

TOWN OF HAMBURG

PLANNING BOARD MINUTES

11-16-88

The Town of Hamburg Planning Board met in regular session on Wednesday, November 16, 1988 at 7:30 p.m. in the Planning Board room. Members attending included: Chairman Richard Crandall, G. Gerald Valgora, Elgin Cary, Sandy Carnevale, Gerard Koenig, Dennis Gaughan, & Steve Strnad. Others attending included: George McKnight, and Terry Dubey, Stenographer.

Minutes of the meeting of 10-26-88 were approved on motion by Mr. Gaughan, seconded by Mr. Carnevale. Carried.

REQUEST OF HAROLD MONCKTON FOR COMMERCIAL ZONING AS OPPOSED TO RESIDENTIAL AGRICULTURAL.

Mr. Harold Monckton appeared before the Planning Board with a request to change his zoning back to its original status of commercial as opposed to residential-agricultural. In the town wide rezoning, the property was zoned back to the R-A status as Planning Board members felt that the lack of sewers was a problem and no additional development would be encouraged in these areas. The adjacent neighbor, who has the kennels, would also like his zoning changed to commercial. Applicant was advised to write the Supervisor requesting the rezoning and a waiving of the fee as he already paid for the rezoning awhile ago.

BRIERWOOD PLANNED UNIT DEVELOPMENT

Messrs. Burke and O'Neill appeared before the Planning Board with respect to the Brierwood Planned Unit Development which was the former Bethlehem Management Club. A Findings of Fact stating responses to issues and mitigation measures was presented to the Planning Board. If the findings of fact is in order, a resolution is necessary accepting the impact statement.

Mr. Strnad noted that he still has concerns with the water problem. In the impact statement, Wanakah Water denies that there will be inadequate water pressure. I do not agree with the Statement. Mr. O'Neill explained that with respect to Wanakah water, Phase I involves 13 lots out of the 109. The franchise line runs approximately at the 17th hole and moves easterly to the ditch on Rogers Road. There is a possibility that Wanakah Water will not be involved with the Brierwood project at all due to the buyout. With regards to pressures and flow on Southwestern Blvd. and Amsdell, we are taking a 12" line off a connection at Flanigan's, which is Erie County Water with a 50-55 lb. static pressure. Mr. Ed Dick stated that we have unlimited flows out of the 42" pipe. There is adequate pressure as the water tower is across the street. The pressure problem with Wanakah Water is not with the mains, but rather with the laterals. The 4" and 2" laterals cause the pressure problem. Amsdell Park is located right by the tower. Brierwood, Phase I, on the Pebble Beach Drive, appears to be Erie County Water. There is a 12" water line coming off the tower and branches to an 8" to the west. This project will come off the main from Erie County Water, off the 24" main to a 12" main and into the subdivision. Wanakah Water mains are adequate to service the project. The water tower has adequate water to service the Brierwood project. There will be an 8" water line across the street which is adequate. This will entail 1,000 ft. on the west side of Phase I and 1200 to 1500 feet which is the furthest run.

11-16-88

A reading was taken at the hydrant on Rogers Road, which is the Wanakah main, and is 1250 gallons per minute. The Town Engineering Dept. requires all new lines to be 8". On pressure, depending which water company is used, whether it be Erie County Water or Wanakah, 500 gallons per minute is the minimal beginning of a rating.

Mr. O'Neill explained that when application is made to the County for Sewage and waste water disposal permits, the plans are reviewed, calculations are made based on elevations, number of joints, elbows, etc. that determines what the pressure should be as to gallons per minute. This is established when application is made to the County for approval of the systems. County Health Dept. approval is also required and the laterals must be sized properly to take the load.

Mr. Burke noted that the issue with the wells has been resolved. Mr. Barrett and Mr. Koerner rely solely on their wells for their water supply. Mr. Burke has assured them that prior to construction, they will have the wells tested for quality and quantity. After construction, if there appears to have been an impact, Mr. Burke will bear the expense for them to tie into Wanakah or Erie County Water. Mr. Barrett also stated that Messrs. Wiess and Nister don't use their wells for drinking purposes but rather for the washing of cars and lawn watering and also have concerns about the impact of the construction. Mr. Burke stated that he will be responsible for these 4 wells should there be an impairment. Mr. Gaughan suggested that some short agreement should be written up stating that Mr. Burke will be responsible in order to hold up in court. According to the Statute of Frauds, any agreement involving \$500 should be in writing. Otherwise, it is not binding. This is not an agreement with the Town and Mr. Burke, and should it wind up in court, with the Town involved, this would add additional costs to the Town and more complicated for the people to prove. Mr. Burke agreed that something in writing from him will be forthcoming. The others, who have wells, did not seem to care as their wells are sulphur. Only 4 individuals were interested.

On green space, no definite conclusion has been made. Nothing has been set aside in Phase I. However, as the phases are developed, a determination must be made as to whether active or passive recreation areas will be required.

Motion was made by Mr. Koenig, seconded by Mr. Gaughan for the following:

WHEREAS, the Town of Hamburg Planning Board as Lead Agency for the review of the environmental impact of the Brierwood Planned Unit Development requested that an Environmental Impact Statement be prepared, and

WHEREAS, a Scoping session to determine areas of concern was held on May 25, 1988 and

WHEREAS, on August 27, 1988 the Planning Board as Lead Agency accepted the Draft Environmental Impact Statement (D.E.I.S.) as sufficiently complete for public review, filed a Notice of Completion of the D.E.I.S. and scheduled a public hearing to hear public comments on the D.E.I.S. and

WHEREAS, a public hearing on the D.E.I.S. was held on Friday, September 16, 1988 at 7:30 p.m., and

WHEREAS, a Notice of Completion of the Final Environmental Impact Statement

11-16-88

(F.E.I.S.) was filed along with the F.E.I.S. and

WHEREAS, all of the legal requirements for environmental impact reviews found in Part 617 of the Environmental Conservation Law have been duly followed and,

WHEREAS the Town of Hamburg Planning Board has given due and careful consideration to the F.E.I.S. and made a written finding regarding the environmental issues addressed and how the negative impacts will be mitigated or avoided to the extent possible by incorporating necessary conditions to be addressed during site plan and subdivision review. Now, therefore, be it

RESOLVED, that the Planning Board of the Town of Hamburg hereby approves the Environmental Impact Statement prepared for the Brierwood Planned Unit Development to permit the preparation and approval of detailed plans to allow the development to proceed as long as it is in general conformance with the layout as reviewed in the E.I.S. Carried.

HAVENWOOD SUBDIVISION - BILL SCHIFERLE - SOUTHWESTERN NEAR BETHEL ESTATES AND D.O.T.

Mr. Bill Schiferle, applicant, appeared before the Planning Board with a revision of his subdivision with the changes as requested from the last meeting. He has provided a 30' buffer of trees to be privately owned. A deed restriction requesting the preservation of the trees is to be made on the Map Cover. Provision has been made for a 50' wide drainage channel for open space trailway along the creek in keeping with the master plan. The street access has been closed off leading from Sunway to the Four Seasons Subdivision. On the flood plain area, first floor foundations will be built 1' higher than the flood plain level.

Mr. Mike Archangel, concerned resident of Four Seasons, stated that drainage is a main concern and is satisfied that a deed restriction will be made to prevent the cutting of the trees. Traffic was a concern raised but that now has been addressed. Motion was made by Mr. Carnevale, seconded by Mr. Koenig to approve the preliminary subdivision as presented and waiving the sidewalk requirement. Carried.

EXPERT MOTORS - A. ALMEIDA - CAMP ROAD

Mr. Anthony Almeida, appeared before the Planning Board with respect to his new and used car lot on Camp Road. A variance was granted to allow parking in the first 35'. However, it was noted by Building Inspector Lauchert that based on the V&T Law, there can be no parking of cars closer than 15' due to a fire hydrant which is on the property.

The issue of fencing was again raised by the Staley Drive residents. Pictures were also shown whereby a haywagon was placed directly up to the present fence. At the last Planning Board meeting, it was determined that this is a new and used car lot. The applicant stated that he does not plan to put in a collision shop. Therefore, a 6' stockade fence will be required the entire length of the property line.

Mr. & Mrs. William Fallon stated concern of debris being parked right at their fence line as this will devalue their property. The applicant was advised that there can be no parking of cars up to 10' of the property line.

11-16-88

Motion was made by Mr. Koenig to approve the site plan with the following conditions, seconded by Mr. Strnad:

1. Site plan approval is contingent upon the construction of a 6' stockade fence all along the property line abutting the residential area. (Entire length of property line.
2. Fence is to be installed within a matter of two weeks after approval.
3. Parking is to be 15' from the fire hydrant.
4. No vehicles are to be parked any closer than 10' along the fence.
5. Approval is predicated upon the fact that this will not be a collision shop. Carried.

CHIP SPITTLER - SAW MILL OPERATION IN AN R-A ZONE

Attorney Ray Wylegala appeared with the applicant, Chip Spittler with regard to a saw mill operation which he has been conducting from his property on Schultz Rd. This is an R-A zone and the question arises as to whether this is a permitted use in an R-A zone. Attorney Dan Gorman noted that this is not a permitted use, therefore the operation has been ordered to be stopped.

Mr. Wylegala noted that his interpretation, after checking with the County Forester, that this is a timbering agricultural endeavor. This is work being done in conjunction to forestry. The operation has been shut down because of the noise of the saws and is not in keeping with the harmony of the neighbors closeby. Mr. Spittler has put new mufflers on the saw to reduce the noise. The police have been to the property but have not been able to determine a reading. A suggestion was made that a test be made of the noise level. However, it was also noted that if this is not a permitted use, a test would not be necessary. If the use is not permitted, than the operation should cease.

Mrs. Eckert, the neighbor who backs up to the property, stated that this noise condition has existed since September 3rd. She stated that the noise is so bad that she is not able to stay in her home. Also, the home is up for sale, and has deterred her from selling her dwelling. Before, the property was like a sanctuary. It was very peaceful. Now, even the dog does not like to go outside.

It was noted that this matter must be researched by the Attorneys to determine whether this is an agricultural or commercial use. No action was taken. No decisions were made.

RON'S TIRE TOWN - STORAGE FACILITY AT THE AIRPORT ON HELTZ RD.

The owners of Ron's Tire Town were present before the Planning Board as a referral from the Zoning Board of Appeals for a Special Use Permit to store new tires in an airport hangar at the airport on Heltz Rd. At the present time, they are located across from Foit's and would like to upgrade their operation with the removal of the trucks. They also have an option to buy the airport. They would like to keep the airport going and improve it. At the present time, there is a vacant 60' x 100' hangar that they would like to use for the storage of new tires. After discussion, it was agreed that this is a permitted use based on the following premise:

1. Barns are permitted in an R-A zone and used for storage purposes.
2. An airport is a permitted use in an R-A zone.

RON'S TIRE TOWN (CONTINUED)

3. Hangars in the airport are used for storage purposes.
4. Therefore, the use of an airport hangar for private storage of new tires on the applicant's property only would be a permitted use.
5. The 60' x 100' hangar will be used for the storage of the new tires.

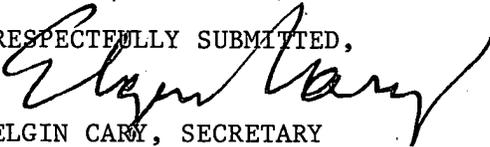
Motion was made by Mr. Koenig, seconded by Mr. Gaughan to approve the site for this use with aforementioned conditions. Carried.

OTHERSMATTERS:

1. Outline recd. from J. Koenig on the sub-committee between Planning Board and Conservation. Received and filed.

Meeting adjourned at 11:00 p.m. Motion to adjourn was made by Mr. Valgora, seconded by Mr. Cary. Carried.

RESPECTFULLY SUBMITTED,

  
ELGIN CARY, SECRETARY  
PLANNING BOARD

NEXT MEETING DATE: NOV. 30, 1988

Gerard J. Koenig  
4602 Mile Strip Road  
Blasdell, N.Y. 14219  
November 9, 1988

Hamburg Town Hall  
6100 South Park Avenue  
Hamburg, New York 14075

Attn.: Mark Cavalcoli

The following is my list of guidelines we should be exploring for developing a plan for preserving open space within the town.

1. Revision of the master plan allowing for green space, allowing minimum development such as cluster or minimum units per acre.
2. Additional encouragement of land or money donations to the town for protection of green space.
3. Tougher laws in the town to prevent clearing of land and stiffer penalties to prevent misuse of property. Records kept and turned over to judges on repeat violators.
4. Increased fees to developers to be used for additional personnel to enforce the codes of the town.
5. Guidelines set down for percentage of parcels to be developed, allowing for greater passive or recreational green space, or increased fees to be used for purchase of green space.
6. A devoted percentage of the town budget to set aside, for the purchase of green space and tree planting and maintenance.
7. Code requirement calling for a landscaping plan with commercial developments, maybe a dollars / acre requirement, which developer would have to use for landscaping.

8. Increased cooperation between the planning board and the conservation board. Making sure that developments are presented to the conservation board allowing enough time for their input and responding to them of the planning board's action.

Our guidelines should be to retain whatever open space we can, while enhancing those areas we cannot retain. This is to be incorporated into your master guidelines, which this planning board / conservation board group will explore.

Very truly yours,

*JERRY KOENIG*

Gerard J. Koenig

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LEGAL NOTICE

TOWN OF HAMBURG

PLANNING BOARD

Pursuant to Section 29-196.3 of the Zoning Ordinance, notice is hereby given that the Planning Board will hold a Public Hearing on November 30th, 1988 at 8:00 p.m. to consider the following.

K-Mart (at the Southshore Plaza) for a Satellite Dish Antenna on Part of Lot 21, T-9, R-8 - 5450 Southwestern Blvd.

Public Hearing will be held in the Planning Board room in Hamburg Town Hall, S-6100 South Park Avenue, Hamburg, New York 14075.

TOWN OF HAMBURG PLANNING BOARD

RICHARD CRANDALL, CHAIRMAN

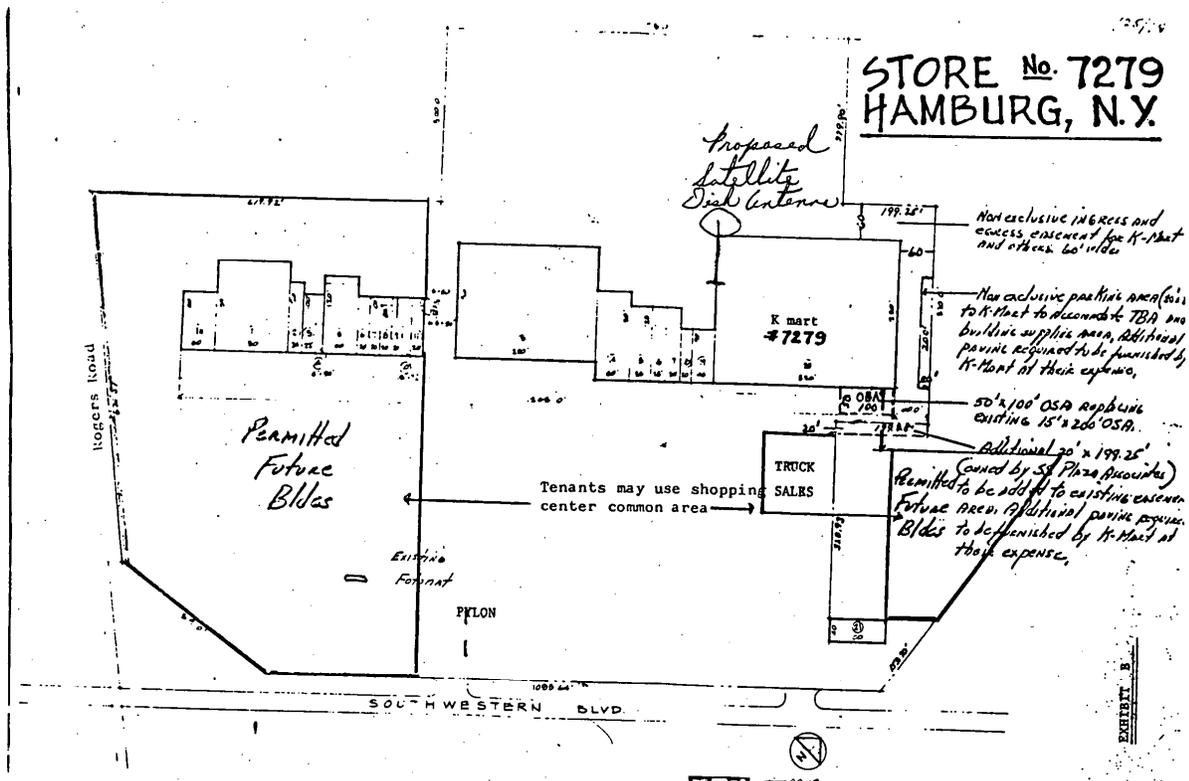
ELGIN CARY, SECRETARY

DATED: November 14, 1988

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TOWN OF HAMBURG  
PLANNING BOARD  
ELGIN CARY, SECRETARY

zoned C-2

K-Mart - South Shore Plaza 5450 Southwestern Blvd.



**LEGAL NOTICE**

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

DATED: 10-27-88

**RICHARD CRANDALL,  
CHAIRMAN**

**TOWN OF HAMBURG  
PLANNING BOARD**

**S-6100 SOUTH PARK AVENUE  
HAMBURG, N.Y. 14075**

11-3