

T.C.

Town of Hamburg  
Planning Board  
Meeting 11-15-95  
Actions Taken

Peter Carr 3 lot  
Subdivision - Old Lake Shore  
near West Arnold

Tabled

Cedars Bakery  
Habib Issa  
Southwestern Blvd.

Cond. Approval Granted.

Rezoning Petition of Woodlawn  
Fire Co. from R-3 to N-C for  
Club addition

No action taken.

Master Plan Update

Working Session

**Town of Hamburg Planning Board  
Meeting - 11-15-95**

The Town of Hamburg Planning Board met in regular session on Wednesday, November 15, 1995 at 7:30 p.m. in Room 7 of Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Sue Ganey, Dick Pohlman, Paul Eustace. Others attending included: Rick Lardo, Councilman Quatroche, Councilman Mark Cavalcoli, Drew Reilly, Rich Whipple, Rick Juda, Esq. and Terry Dubey, Stenographer.

**Peter Carr 3 Lot Subdivision - Old Lake Shore Road near West Arnold**

Secretary Koenig read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG  
PLANNING BOARD  
LEGAL NOTICE  
PETER CARR  
3 LOT SUBDIVISION  
OLD LAKE SHORE RD.  
NEAR WEST ARNOLD**

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing for a 3 lot subdivision known as Peter Carr Subdivision lo-

cated on the Old Lakeshore Rd. near West Arnold on Wednesday, November 15, 1995 at 7:30 p.m. in Room 7 of Hamburg Town Hall.

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 50, Township 9, Range 8 of Holland Land Company's Survey, described as follows:

Beginning at a point in the south line of Arnold Road, distant 160 feet westerly from the west line of Lake Shore Road; thence westerly along the south line of Arnold Road, 123.86 feet; thence southwesterly along the south line of Arnold Road, 94.03 feet; thence southerly along an easterly line of Arnold Road, 20 feet; thence westerly along the south line of Arnold Road, 136.62 feet more or less to the east line of lands shown on a Map filed in Erie County Clerk's Office under Cover No. 1663; thence southerly along the east line of Map filed in said Clerk's Office under Cover No. 1663, 141.14 feet; thence southwesterly along the east line of Map filed in said Clerk's Office under Cover No. 1663, 93 feet to the southeast corner of Subdivision Lot No. 9 according to Map filed in said Clerk's Office under Cover No. 1663; thence southeasterly in a straight line, 328.86 feet to the southwest corner of lands conveyed by deed recorded in said Clerk's Office in liber 7637 of Deeds page 217; thence northerly along the west line of said deed recorded in said Clerk's Office in liber 7637 of Deeds page 217 and along the west line of lands conveyed by deed recorded in said Clerk's Office in liber 7284 of Deeds page 419, 150.32 feet to the south line of lands conveyed by deed recorded in said Clerk's Office in liber 10887 of Deeds page 5763; thence westerly along the south line of said deed recorded in said Clerk's Office in liber 10887 of Deeds page 5763, 41.59 feet to the southwest corner of said deed; thence northerly along the west line of said deed recorded in said Clerk's Office in liber 10887 of Deeds page 5763, 199.67 feet to the south line of Arnold Road at the point of beginning.

Beginning at a point in the west line of Lake Shore Road, at the southeast corner of lands conveyed by deed recorded in Erie County Clerk's Office in liber 8237 of Deeds page 383; thence southerly along the west line of Lake Shore Road, 262.5 feet; thence southwesterly, 94.70 feet; thence westerly, 121.80 feet; thence northwesterly in a straight line, 341.76 feet to the southeast corner of Subdivision Lot No. 8 according to Map filed in said Clerk's Office under Cover No. 1663; thence northerly along the east line of Subdivision Lot No. 8, 63 feet; thence northeasterly along the east line of Subdivision Lot No. 8, 135 feet; thence easterly in a straight line, 328.86 feet to the northwest corner of lands conveyed by aforesaid deed recorded in said Clerk's Office in liber 8237 of Deeds page 383; thence southerly along the west line of said deed, 100 feet to the southwest corner thereof; thence easterly along the south line of said deed, 119.61 feet to the west line of Lake Shore Road at the point of beginning.

Dated: 11-2-95  
Richard Crandall, Chairman  
Gerard Koenig, Secretary  
Planning Board

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 50, Township 9, Range 8 of Holland

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Chairman Crandall opened the hearing on the 3 lot subdivision. The applicant did not appear probably due to the inclement weather. Drew Reilly explained that there are engineering comments on the parcel which are: Parcel B does not have access to the sanitary sewer. How will sanitary service be provided? 2. Parcel A was approved on 7-11-95 with 10 foot wide access to Arnold Road.

Chairman Crandall asked 3 times if anyone wished to be heard for or against this project?

Mr. Gary Jabczynski of McKinley Parkway asked that the board take no action on this project since the applicant was not present.

Hearing no further concerns, the hearing was declared closed. Motion was made by Mr. Koenig, seconded by Mr. Eustace to **Table** this project to the next meeting. Carried.

**Cedars Bakery - Southwestern Blvd.**

Habib Issa and Richard Marszalek appeared before the Planning Board on a proposed bakery and restaurant which is to be located on the first parcel in the Town of Hamburg. A revised drawing has been submitted to Planning, Engineering, and Building Inspection. The entire project will be constructed all at once, and not in phases as originally planned. The applicant has answered questions for use, aesthetics, and meets the Southwestern Overlay Zone. He has provided landscaped islands on the front and side. There should be some type of screening between the residential properties in the back, especially in the area for loading and deliveries.

**Engineering** has the following comments: 1. Note on the plan that a Clearing, Stripping and Erosion Control permit must be obtained from this office prior to commencing any site work. 2. The sanitary sewer extensions must be approved by the Town of Orchard Park and The Erie County Dept. of Environment and Planning (ECDEP). Sewer extension plans, a report and application are to be submitted to our office and ECDEP for approval. 3. An 8" waterline extension will be required to service the site. Application and approval from the Erie County Water Authority for a direct service extension must be obtained. 4. The storm sewer is not sized properly, does not have the required 2 feet of cover on top of the pipe and is not graded to function correctly. The proposed drainage swale along the west property line is also not graded properly relative to the receiving ditch on Route 20. Storm water detention is also required on the site. 5. A NYSDOT permit will be required for the access driveway and other work within the State right-of-way.

It was noted that a dotted line should be indicated on the drawing for consideration for future service connection for access in the back from one parcel to another and that there only be one

road cut.

Motion was made by Mr. Phillips, seconded by Ms. Ganey to approve the site plan with the conditions outlined in Engineering's memo dated 11-14-95; that the drawings be changed to reflect a rear tie in for an exterior service road, and that a Negative Declaration be issued for the project. Carried. (Five revised drawings are to be submitted to the Planning Dept.)

**Rezoning Petition of Woodlawn Fire Co. for an addition from R-3 to N-C - Lake Shore Road**

The rezoning petition from the Woodlawn Fire Company was referred to the Planning Board by the Town Board this Monday. The present zoning is R-3 and they would like to have it N-C all the way back. No recommendation was made. Will be made at the next meeting.

**Other Matters:**

1. Exit on 20A for Walmart needs posting and more signage as it relates to the left turning lane. Kurt Allen to be contacted for enforcement with Traffic Safety.

2. Mr. Reilly noted inquiries have been made about an expansion of a Stop N Go Gas Station on Southwestern Blvd. The applicant would like to tear down the present structure and replace with a new one.

3. Request for rezoning has been made for Patrick Doherty on Versailles Plank Road from R-1 to R-3 Multi Family.

**Update on the Master Plan**

1. Councilman Cavalcoli noted that he has arranged for Drew Reilly to make a presentation on the update of the master plan with the Town Board on November 20, 1995.

2. Graham Hayes gave a presentation on the G.I.S. Information Systems.

**Issues:**

1. Rich Whipple explained to the board the documentations that were used to determine the statistics for the Town of Hamburg. A new Land Use Map was presented.

2. One of the goal statements in the last Master Plan and Hamburg Future Advisory Board was to protect agricultural lands in the Town of Hamburg. After a review, we have learned that there is not much agricultural land left in the Town of Hamburg. One map does not even designate farm land in the Town. Mr. Pohlman responded that farming is no longer an economically feasible pursuit and many of the farms are dying off as there is no one left that is interested in farming as a living. It was noted however, that we should try and protect what active farms we still have.

3. Another New Subdivision Map for the Town of Hamburg is also being prepared.

4. Statistics show that there is a lot of R-1 property still left in the Town of Hamburg. Based on an estimate, there could be up to 1,000 to 1,500 vacant properties, which at a current building rate would take about 5-7 years to complete.

5. Another goal called for a need for new industrial development in the Town. This should be modified to promote existing industrial property. There is a great deal of existing properties available. You don't need more industrial property but need to protect what you have and make sure you don't have residential infringe on what you have already. Mr. Crandall responded that the intent of that goal was to retain what we have.

6. The Planning Board has been looking at changing Southwestern Blvd. back to residential. The original plan did not foresee that. At that time, they saw it developing as commercial, because it is a major corridor.

7. Easy Controversial Items - Preservation of certain areas in the Town of Hamburg (R-A zone) on large lot zoning. I cannot find any planning document that will tell you that large lot zoning is the way to preserve or conserve natural resources. All it does is induce urban sprawl. Two acre zoning is a decent requirement for that area. Do not rezone higher than 2 acre zoning. The better idea would be to create a new zoning. The Open Space document spells out what areas of the Town should be preserved. This is another agricultural area. Another important attribute is sewers-- there are no sewers in that area. You have the background to control that area of the Town. Where there is a difference, is on East Eden Road. They do have sewers. I would suggest that East Eden should be the barrier whereby everything to the east would be R-1 zoning and everything on the west side could be RAC zoning. After the RAC zone, there can be different criteria established. You cannot stop development but rather control it the way the Town wants.

8. A concern has been expressed about Lakeview Road and the appearance of it. The Town also has facilities out there. At the present time there are lots for sale which will be for residential development. Design is more important than density. To achieve this, there must be flexibility besides residential. The Town may want some businesses down there but the flavor of the community is to remain the same. This is flexible zoning. Cluster zoning could go in there as well as performance zoning.

Mr. Phillips noted that the Planning Board has tried to encourage cluster development and have had a difficult time selling the idea to developers. Mr. Reilly noted that cluster development doesn't work when there is no infrastructure. If there is no sewer

and water, it doesn't make sense. If an RAC zoning is set up, the Planning Board will have the authority to demand certain things. A Conservation Easement Program in the Town should also be set up. It allows an individual to have economic incentives to have his taxes reduced.

Councilman Cavalcoli stated that he has been to conferences where they speak about performance zoning. That does not work well in New York State as we are not that progressive. Most of us have fixed zoning. Can we mix the two together without running into legal battles when a developer wants to take us to court? The Courts and Judges know about fixed zoning. They are not familiar with flexible zoning. Mr. Reilly responded that Special Use Permits are flexible zoning.

Question: Can you mix them? Are you recommending performance zoning or is flexible zoning different?

Mr. Reilly responded that he is recommending innovative ways, such as a rural development package whereby you can set up requirements. Flexible zoning techniques could be put into a certain area. An RAC zone is a fixed zone but within that zone there is flexibility. It is a blend of both. If there is an area of the town that is booming, perhaps transfer development rights is the way to go. The master plan will be a generic package of what the Town wants for an area with ways to achieve that goal. The Master Plan will not support 5 acre zoning.

8. On the Lakeview Area, it is a community within itself-- a mixture of zonings from R-2 to Industrial to Commercial, to Residential Agricultural. There is a litany of uses as well as some environmental restrictions, such as Schoellkopf Woods, Heltz Woods, Lakeview Woods. It is an area that could have cluster development, PUD's, PRD's--planned residential districts which are a combination of single and multi family in a planned community. There should be requirements of the open space plan. There could be a mandatory requirement to submit a cluster development concept. I don't see Lakeview changing. There is nothing in environmental teeth to stop anyone from developing. The overlay district would also help, as well as architectural standards. There should not be any more commercial development in that area along the commercial corridors of Route 5 or Southwestern.

9. On a PRD, Planned Residential Development, I am proposing a floating zone, not attach it on a map but define areas where it will allow it. Mobile home parks and larger residential development could be in this zone. The flavor of the Town of Hamburg is little communities within themselves,

10. On Southwestern Blvd., on the southern end and below Amsdell Rd. infrastructure is not there. Commercial grew around the major intersections. The Planning Board has talked about going

the other way and making it residential. I am requesting that this should be changed. A generic overlay from one end of town to the other makes no sense as Southwestern is different from one end or another. It changes character. I am suggesting to keep the overlay but break it into 3 categories. In one area, we will keep what we have, and add residential requirements. We don't want driveways every 200 feet on a road that is 55 MPH. There should be a different overlay requirement for that end.

11. McKinley Parkway backing up to Allendale Pkwy. This is presently a C-3 district. Should be rezoned to a C-1 or C-2 as the lots are very shallow.

12. Access to the shoreline - Not much left. Areas to concentrate on would be Woodlawn Beach, Athol Springs, Wanakah Water Co.

Other questions raised included:

1. A Transit Corridor.
2. The area of Route 5 around the Ford Plant and Ravenwood, the manufacturing zone.
3. The small area around McKinley coming out to 391 on the southeast side (vista).
4. Lakeview Road from the Village of Hamburg to the Nike Site.
5. The trailway system.

Reminder: Teleconference on December 6th at 4:00 p.m. in the Conference Room at S-6122 South Park Avenue.

Respectfully submitted,

  
Gerard Koenig, Secretary  
Planning Board

Next meeting: 12-6-95.