quansit hut on the Lake Shore Road. Carried.

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Opposed, S. Strnad, G. Koenig, D. Phillips

Vote 4 in favor, 3 opposed.

Moose Club Addition - D. Suarez

Mr. Suarez appeared before the Planning Board on a proposed addition to the Moose Club which will be used for their clubroom. Comments were received from the Building Inspector as follows:

Building Inspection - This is a proposed concrete block building addition of 5,000s.f. on an existing concrete block building. There are 153 parking spaces shown on the drawing. 41 more spaces are required with 6 for handicap. There should be drains in the parking lot, to the west of the new building. We must know where the water will drain to, in order to protect adjacent property owners. Elevations should also be indicated on the drawing.

Mr. Suarez noted that additional parking will be available when the present 2 story house is demolished. The parking will then be shifted over.

Motion was made by Mr. Gaughan to approve the site plan contingent upon Engineering relating to drainage, that there be an adequate number of parking spaces with handicapped spaces designated, seconded by Mr. Strnad. Carried. A letter should also be sent to the Village of Hamburg notifying them of the proposal. (Copy of finished plan to be forwarded to Village of Hamburg).

Tops Market - Camp Road - Enlargement of Parking Lot

An appearance was made by the Engineer representing Tops Market on an enlargement of the parking lot on Camp Road. Initially, they had appeared at the Building Inspection Dept. The timing of the meeting for the Zoning Board took place first. Since they were nearing the end of the season for paving, they asked to be put on the agenda for the Zoning Board and then asked to be placed on the agenda for the November 15th meeting of the Planning Board. At the Zoning Board meeting, a variance was granted for the parking of 15', of which no cars would be parked facing Camp Road. The Zoning Board also asked for a landscaping plan.

This afternoon, a drawing was submitted to the Planning Dept. by the Building Department for the expansion of the Tops Market. Board members noted that this should not take place. The site plan should not be approved piece-meal.

Motion was made by Mr. Strnad, seconded by Mr. Phillips to **Deny the site plan as presented for both the enlargement of the lot and building.** A site plan of the total package should be presented and at the present time, they see no need for additional parking spaces at Tops Market. Carried.

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Wayne Door Sales - Marion Place

Ms. Stella Sayles appeared before the Planning Board on a relocation of her business which is presently located on Marion Place. The office is conducted from her home and the warehousing and storage is located on Lakeview Road. She would like to have the office, the warehouse storage, and display area all under one roof, but has been having difficulty in locating a place. The warehouse on Lakeview Road is not properly zoned for C-2. There is a location that she has in mind which is the Pinelli property on South Park Avenue. However, that too, does not have the proper zoning. Ms. Sayles has conducted business in Hamburg for the last 30 years and would like to stay in this area if possible. Chairman Crandall stated that he would talk to the Town Board about the problem and will get back to her.

Body Tan - Tricia Pasquale - Request to change parking area

Ms. Tricia Pascale has made a request to change the parking area on her Body Tan building which is on South Park Avenue. The request is to provide paving and parking along the sides of the building. Board members reviewed the site plan and felt that this would not be proper as this would disturb both neighbors on each side. Request was denied.

Motion to adjourn the meeting was made by Mr. Koenig, seconded by Mr. Cary. Carried. Meeting adjourned at midnite.

Respectfully submitted,


Gerard Koenig, Secretary
Planning Board

**NEXT MEETING DATE;
NOVEMBER 29, 1989
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

November 17, 1989

To: Barb Neureuter
Caldwell Bankers
Buffalo Street
Hamburg, New York

Subject: Maintenance of Fence and Berm for Deerfield Heights

At the last Planning Board meeting, the issue was raised as to who will maintain the fence and berm at Deerfield Heights. We are attaching the minutes of the meeting where the question was raised.

Could you please alert your brokers that the fence and berm are the responsibility of the homeowner so as to clarify the confusion.

Sincerely,

TOWN OF HAMBURG PLANNING DEPT.

George McKnight
George McKnight, Director

GM:tad

Attachment

DEERFIELD HEIGHTS subdivision
PART I, MAP COVER 3521
BUILDING AND USE RESTRICTIONS

6. No fence shall be erected on any lot until the design, materials, location and height thereof is approved in writing by the undersigned.

7. No out buildings, other than garages, or structure of any kind shall be allowed on the premises, except a swimming pool. All pools must be of the type built below the ground level. Any dressing or shower room to be used in conjunction with the pool shall be built either within the dwelling or garage, unless a cabana-type building of appropriate design is approved, prior to construction, by the undersigned.

8. No basketball hoops or backboards shall be attached to any building. All basketball hoops shall be erected on a stainless steel pole, which shall not be permitted to peel or discolor.

9. No clothesline or poles for clotheslines shall be erected or installed within the subdivision which are visible from any street.

10. No owner of any subdivision lot shall, after finish grade is completed by the undersigned or building contractor, alter, disturb, disrupt or change the established grade level in such a manner as to obstruct or disturb the drainage of surface water, nor shall any additional trees be removed.

11. These restrictions may be amended or modified in whole or in part at any time upon the vote of two-thirds (2/3) of the then owners of the real property covered hereby, the owner of each subdivision lot being entitled to one vote per subdivision lot; provided, however, so long as the undersigned owns any subdivision lot, the undersigned may amend or modify these restrictions in whole or in part at any time without notice by recording said amendments or modifications in the Erie County Clerk's Office.

12. All top of foundation grades shall be no higher than thirty-six (36) inches from the top of the curb at the centerline of the lot, unless agreed to in writing by the undersigned.

13. Each owner of a subdivision lot shall cooperate with any future promoter or the undersigned in the event of a home show or other promotional activity on behalf of the subdivision until all subdivision lots are conveyed. In the event that there is a home show promotion, no builder or lot owner will hold homes open during the hours of the show, unless said homes are part of the show.

14. The owner of sublots 9 and 44 shall mow the lawn between the sidewalk and the curb on the lands dedicated to the Town of Hamburg in a Deed, dated September 9, 1988, and recorded in the Erie County Clerk's Office in Liber 9515 of Deeds at Page 159.

15. The owners of sublots 1, 10, 20, 21, 22, 32, and 33 shall maintain and mow the buffer strip adjacent to McKinley Parkway.

16. These restrictions and agreements shall run with the land and shall be binding on all parties and persons claiming under them until December 31, 1994 and the same shall automatically be renewed at said time for ten-(10) year periods, unless two-thirds (2/3) of the owners of the real property covered hereby object to said renewal in writing.

17. No satellite dish shall be mounted on a dwelling. All satellite dishes must be located in rear yards and must be landscaped so as not to be visible from any roadway or side lot line.

KNOWN TO ALL PERSONS BY THESE PRESENTS:

That the undersigned is the owner of all the property and premises described as follows:

All that tract or parcel of land situate in the Town of Hamburg, County of Erie, State of New York, being part of Lot 43, Township 9, Range 7 of the Holland Land Company's Survey, as shown on a map entitled Deerfield Heights subdivision-Part I, filed in the Erie County Clerk's Office on September 9, 1988, under Map Cover 3521.

That the undersigned does hereby establish the nature of the use and enjoyment of all lots and that all conveyances of lots in said subdivision shall be made subject to the following conditions, restrictions and stipulations:

1. Said lots shall be used for residential purposes only and no business, trade or manufacturing shall be conducted thereon.

2. No building or addition thereto shall be erected thereon until the plans, specifications, design and location thereon, shall have been approved in writing by the undersigned, being the owner of the subdivision, which approval or disapproval shall be given within thirty (30) days after written request for approval is made to the undersigned. The undersigned shall be entitled to retain a copy of the plans, specifications and plot plan as part of its permanent record. Upon completion of any building, the undersigned, upon request, shall issue a certificate of compliance evidencing its approval of the building in accordance with the submitted plans and specifications.

3. No lot shall be cleared until the undersigned is notified and approval is given by the undersigned for the stripping of top soil and the removal of any trees. All top soil shall be separated from fill and reused on the lot from which it is removed. If a builder or purchaser does not strip top soil or acts in a wasteful manner with regard to top soil, a reasonable fee will be charged by the undersigned for any top soil used from the top soil piles within the subdivision. All fill or topsoil shall remain within the development unless Developer gives written permission to remove it. No fill or top soil shall be placed in any location without the prior approval of the undersigned. All 2-story buildings shall not be less than 2,350 square feet of living space, except that a ranch shall be not less than 2,000 square feet of living space. The minimum square footage is exclusive of open porches, breezeways, decks and garages.

4. No structure shall be erected, altered, placed or permitted to remain on any lot other than a single-family dwelling with attached private garage or a single-family dwelling with detached private garage. Said single-family dwelling shall not exceed 2 stories in height. Said private garage shall be for a minimum of two (2) cars.

5. No trucks, trailers or other commercial vehicles, including boats, snow vehicles or other types of equipment, shall be parked in the public highway or on the grass, dirt, or in the driveway of any lot within the subdivision, except temporarily for the purpose of loading and unloading, without the written permission of the undersigned. No unregistered or junked vehicles shall be parked within the subdivision.

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18. Any signs or billboards of a derogatory nature shall be no larger than one (1) square inch. For sale signs are permitted in the subdivision. Any sign, other than a for sale sign, must be approved in writing by the undersigned.

19. No subdivision lot shall be reduced in size, unless agreed to by the undersigned in writing.

20. If any person shall violate or attempt to violate any of the covenants or restrictions contained herein, it shall be lawful for any other person or persons owning any other lots in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any covenant or restriction, either to prevent them from doing so or to recover damages for such violation.

21. Invalidation of any one or part of these restrictions and/or agreements by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

WHEREFORE, the undersigned has affixed his hand and the seal of the corporation on the 2nd day of February, 1988.

BISLMEIER BUILDERS INC.

ATTEST: _____ BY: James J. Bislmeier
JAMES J. BISLMEIER, PRESIDENT

STATE OF NEW YORK }
COUNTY OF ERIE } SS:

On the 2nd day of February, 1988, before me personally came JAMES J. BISLMEIER, to me known, who, being by me duly sworn, did depose and say that he resides in the Town of Anherst, New York; that he is the President of BISLMEIER BUILDERS INC., the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

[Signature]
NOTARY PUBLIC

Memo To: Building Inspection Department

From: George McKnight

Subject: Mark Suarez Duplex

Date: November 16, 1989

I discussed the separate sale of each side of this duplex with John Michalek and he feels that this is not a subdivision of land under our subdivision regulations, and therefore, the Planning Board has no review responsibility.

November 16, 1989

To: The Town Board

At the Planning Board meeting held on November 15th, the following favorable recommendation was made: To accept the resolution from the Community Development Advisory Board designating target areas for removal of blight for final approval and to be placed on file with the U.S. Dept. of Housing and Urban Development.

Motion was made by Mr. Phillips, seconded by Mr. Koenig. Carried.

Memo to: The Town Board

Subject: Princeton Square Rezoning

At the Planning Board meeting of 11-15-89, the following favorable recommendation was made on the Princeton Square Affordable Housing Program:

Motion was made by Mr. Phillips, seconded by Mr. Carnevale that a favorable recommendation be submitted to the Town Board to rezone a 6.3 acre parcel from C-2 to R-2, as this is an outstanding opportunity for the Town to provide affordable housing for our children; that if legally possible, it should be restricted to Town of Hamburg residents, that there have been an overwhelming number of residents interested in this type of housing; that it is in conformance with the 2010 Master Plan; and that there should be a strong emphasis on doing a Traffic Study in the Carnegie area. Carried.

Sincerely,

Town of Hamburg Planning Board

Richard Crandall
Richard Crandall, Chairman

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

November 2, 1989

Honorable Francis Pordum
NYS Assemblyman
3812 South Park Avenue
Blasdell, New York 14219

*Letter sent to
Stack & Kuvil
also.*

RE: Master Builders project
Town of Hamburg

Dear Fran:

The Town Board has asked me to correspond to you concerning the above project.

Recently, the Town has received some written and verbal comments regarding the Master Builders project in Ravenwood North Industrial Park. There appears to be some misunderstandings based on some of the comments and the Town Board would like to assist in providing accurate information.

There is no doubt that this is a complicated matter and the Town Board feels some facts have been exaggerated and others fabricated.

In order for you to have accurate, helpful information, the Town Board has suggested a "briefing" on this matter, with the opportunity to ask questions of Town officials. The Board feels this information would also be useful to you in answering concerns brought to you by area residents.

Please contact me as soon as possible so that I might arrange for a convenient time for you to meet. Your immediate attention to this important matter is appreciated and I look forward to hearing from you soon.

Very truly yours,

Jack Quinn
JACK QUINN, Supervisor
for the Hamburg Town Board

JQ/mlp
cc: Town Board
— R. Crandall
J. Lauchert
G. McKnight