

PLANNING BOARD MINUTES

12-24-88

JAN 17 1 51 PM '89

The Town of Hamburg Planning Board met in regular session on Wednesday, December 14th, 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, Steve Strnad, and Dennis Gaughan. Others attending included: George McKnight, and Terry Dubey, Stenographer. EXCUSED: Dan Gorman

Minutes of the meeting of 11-30-88 were approved on motion by Mr. Koenig, seconded by Mr. Carnevale. Carried.

EXECUTIVE SESSION -

Chairman Richard Crandall stated that Mr. G. Gerald Valgora is present for his last Planning Board meeting. He thanked Mr. Valgora for his 7 years of service. Mr. G. Valgora also expressed his thanks to all members of the board for their help and cooperation over the last 7 years.

REZONING PETITIONS OF HAROLD MONCKTON AND BLACKBROOK KENNELS

Director of Planning McKnight informed the board that the Town Board has referred their letters for rezoning back to the Planning Board with the comment that both parties should apply to the Town Clerk's office for a rezoning petition. No recommendation was made by the Planning Board.

MC KINLEY - HIGHLAND REZONING PETITION OF BENDERSON DEVELOPMENT FROM R-2 TO C-1

The rezoning petition of Benderson Development was discussed at length at the Planning Board level. The proposal calls for a change in zoning from R-2 to C-1. It was pointed out at the last meeting that the developer stated that it is doubtful that this parcel will ever be used for residential development as the cost per square footage of property on McKinley is very high. Uses for fast food or drinking establishments should be discouraged and in that regard a recommendation will be made to use the provisional amendment, Section 29-199 as a deterrent from that type of use.

Motion was made by Mr. Koenig, seconded by Mr. Cary to submit a favorable recommendation to the Town Board on the rezoning for the following reasons:

1. This parcel is adjacent to commercial property and is compatible with surrounding commercial areas across the street.
2. The heavy traffic pattern precludes development of the parcel as a residential parcel, and is in conformance with commercial development in the area.
3. The Town Board may wish to use Section 29-199 of the Zoning Ordinance to condition approval of the rezoning that no food or drinking establishments be built on that parcel. This includes anything from a deli to a 7-11 due to the fact that there may be a dumpster facing the residential portions of the property.

12-14-88

K-MART SATELLITE DISH ANTENNA -SOUTH SHORE PLAZA

Mr. Ted Nussbickel appeared before the Planning Board on a Special Use Permit to erect a satellite dish antenna on the roof top of K-Mart on Southwestern Blvd. Mr. Nussbickel explained that the dish is for their use to link up with their communications office in Michigan and will be used more for their internal use. No one appeared in opposition to the application.

Motion was made by Mr. Strnad, seconded by Mr. Koenig to approve the satellite dish antenna for K-Mart. Carried.

TINCEL & TOGS - LOCATED AT 5783 CAMP ROAD.

Mrs. Kathy Savage and Sharon Keller appeared before the Planning Board for a proposed children's modeling class and children's clothing outlet which is to be conducted in a small addition next to Peg's Restaurant at 5783 Camp Road. They will be using a small building at the side on a pilot program for children's self-improvement and if the venture is successful, would expand for the sale of children's clothing. They only plan to use the facility for a few months and if successful will then move to different quarters.

Motion was made by Mr. Koenig, seconded by Mr. Carnevale to approve the building for the use. Carried.

MISSION HILL - MOBILE HOME PARK - ADJACENT TO BROOK GARDENS - ZONED R-4

Mr. Nelson Keem and Mr. Piotrowski appeared before the Planning Board with a rendering for a proposed mobile home park which is located next to Brook Gardens. This is a 91 acre parcel which backs up to the Norfolk & Western Railway. The proposal calls for a Spanish style motif and approximately 500 units. All units will be professionally landscaped and the entrance will be quite elaborate. Additional property has been purchased up to the fence company to allow a better entranceway to the complex for traffic concerns. The Engineering Dept. submitted the following comments:

The site is in Wanakah Water service area. Existing Town trunk line is on a 30' easement that cuts through the site. Many lots will be lost with this layout. Storm detention will be required as we have downstream problems now. The state will have to approve the layout on Camp Road. It is in a very poor location. The Roundtree connection will be a problem also. The streets in the existing undeveloped subdivision will have to be abandoned.

Applicant is to appear at the January 11th meeting with revisions and a SEQR.

MC KINLEY SQUARE - BENDERSON DEVELOPMENT - NEXT TO ROSA'S

Applicant was not present for the McKinley Square retail building which is to be located next to Rosa's. The drive cut has still not been determined by the Town Board as yet. However, the following memos were received:

ENGINEERING - Our comments are on plans issued by the architect on 12-5-88. This is our second review. DRAWING C-1 Add a revision block and use it. Change Burke Drive to Burke Parkway. Place curbed islands to define future access drive. DRAWING C-2. Add a revision block and use it.

MC KINLEY SQUARE (CONTINUED)

Note the variety of comments at top of sheet. The attached Town detail sheets will provide information for designing the pavement and curb for the road extension. DRAWING C-3. No comments.

TRAFFIC SAFETY BOARD

After a review of the existing area of the proposed curb cut, as well as the submitted site plan, the Traffic Safety Advisory Board feels that the Town Board policy of limiting multiple curb cuts in the area is a sound one from a traffic safety stand point. The Traffic Safety Board is opposed to an additional curb cut, and feels that the existing driveway is adequate (based on the data submitted) for the proposed project. The projected rear exit (on Burke Parkway) should also help to mitigate any flow problems. The lack of a center turn lane in the area is also a cause for concern, since activity will undoubtedly increase in the vicinity.

BIG TREE VOLUNTEER FIRE COMPANY

As the Asst. Chief of the Big Tree Fire Company, I wish to point out that we have the following concerns in regards to the proposed McKinley Court Plaza.

1. We see no indication of a sprinkler system for the stores and or locations of stand pipes for feeding same.
2. We are concerned as to water supplies especially in the rear area of the plaza. There is no hydrant located in a close enough area to allow for an acceptable fire attack. The closest hydrant is on Burke and Highland which is a considerable distance away. We request that the Planning Board request a hydrant at the rear of the store and that a sprinkler system be installed. Please do not hesitate to contact me for any questions in regard to same. GEORGE MENDEZ - ASST. CHIEF BIG TREE.

SCRANTON PARK SUBDIVISION - RESUBIDIVISION OF LOTS FROM SINGLE FAMILY TO DUPLEXES

Mr. Victor Liberatore appeared before the Planning Board with a preliminary sketch of the Scranton Park Subdivision which is to be located off Scranton Rd. The map cover was originally filed for single family units. However, for duplexes, the lot sizes are changed and a new map cover is necessary. Engineering had some comments on the drawings and changes are to be made.

Motion was made by Mr. Gaughan to set a public hearing, pending a submission of a new layout with required changes for the January 11th meeting, seconded by Mr. Koenig. Carried.

SIBLEY'S MC KINLEY MALL - EXPANSION OF STORE BY 3,220 s.f.

Attorney Don McKenna, Judy Widrig of Zamias Corp. and the representative of the May company appeared before the Planning Board for the proposed expansion of Sibley's which is scheduled to open at McKinley by April 1st. The change has been requested due to the fact that an additional department is being included in the Sibley's store. The following letter was read from the Engineering Dept.:

The site plan was already approved by this office and the Town Board on 5-25-88. The site plan presented omitted islands necessary for parking and traffic control. Some of the islands were specifically requested during the review process by this office. Also, the need for islands came about in the public hearings and the E.I.S. to avoid the sea of asphalt common to strip plazas of the 1950's. It will not be signed

SIBLEY'S MC KINLEY MALL (CONTINUED)

unless revisions are presented that meet the criteria as discussed and agreed upon previously. JACK GILBERT

Mr. Lauchert noted that he has discussed the matter with Tim Ellis, Traffic Safety Coordinator. The site plan of 12-21-87 shows the islands. The curbed islands became painted islands. At the present time, there are two fire hydrants and 5 concrete islands.

Mr. Koenig noted that he feels that the McKinley Mall has not complied with the landscaping request that was made earlier to Pat Franklin and the Zamias Corporation. Judy Widrig responded that Mrs. Zamias is not in favor of a lot of landscaping. Reference was made to the Findings of Fact and that the Civic Beautification should review the matter. Board feeling is that a landscape architect should draw up a plan to dress up the front part of the McKinley Mall similar to that of Wegman's. The findings of fact is to be reviewed.

Motion was made by Mr. Koenig to recommend approval of the Sibley's expansion by 3,220 s.f. and conditioned upon approval by Engineering, Traffic Safety, Planning and Building Dept. Recommendation is to be submitted to the Town Board. Carried.

QUALITY TRANSPORTATION - RELOCATION FROM GOWANDA STATE RD. TO EATON BUILDING ON LAKEVIEW ROAD.

The representative and owner of Quality Transportation appeared before the Planning Board for a proposed change of the mini bus location from Gowanda State Road to the former Eaton Building on Lakeview Road. The zoning is M-2. Planning Director commented that he will need at least 5 more copies of the site plan for signing. At the present time there is an existing sign located near the road. It was noted that the sign should be indicated on the site plan.

Motion was made by Mr. Strnad, seconded by Mr. Koenig to approve the site plan as presented contingent upon Engineering, and Building Inspection approval. Carried.

Sandy Carnevale, owner of the Gowanda State Rd. location abstained from the voting.

MISTER OIL CHANGE - PROBLEM WITH FENCING

The following memo was read into the minutes: Mrs. Ruhland of 4529 Lake Avenue resides next to Mr. Oil Change at Lake and McKinley. Mr. Oil Change built a stockade fence along part of her property line from the back almost to the front of the house. She said there is a gap of about 25 feet and then some evergreen trees to the front property line. She would like a four foot stockade fence in the gap area. The site plan shows an existing fence covering the area of the existing stockade fence. No new fencing requirement is shown. Does the Planning Board find this present situation acceptable or should the Building Inspector tell "Mr. Oil Change" to (1) cover the 25 foot gap area with a 4' high stockade fence or ask that a line of shrubs be planted to fill in the gap area?

Board members agreed that a memo should be written to the Building Inspector advising that there should be a buffer to fill in the gap.

12-14-88

Motion was made to adjourn the meeting by Mr. Carnevale, seconded by Mr. Strnad. Carried. Meeting adjourned at 10:00 p.m.

RESPECTFULLY SUBMITTED,

ELGIN CARY, SECRETARY  
PLANNING BOARD

NEXT MEETING DATE:

1-11-89  
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

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VINCENT J. SORRENTINO

Town Clerk  
GEORGE DANYLUK

Supt. of Highways  
RICHARD A. SMITH

Receiver of Taxes  
ROBERT A. MARS

December 15, 1988

TO: THE TOWN BOARD

SUBJECT: McKinley - Highland Rezoning -  
from R-2 to C-1 Commercial Building

Please be advised that at the Planning Board meeting held on December 14th, 1988, the following favorable recommendation was made on the rezoning petition of Benderson Development for the McKinley-Highland parcel from R-2 to C-1 for the following reasons:

1. This parcel is adjacent to commercial property and is compatible with surrounding commercial areas across the street.
2. The heavy traffic pattern precludes development of the parcel as a residential parcel, and is in conformance with commercial development in the area.
3. The Town Board may wish to use Section 29-199 of the Zoning Ordinance to condition approval of the rezoning that no food or drinking establishments be built on that parcel. This includes anything from a deli to a 7-11 due to the fact that there may be a dumpster facing the residential portions of the property.

*Richard Crandall*  
RICHARD CRANDALL  
CHAIRMAN PLANNING BOARD

RC:tad

LEGAL NOTICE

TOWN OF HAMBURG

PLANNING BOARD APPROVAL OF A SUB-DIVISION

PLAT KNOWN AS SCRANTON PARK

SUBDIVISION

Notice is hereby given that the Planning Board of the Town of Hamburg will hold a public hearing at the Hamburg Town Hall, S-6100 South Park Avenue on the 11th day of January 1989, at 8:00 p.m. in the Planning Board room for the purpose of approval of a Subdivision Plat for duplexes: This property is further 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 5, T-9, R-8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at the intersection of the northerly highway boundary of Scranton Road (50.0 feet wide) with the easterly line of lands conveyed under Liber 8600 Page 309, thence southwesterly along the northerly highway boundary of Scranton Road a distance of 594.02 feet, thence northwesterly at an interior angle of  $88^{\circ} 21' - 44''$  a distance of 175.47 feet; thence northerly at an interior angle of  $133^{\circ} 38', 32''$  a distance of 1095.59 feet; thence easterly along the southerly line of Map Cover 2299 a distance of 524.80 feet; thence southerly along the easterly line of lands conveyed under Liber 8600 Page 309 a distance of 791.42 feet to the place or point of beginning.

Containing  $12.557 \pm$  Acres.

Full opportunity to be heard will be given to all citizens and all parties in interest.

DATED: December 15, 1988

RICHARD CRANDALL, CHAIRMAN

TOWN OF HAMBURG PLANNING BOARD

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December 14, 1988

MEMO TO: PLANNING BOARD

FROM: PLANNING DEPT.

SUBJECT: Mr. Oil Change

Mrs. Ruhland of 4529 Lake Avenue resides next to Mr. Oil Change at Lake and McKinley. Mr. Oil Change built a stockade fence along part of her property line from the back almost to the front of the house. She said there is a gap of about 25 feet and then some evergreen trees to the front property line.

She would like a four foot stockade fence in the gap area. The site plan shows "an existing fence" covering the area of the existing stockade fence. No new fencing requirement is shown.

Does the Planning Board find this present situation acceptable or should the Building Inspector tell "Mr. Oil Change" to

1. Cover the 25 foot gap area with a 4' high stockade fence, or
2. Ask that a line of shrubs be planted to fill in the gap area?

*James F. Connolly*

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December 15, 1988

TO: Jack Lauchert, Building Inspector  
Town of Hamburg

SUBJECT: Gap in fencing next to Mister Oil Change  
McKinley Parkway and Lake

At the last Planning Board meeting, it was brought to our attention by the neighbor, Mrs. Ruhland, that there is a 25' gap between the fence and trees. The ordinance requires that there either be a living green barrier or a stockade fence and a continuing buffer between a residence and a commercial property.

The board feels that this gap should be closed up.

*Richard Crandall*  
RICHARD CRANDALL, CHAIRMAN  
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December 15, 1988

TO: Jack Lauchert, Building Inspector  
Hamburg Town Hall

SUBJECT: Special Use Permit for K-Mart  
Satellite Dish - South Shore Plaza

Please be advised that a satellite dish was approved for K-Mart,  
located at 5450 Southwestern Blvd. at the Planning Board meeting held  
on December 14, 1988.

RICHARD CRANDALL, CHAIRMAN

TOWN OF HAMBURG PLANNING BOARD

RC:tad

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December 15, 1988

TO: Steve Trippi

Enclosed is the legal description on Scranton Park from the last hearing in 1981. Check and see if it agrees with your new plot plan. There is a \$75.00 filing fee for subdivisions.

Terry Dubey - Planning