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Town of Hamburg
Planning Board Minutes
12-27-89

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The Town of Hamburg Planning Board met in regular session on Wednesday, December 27th, 1989 at 7:30 p.m. in the Hamburg Town Hall. Those attending included: Chairman Richard Crandall, Vice-Chairman Elgin Cary, Secretary Gerard Koenig, Sandy Carnevale, Steve Strnad, David Phillips and Dennis Gaughan. Others attending included: George McKnight, Sheryl Bower, Dan Gorman, Attorney, and Terry Dubey, Stenographer.

Minutes of the meeting of 12-12-89 were approved as amended by Mr. Cary, seconded by Mr. Phillips. Carried.

Executive Session:

Messrs. P. Burke and E. Burke appeared before the Planning Board on the results of a meeting which was held in the Town Attorney's Office to review the procedures with respect to Pine Grove Estates. A memorandum was prepared by Jim Walsh, however, there has been no communication from the Town Attorney, Jim Sorrentino as to the Town's point of view. The memo which was submitted by Jim Walsh is as follows:

1. The original in-depth environmental impact study in which public hearings were held and the development concept approved plus the public notice now given for all Planning Board hearings is deemed sufficient to negate any need for any additional public hearings that would otherwise be required for approving map covers under the Subdivision Regulations for the Brierwood Planned Unit Development District.

2. Roads within the townhouse subdivision will be private and will not have to conform to town public road specifications and/or standards. In its review process, the Planning Board will work closely with the Town Engineering Dept. and the Lakeshore Fire Dept. to make sure that the private roads are adequately designed for fire and other emergency vehicle ingress and egress. Developer will certify to homeowner's association that the roads are properly designed and constructed. Maintenance and plowing will be the responsibility of the homeowner's association.

3. The Erie County Health Dept. is involved in approving the water. The water is a private system but the Town and the Erie County Water Authority are involved in approval and inspection up to the water meter pit which would be conveyed to the Town. From the water meter pit to the individual homes, installation of the water lines and fire hydrants would be the responsibility of the developer. Plans will be submitted to the Town and/or Erie County Water Authority for review to assure that there will be adequate flow and pressure to fire hydrants and townhomes. The developer would retain a private engineer to certify compliance, inspection

Pine Grove Memo (Continued)

and testing of the private water lines and hydrants to the Town and/or Erie County Water Authority, the Erie County Health Dept. and the homeowner's association.

4. The Erie County Dept. of Environment and Planning and the Department of Environmental Conservation approve sanitary sewer engineering. Because sanitary sewers are required to be approved by the Town Engineer for the Town Sewer District, the Town Engineer will review sanitary engineering plans and forward same to county in approvable form. Developer would be given the option to purchase a Public Improvement Permit (PIP) to pay for town inspections or retain a private engineer for inspections who would certify the completed work to the county, town and the homeowner's association. Maintenance would be the responsibility of the homeowner's association.

5. Storm sewers and drainage control would be a private system. Engineering would be submitted to the town engineer for review. Developer would be given the option to purchase a PIP for town inspections or retain a private engineer for inspections who would certify the completed work to the town and the homeowner's association. Maintenance would be the responsibility of the homeowner's association.

6. The Planning Board is to review provisions of Par. 31-23 of Subdivision Regulations relating to recreation facilities and recommend what provisions should be waived in view of development concept approval, private open space and the availability of private recreational facilities, and the power of Planning Board to control any future development of the private open space because it lies within the Planned Unit Development District. It will further recommend whether or not developer should be required to pay any fees in lieu of developing public facilities. Other public facilities such as school facilities, town parks, and nature study areas in the locality of development area are to be inventoried and taken into consideration in making this recommendation. Please advise of any recommended additions and deletions. A copy of this letter is being mailed to all who attended the meeting. JAMES R. WALSH.

Mr. Burke noted that he would like finalization of the drawings for Pine Grove and has been working with Engineering and is pretty near completion. Meetings have also been held with the County and D.E.C. and I have taken care of all matters and fees. Mr. Hersey noted that all he needs is the approval which is forthcoming. I would like to get started with the development of this phase. We have been held up because of lack of direction, and I appreciate cooperation on this matter.

Chairman Crandall pointed out that members of the Planning Board have only first seen the memo this evening and none of them

Pine Grove (Continued)

have had a chance to digest the material. In addition, this memo was prepared by your legal counsel. However, I would like input from the Planning Board Attorney and the Town Attorney as to whether they agree or disagree to all the provisions in that memo. Therefore, no approvals will be given this evening.

Mr. McKnight noted that approval given can only be conditional as Engineering, Building Inspection, the Planning Office and the Town Attorney's office need to review the memo. The plans could be in final form, however, they still need reviewing and cannot be certified that they are complete. One of the issues we have is relative to #1, as to whether a public hearing will be required on each phase. Based on the meeting that was held, everyone was in agreement with the concept when the public hearing was held on the impact statement. Nothing has been received from the Town Attorney as yet. On the issue of roads, whether these meet town standards in term of width and cross section and final surface is a question. If they are private roads, they don't have to meet town standards because the maintenance of them is up to the Homeowners Association. We have had problems with private roads as the curves are too tight and not large enough to allow emergency vehicles to get in or out. This is a prime concern with private roads that the Town Engineer and the Fire Dept. certify that the radius is adequate to allow emergency vehicles to get in to respond to any concern.

A letter was presented from the Lake Shore Fire Company dated August 7, 1989, stating that they can provide adequate fire protection and that the water supply from hydrants are sufficient. The question of the roads still needs to be concurred by the Town Attorney. The Town specifications require the road to be 28' in width. It was agreed that Mr. Burke would have a certified engineer with respect to inspections. Bldg. Inspection will inspect as to code requirements. Responses from the Town Engineering have not been received as yet. The issue of open space is yet to be resolved by the Planning Board. Mr. Koenig noted that there should be a letter from the Town Attorney stating that no public hearings are necessary for the townhouse development. There should be a letter from the Town Attorney indicating what agreement is satisfactory to the Town. Mr. Burke is to provide seven copies of the site plan for the members to study and review for the January 10th meeting.

Mobile Home Park Information

Mr. David Phillips provided information on mobile home parks that he has gathered from other towns. Also, with the help of a realtor, Sue Lambert, a visit has been made to a number of mobile homes in Brook Gardens and Waterfalls Village. Mr. Phillips will also be going out to California in a couple of weeks and would like a letter of introduction stating that he is a member

of the Town of Hamburg Planning Board. In the Town of Oxnord California, some communities treat the mobile home as a single family dwelling unit and require R-1 codes.

Larry Erb - Buffalo South Motel - Day's Inn - Proposed Renovation

Mr. Larry Erb of Buffalo South appeared before the Planning Board on a proposed renovation of a 2 story motel. Comments were received as follows:

Building Inspection: Site plan should show handicapped parking, and more details on parking spaces. If there is a canopy at the west entrance, can emergency equipment pass under it? Is the water line large enough for fire protection? **Engineering:** No comments. **Planning:** 1. Because the number of required parking spaces is partially dependent on the number of seats which can be utilized in the conference rooms, this information should be included. 2. A cross section of any new pavement should be shown. 3. Show areas to be landscaped.

Mr. Erb noted that he will take the concerns into consideration.

Motion was made by Mr. Strnad, seconded by Mr. Phillips to approve the site plan for the motel contingent upon implementation of changes as prescribed by the Planning Dept. Building Inspection Dept., Engineering, and Big Tree Fire Dept. Carried.

Ed Hoak - Hoak's Parking Lot and Fence

Mr. Ed Hoak appeared before the Planning Board with respect to his parking lot and fence which is located across the street from the restaurant. Mr. Hoak noted that the fencing was a condition of site plan approval, however, a letter was presented which stated that the owners of the property as well as the tenants do not want fencing. It reads as follows:

I'm aware of our friendly neighbor trying to pressure you to erect a fence that would close in your entire parking area. I own the property facing the lake adjoining yours at S-4128 Grover Place and S-4130 Grover. I want to go on record opposing constructing of a fence between your lot and my property. I like the open-ness as do my tenants. We don't want and don't need a fence. We all enjoy the view of the lake and appreciate the summer breeze. If my presence is desired at a meeting with the Town Board, let me know. **Paul Voisard**

I presently park my car on Hoak's Restaurant parking lot at S-4103 Lakeshore Rd. across the street from the restaurant. I park now on Hoak's property because Grover Place is a very congested street and Hoak's lot provides accessibility and convenience. I would not want a fence installed around the entire lot because it

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would cause the residents of Grover Place an inconvenience. **Mr. & Mrs. Lukasik 4128 Grover Place.**

Similar letters were received from R. Moak, Hilary Hashagen, of S-4128 Grover Place, Richard T. Kubak, S-4130 Grover Place.

The parcel is zoned C-2 and when a commercial abuts a residential, some type of buffering is required such as fencing. Since it is part of the zoning ordinance it can be varied by going thru the Zoning Board.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to reject the proposal as presented and forward it to the Zoning Board of Appeals with a positive recommendation based on the letters that were presented by the adjacent neighbors. Carried.

A. Almeida - Addition on back of building on Camp Road.

Mr. Anthony Almeida appeared before the Planning Board on a proposed 12' x 26' addition which is to be located on the back of his property on Camp Road. Mr. Almeida noted that the addition will be used to store a tractor and garden tools. The structure will be made of wood and used for personal use. The proposal does not meet the code on setback.

Motion was made by Mr. Gaughan, seconded by Mr. Phillips to reject the proposal as presented and forward it to the Zoning Board of Appeals. Carried.

Dental Office - Dr. John Maressa - Legion Drive

Dr. & Mrs. Maressa appeared before the Planning Board for a proposed dental office which is to be located on Legion Drive. Comments were received as follows:

Engineering--1. A professional seal is required. Paving detail is required. Parking bumpers or curbs are to be added. Site drainage must be addressed.

Building Inspection--Site plan should show bumper blocks and curbing on driveway if there will be any. Driveway appears to not be wide enough. Building addition on south side of existing building, if constructed, will need Zoning Board of Appeals approval.

Planning--1. The area is less than one acres. **2.** The driveway does not meet the 20' width. The area between vehicle circulation

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Planning (Continued)

and existing building should show a curb, concrete wheel stop or bumper high barricade. Any consideration for a pedestrian walkway?

Board members noted that the site plan meets the code in all situations except that the property is less than one acre in a C-3 district.

Motion was made by Mr. Phillips, seconded by Mr. Gaughan to reject the site plan as presented and forward to the Zoning Board of Appeals with a favorable recommendation. Carried. Motion was made by Mr. Cary that the site plan be approved contingent upon Zoning Bd. approval & the plan be redrawn to reflect the correction for the driveway, seconded by Mr. Gaughan. Carried.

Roger Duffett - Proposed Storage Facility located at 3707 Old Lakeview Rd.

Building Inspection - Site plan is lacking a lot of details. Existing Building is nonconforming and any addition will need Zoning Board of Appeals approval.

Planning - This site plan has to be rejected because it is in violation of the zoning codes: A. The lot is zoned R-2. B. A non-conforming use shall not be enlarged or extended. C. No open off-street parking space shall be permitted in a required front yard or exterior side yard. An area map of the location should be included. A cross section of paving should be shown. A drainage plan with elevations should be included. The parking is too close to the street right-of-way. The plat should include an architect's or Engineer's seal. A graphic scale should be included. The location of fire hydrants should also be included.

Engineering - A professional seal is required. Paving detail is required. Parking bumpers or curbs are to be added. Site drainage must be addressed.

Ms. Amy Gasiewicz appeared on behalf of the applicant. Board members noted that a rezoning will be required and at the present time, the Town Board is not in favor of too many rezonings. Also, the proposed structure is too large for the site. A suggestion was made to reduce the size of the structure and also that the applicant should discuss the matter of rezoning with the Town Board.

Shore Meadows - Communication from Engineering Office

The approvals for the subject subdivision have expired. If the developer wishes to proceed with the project, the construction plans will have to be revised to meet our current specifications.

Shore Meadows (Continued)

Approvals from the County and or Town Planning Board may also be required. Attached is a photocopy of our 2-2-88 approval letter: Richard Lardo.

Increased Fee Schedule for Recreation Fees

Chairman Richard Crandall noted that Councilman Cavalcoli has asked for an upgrade of fees regarding recreation, rezonings, etc. The fee for green space has been put into a special funds. It was suggested that a Committee be formed to review fees for open space. Committee is to consist of Steve Strnad, Mr. Gaughan, and Mr. Guenther.

Reference Manual from County

Chairman Crandall asked if the Planning Dept. could purchase a reference manual for the Planning Board members. Board members noted that this would be an effective tool for the board to use.

John Bosse - Pinehurst Subdivision - Shoreman & Lakecrest.

Mr. John Bosse appeared before the Planning Board on a proposed resubdivision of Pinehurst, including Shoreham and Lakecrest Drives. Comments were received as follows:

Planning - The zoning district and lot size should be included. A key or vicinity map should accompany the plat. The names of all owners of all immediately adjacent unplatted land should be included. The dimensions of any streets and easements should be shown. A topographic map should accompany the preliminary plat. We still are not in receipt of the required Environmental Assessment Forms.

Planning - Shoreham Dr. 1. A paper street should measure at least 70', if the walkway on the plan is part of the subdivided parcel that piece should be utilized to adhere to the 70' width requirement. A graphic scale is required. R-1 requires a 90' width at the building line.

Lakecrest Drive - Lot 5 intrudes on existing paper street. The location map is missing. R-1 requires a 90' width at the bldg. line. We are still wondering what an assumed north is.

Mr. Bosse noted that he has a filed map cover 2544 which was filed in August 1989. Attorney Gorman stated that there is no caviat on unfiled subdivisions, and if there is no map cover, the applicant is required to conform to current standards of 90' and is not grandfathered.

Research must be made to determine if Shoreham was ever filed.

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Also, it must be determined as to what was approved at the Public Hearing. The Lakecrest proposal has never been before the Planning Board. A drainage plan has been submitted to the Engineering Dept.

Motion was made to Table the issue of Shoreham and Lakecrest until a discussion is held with legal counsel as to whether it is legally required to be submitted as a resubdivision, whether the applicant is grandfathered, or if the 90' requirement stands, by Mr. Phillips, seconded by Mr. Strnad. Carried.

Inspection of sites

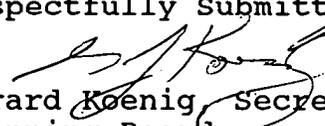
Messrs. Strnad and Carnevale noted that they have made an on-site inspection of the property known as Heritage Square, Rush Creek, and Water Valley Nursery.

1. On Water Valley, Members are not in favor of a rezoning as the surrounding character of the neighborhood is residential. If Mr. Derkacz wishes to build a storage barn, then he will have to go thru the Zoning Board of Appeals.

On Heritage Square, there is no objection to the single family development.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to adjourn the meeting until January 10, 1990. Carried.

Respectfully Submitted,


Gerard Koenig, Secretary
Planning Board

Next meeting date:

January 10, 1990.