

TOWN OF HAMBURG PLANNING BOARD MINUTES

1-28-76

ACTIONS TAKEN:

EUGENE HOCK
LAKEVIEW ROAD

DISCUSS DEVELOPMENT OF
PROPERTY.

HAROLD MONCKTON
LAKEVIEW ROAD

DISCUSS PRESENT ZONING
OF PROPERTY. TABLED.

VICTOR LIBERATORE
McKINLEY PARKWAY

DISCUSS USE OF PROPERTY
AND POSSIBLE REZONING.

FRANK CIPRIANI
JAMES SHAW, ATTORNEY

DISCUSS RE-ZONING APPLI-
CATION COVERING PROPERTY
ON SOUTHWESTERN BOULEVARD.

DICKY'S DONUTS
LAKE SHORE ROAD
WOODLAWN

SUBMITTED REVISED SITE
PLAN. APPROVED.

PENDING ITEMS:

Big Tree Wesleyan Church - 4171 Fairview Parkway
must submit revised Site Plan.

TABLED ITEMS:

Robert Loomis - Mobile Camping Park, Milestrip Road.

Re-zoning application referred to the Planning Board from the
Town Board: FERDINAND GARCIA covering property at 120 Linden
Avenue, 60' south of Tracy Avenue, from R-4 to
Highway Commercial. Tabled for on-sight-inspection.

TOWN OF HAMBURG PLANNING BOARD

1-28-76

The Town of Hamburg Planning Board met in regular session on Wednesday, 1-28-76 at 7:30 p.m. Presiding was Chairman Recla and others present were Mr. Will, Mrs. Sherwood, Mrs. Howes, Mr. Corcoran, Mr. Cook, Mr. McKenna, Attorney Benzinger, Building Inspector Lauchert, Consultant Dawson, Town Engineer Harris, Councilman Paul Schlehr and Mrs. Beale, secretary.

Motion was made by Mrs. Sherwood; seconded by Mr. Corcoran to appoint Joseph Benzinger as Planning Board Attorney. Motion carried.

Mr. Ben Nicosia and Mr. Joseph Maxwell of the South Town Builder's Association were present at the meeting; also Mrs. Esther Jones, Mrs. Kozub and Mrs. Helen Tychulski of Southwest Hamburg Taxpayers Association.

Motion was made by Mrs. Sherwood to approve the minutes of the meeting of 1-14-76; seconded by Mr. McKenna. Motion carried.

EUGENE HOCK - LAKEVIEW ROAD

Mr. Eugene Hock, owner of property adjacent to the Village Disposal Plant on Lakeview Road was present; also Richard Kelly, owner of property adjacent to Mr. Hock's property on Lakeview Road.

Letter dated 1-23-76 from Eugene Hock was read by secretary Art Will which is as follows: "I was sorry to be unable to attend your January 14th meeting due to a water line break which I had to repair. I would like to request that the frontage, to a depth of 500', of my property on Lakeview Road be rezoned to Highway Commercial. I feel it would be advantageous to the tax structure in the Town as with the present zoning it will remain a vacant lot as I'm sure no one would care to build a house next to the Village of Hamburg Disposal Plant. If it were rezoned, I would like to erect a building from which I could conduct my construction business and therefore you would collect higher taxes. I hope you will take my request into consideration in the near future. Thank you."

Letter dated 1-26-76 from Raymond J. Kelly and Richard G. Kelly was read by secretary Art will which is as follows: "We submit for your approval the following request. We would like to have our property located on Lakeview Road (plot 18, parcel 265-10) to be included in the Town of Hamburg revision of the Zoning Laws. We would like to request that said property be rezoned to Highway Commercial. Thanking you for your consideration, we remain."

Mr. Hock informed the Board his property and the Kelly property runs from New Lakeview Road thru to Old Lakeview Road and his request for rezoning is for the first 500' in depth from New Lakeview Road and 400' in depth for the Kelly property west of his. The total frontage of the Hock property and Kelly property on new Lakeview Road is 800'.

EUGENE HOCK - LAKEVIEW ROAD, CONT'D.:

The Board discussed the property adjacent to the Village of Hamburg Disposal Plant and asked Building Inspector Jack Lauchert to contact Mr. Hock and suggest he talk to other property owners adjacent to the Disposal Plant on both sides of Lakeview Road to see if they would be interested in requesting business zoning for their property, not to exceed 500' in depth. Mr. Hock should report his findings back to the Planning Board.

HAROLD MONCKTON, MARSHALL BLACK - LAKEVIEW ROAD

The following letters were read by secretary Art Will:
"I Harold L. Monckton do hereby submit for your approval the following request: I would like to have my property located at 2819 Lake View Road, Hamburg, N.Y. to be included in the Town of Hamburg revision of the Zone Laws. I would like to request that said property be rezoned to Highway Commercial. Thanking you for your consideration, I remain. Harold Monckton; dated January 22, 1976."

"I Marshall Black do hereby submit for your approval the following request: I would like to have my property located at 2901 and 2903 Lake View Road, Hamburg, N. Y. to be included in the Town of Hamburg revision of the Zoning Laws. I would like to request that said property be rezoned to Highway Commercial. Thanking you for your consideration, I remain, Marshall Black. Dated: January 22, 1976."

Mr. Harold Monckton appeared before the Board regarding the above letter. Mr. Monckton informed the Board Mr. Marshall Black was unable to attend the meeting as he was going out of town.

Building Inspector Lauchert informed the Board he had discussed with Mr. Monckton the rezoning of his property and advised Mr. Monckton to appear before the Planning Board to discuss this matter with them. Mr. Lauchert stated he had informed Mr. Monckton that the Planning Board will be reviewing the Land Use Plan and, therefore, he should submit this request to the Planning Board.

After discussion of the Harold Monckton property, motion was made by Mrs. Howes to table same for an on-sight-inspection by the Board; seconded by Mr. McKenna. Motion Carried.

VICTOR LIBERATORE - MCKINLEY PARKWAY

Mr. Victor Liberatore appeared before the Board and asked if the Board had made a decision regarding the use of his property on McKinley Parkway. Mr. Liberatore informed the Board he had just been notified by the County Highway Department their plans for widening Abbott Road into a six-lane highway from Milestrip Road to Martin Avenue.

The Board again discussed this matter at great length and will make an on-sight-inspection of the property on Saturday, January 31, 1976 after their special meeting at Town Hall.

CIPRIANI, FRANK and MARIO - SOUTHWESTERN BOULEVARD

Attorney James Shaw appeared before the Board with his client Mr. Frank Cipriani to discuss the rezoning application covering property on Southwestern Boulevard from R-F to Hwy. Commercial.

Attorney Shaw informed the Board he had researched other cases covering spot zoning presented to the Court of Appeals in which the Court of Appeals had made a determination in favor of the applicant. Attorney Shaw also stated with the existing present business operations in the surrounding area there is room for debate regarding the rezoning of the property in question. Mr. Shaw was informed the property in question is approximately 1700' from the present business zoned property.

Mr. Frank Cipriani in discussing the Land Use Plan stated it must be flexible otherwise it loses its merit; as times change, it is sometimes absurd to maintain proposed guides. This would be a detriment to developers and to the Town.

The Planning Board had sent a letter to the Town Board on 12-11-75 recommending denial of this rezoning application and had stated their reasons.

Letter sent to the Town Board 1-29-75 recommending denial of this application for the following reasons:

1. It is inconsistent with the adopted Land Use Map. The reasoning of the Planning Board to have traffic restricted business in this area includes the following reasons:

a) Southwestern Boulevard should not have commercial uses which would generate frequent traffic. Southwestern Blvd. is heavily traveled and a major route for long range traffic. We do not want uses on this highway that would create congested and unsafe traffic conditions.

2. Cipriani property is not contiguous to existing highway commercial areas, so that a highway commercial zone cannot be extended to include the property in question. To re-zone that particular piece of property would constitute spot zoning.

3. Existing and proposed site plans in the area are residential in nature.

4. Adequate provision has been made in other areas in the Town for highway commercial.

The Planning Board hopes that Mr. Cipriani is able to find land with suitable zoning, or land in an area that would be consistent with the adopted Land Use Plan. We would be happy to have Mr. Cipriani come and talk to us about other possible sites, and hope that he is successful in that endeavor.

RE-ZONING APPLICATION referred to the Planning Board by the Town Board: FERDINAND GARCIA covering property at 120 Linden Avenue, 60' south of Tracy Avenue, from R-4 to Hwy. Commercial.

The Planning Board discussed the above rezoning application and motion was made by Mr. Will to table same for an on-sight-inspection; seconded by Mr. Cook. Motion carried.

REVISED SITE PLAN:

Building Inspector Lauchert submitted the revised Site Plan covering Dicky's Donuts, Lake Shore Road, Woodlawn. The Board reviewed the Site Plan and found all requested revision had been complied with, therefore, motion was made by Mr. Will to approve the revised Site Plan for Dicky's Donuts, Lake Shore Road; seconded by Mrs. Howes. Motion carried. The Site Plan will be submitted to the Engineering Department for their approval.

OTHER ITEMS:

Chairman Recla read letter dated 1-26-76 from Attorney Joseph Benzinger regarding discussion at the last regular meeting on 1-14-76 about the newspaper article reporting on the Town of Amherst and its concern about amending the zoning ordinance before environmental impact statements might be required. The letter was as follows: "The Environmental Conservation Law was amended by adding a new article, this being Article Eight titled Environmental Quality Review. The Article was approved on 8-1-75 and it takes effect on 6-1-76. Enclosed is a copy of the text of this new Article."

"A first reading of this new Article gives the immediate impression as to its very broad application, in that environmental impact statements are to be required in regard to all projects or activities undertaken or approved by any State agency, local agency or unit of local government. The new Article authorizes the Commissioner of Environmental Conservation to adapt rules and regulation implementing its provisions and requires the commissioner to consult with other agencies including state agencies and representatives of local government, and to hold public hearings prior to the issuance of such regulations. The new law is modeled after the National Environmental Policy Act and you will note the detail regarding preparation of impact statements and then how such statements are to be reported and circulated." (Letter and text of new Article on file.)

Vice-chairman Karen Sherwood submitted copies of the sign ordinance for the Village of Hamburg and Orchard Park and listed suggestions she had made after reviewing these sign ordinances. Mrs. Sherwood also requested a special meeting on Saturday, 1-31-76 from 9:00 a.m. to 11:30 a.m. in the Planning Board room. All members stated they would be present.

Mrs. Jones, Mrs. Kozub and Mrs. Tychulski of the Southwest Hamburg Taxpayers Association were present and asked if Consultant Dawson would explain the proposed collector rights-of-way shown on the Land Use Plan connecting the west portion of the Village of

OTHER ITEMS, Cont'd.:

Hamburg, crossing the Town Proposed Rte. 75 Bypass Alternative, thence southerly, crossing New Lakeview Road, Old Lakeview Road to South Creek Road. Mr. Dawson said this is only a suggested route for access to the planned County Park on South Creek Road near Hickox Road.

Motion was made by Mr. Will to adjourn the meeting at 11:50 p.m., seconded by Mr. Cook. Motion carried.



ART WILL, SECRETARY
TOWN OF HAMBURG PLANNING BOARD

Next regular meeting: 2-11-75, 7:30 p.m.