

TOWN OF HAMBURG PLANNING BOARD MINUTES

1-29-75

ACTIONS TAKEN

GALLERY OF HOMES
415 SOUTH PARK AVENUE

Revised Site Plan
Approved.

LAUB SUBDIVISION
DURHAM ROAD

PUBLIC HEARING
17 LOT SUBDIVISION

TOPS MARKET & DRUG STORE
SOUTHWESTERN & MCKINLEY

Preliminary Site Plan
Review. Referred to
Traffic Safety Board.

REZONING APPLICATION

PETER J. AGLIATA
SOUTHWESTERN BOULEVARD
R-F - Highway Commercial

Planning Board recommends
to Town Board this re-
zoning application be
denied.

TABLED ITEMS

John Bosse - Tim Tam Meadows, Milestrip, Horton & Neff
Robert Loomis - Mobile Camping Park, Milestrip Road

PENDING ITEMS

Anthony Castiglia - Surfside Pizzeria, Lake Shore Road.
Pony Post - Abbott Road and Willet.
Al Conte - 4889 Lake Avenue.

TOWN OF HAMBURG PLANNING BOARD MINUTES

1-29-75

The Town of Hamburg Planning Board members met in regular session on Wednesday, 1-29-75 at 7:30 p.m. Presiding was Chairman Weinheimer and others present were Mr. Will, Mr. Recla, Mr. Sipprell, Mrs. Sherwood, Mrs. Howes, Mr. Schlehr, Attorney Benzinger, Building Inspector Lauchert, Consultant Dawson, Assistant Town Engineer Geiger and Mrs. Beale, stenographer.

Minutes of the meeting of 1-15-75 were approved on motion made by Mr. Will; seconded by Mr. Recla.

GALLERY OF HOMES - 415 SOUTH PARK AVENUE

Mr. Tom Smith, Sales Manager for Gallery of Homes and John Robshaw, Esq. appeared before the Board and submitted a revised Site Plan.

The Board examined the revised Site Plan after which motion was made by Mr. Recla to accept the Site Plan as presented; seconded by Mr. Schlehr. Carried.

LAUB SUBDIVISION - DURHAM ROAD - PUBLIC HEARING

The following Legal Notice was read by Mrs. Sherwood;

**LEGAL NOTICE
TOWN OF HAMBURG
TOWN OF HAMBURG PLAN -
NING BOARD APPROVAL OF
SUBDIVISION PLAT ON DUR-
HAM ROAD WINSTED ROAD
AND TRENTON ROAD KNOWN
AS LAUB SUBDIVISION**

NOTICE is hereby given that the Planning Board of the Town of Hamburg will hold a public hearing at the Town Hall, S. 6100 South Park Avenue on the 29th day of January, 1975 at 8:15 p.m. E.D.S.T. for the purpose of approval of Subdivision Plat.

It is proposed that the Planning Board approve a Subdivision Plat consisting of 17 lots owned by George C. Laub. This property is further described as follows:

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 No. 30, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the east-line of Lot No. 30, Township 9, Range 8 at the southeast corner of premises conveyed to George A. Laub by deed recorded in the Erie County Clerk's Office in Liber 5638 at Page 30; thence southwesterly along the southeast line of lands so conveyed to George C. Laub 198.47 feet to the most southerly corner of premises so conveyed to George C. Laub; thence northwesterly along the southwesterly line of lands so conveyed to George A. Laub (said line also being the northeast line of premises conveyed to Georgia M. D. Forman by deed recorded in the Erie County Clerk's Office in Liber 1146 of Deeds at Page 516) 899.44 feet more or less to the southwest corner of premises conveyed to George C. Laub and wife by deed recorded in the Erie County Clerk's Office in Liber 1327 of Deeds at Page 460; thence northeasterly along the southeast line of premises conveyed to George C. Laub and wife by the last above referenced deed, and said line extended, 517.73 feet to the east line of Lot No. 30, Township 9, Range 8; thence southerly along the easterly line of said Lot No. 30, 887.12 feet more or less to the point of beginning.

EXCEPTING THEREFROM those premises conveyed to Town of Hamburg (Durham Road) in Liber 3138 of Deeds at Page 476.

ALSO EXCEPTING THEREFROM those premises conveyed to Santo Galletta Jr. in Liber 5837 of Deeds at Page 355.

ALSO EXCEPTING THEREFROM those premises conveyed to Edward J. Gonser and Marcella Gonser, his wife in Liber 5822 of Deeds at Page 102.

ALSO EXCEPTING THEREFROM those premises conveyed to Joseph F. Rugnetta in Liber 5875 of Deeds at Page 324.

ALSO EXCEPTING THEREFROM those premises conveyed to Paul J. Howe and Mary E. his wife in Liber 5809 of Deeds at Page 5.

ALSO EXCEPTING THEREFROM those premises conveyed to John A. Eismann and Mary S. his wife in Liber 6272 of Deeds at Page 287.

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

LESTER WEINHEIMER
Chairman
Town of Hamburg
Planning Board

LAUB SUBDIVISION - PUBLIC HEARING - Cont'd.:

John Lester, Esq. was present and informed the Board he is in favor of this subdivision and urged the Board to pass same.

Chairman Weinheimer asked three times if anyone wanted to be heard for or against this subdivision; as there was no reply hearing was closed.

TOPS MARKET & DRUG STORE - SOUTHWESTERN & MCKINLEY

Mr. Marino of Shaw & Kozub Architects appeared before the Board for preliminary Site Plan Review.

Letter dated December 23, 1974 was submitted by Building Inspector Lauchert from Commissioner of Health, County of Erie and Commissioner of Department of Environmental Quality stating one tap-in permit had been reserved in Erie County Sewer District No. 3 for Niagara Frontier Services to be issued in accordance with the rules and regulations of Erie County Sewer District No. 3 and the following conditions:

1. The applicants must submit to the Board of Managers a copy of the inspection report of the Town Building Inspector on the foundation of the unit for which a connection permit is reserved. If said copy is not submitted within 60 days from the date of this authorization, the authorization will expire.
2. If the unit is not connected to the system within one hundred eighty (180) days of the date of this authorization, this authorization shall expire.
3. The tap-in permit to be issued is only for the following connection: Plaza Development, McKinley Parkway and Southwestern Boulevard, Town of Hamburg, New York.

Chairman Weinheimer advised Mr. Marino transitional yards and screening are required between residence and nonresidence districts along their common boundaries. The minimum required transitional rear yard (southerly property line) is 50 feet. The Board advised Mr. Marino they prefer natural plantings. Chairman Weinheimer also advised Mr. Marino that the Site Plan will be referred to the Traffic Safety Board for their comments.

REZONING APPLICATION - PETER J. AGLIATA, SOUTHWESTERN BOULEVARD

Motion was made by Mr. Recla; seconded by Mr. Schlehr to remove the above rezoning application from the table.

The above property is located in a R-F District and applicant is requesting this property be rezoned to Highway Commercial. After members of the Board had made an on-sight inspection of same the following motion was made:

REZONING APPLICATION - PETER J. AGLIATA - Cont'd.:

Mr. Schlehr made a motion that the Planning Board recommend to the Town Board denial of this request on the basis this lot is in single ownership; less than one-half acre; Zoning is done by districts, this would constitute spot-zoning; also does not comply with the Land Use Plan; seconded by Mr. Recla. CARRIED.

CORRESPONDENCE

Letter read by Chairman Weinheimer; copy of letter received from Leo J. Fallon; letter to Hamburg Traffic Safety Board from A. F. Mallette, Regional Traffic Engineer, New York State Dept. of Transportation dated January 23, 1975 regarding conditions at the intersection of Walbridge Drive and Route 5 in the Town of Hamburg.

Copy of letter to Supervisor Leo J. Fallon from D. H. Ketchum, Regional Director, New York State Dept. of Transportation read by Chairman Weinheimer re property owned by Mr. & Mrs. Raymond Emerling in the original 1967 Route 75 By-pass corridor stating the inability of the Emerlings to sell their property poses a hardship for this family. Also stated it is unlikely that this project can be built earlier than 1981, and it is possible that the corridor location could change from that originally proposed. Further stated "If you are holding the corridor open at our request, we are now withdrawing that request. Future consideration of alternate solutions will of course take into consideration the availability of land on each of the alternates studied. The New York State Dept. of Transportation will begin restudying the proposed Route 75 By-pass in 1975." Chairman Weinheimer after reading the above mentioned letter said the Planning Board never took the stand of holding certain corridors open but only advised developers of the proposed Route 75 By-pass.

OTHER ITEMS

Mrs. Sherwood advised the Board that she had attended a meeting of the Housing Allocation Committee, Erie-Niagara Regional Planning Board which discussed housing for people who do not have the income to afford housing at the going rates. Also, Mrs. Sherwood submitted a Conservation Map which she had received by mail.

Meeting adjourned at 9:50 p.m. after which time Consultant Dawson discussed additional text re Sub-committee meetings for the new Zoning Ordinance.

Karen Sherwood
KAREN SHERWOOD, SECRETARY
TOWN OF HAMBURG PLANNING BOARD

Next regular meeting: 2-12-75