

TOWN OF HAMBURG PLANNING BOARD MINUTES

2-26-75

ACTIONS TAKEN

SUBDIVISION PLAT  
NORTH CREEK RD. & STAFFEHL DR.

PUBLIC HEARING

HANNEL'S COUNTRY KITCHEN  
PLEASANT AVE. & SOUTHWESTERN BLVD.

SUBMITTED FLOOR PLANS  
FOR BASEMENT; APPROVED.

McKINLEY PARKWAY  
BETWEEN ALLENDALE & BURKE

VICTOR LIBERATORE  
Re: Highland Acres #1  
Map Cover 925

REZONING APPLICATIONS

WALNOR REALTY CORP.  
CAMP ROAD & N. Y. STATE THRUWAY  
R-F - HIGHWAY COMMERCIAL

Recommended to Town Board  
rezoning of this property;  
complies with Land Use Plan.

FRANK'S PRODUCE DELIVERY, INC.  
1770 BAYVIEW ROAD  
R-F - HIGHWAY COMMERCIAL

Recommended to Town Board  
denial of this application;  
spot zoning and does not  
comply with Land Use Plan.

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.

TOWN OF HAMBURG PLANNING BOARD MINUTES

2-26-75

The Town of Hamburg Planning Board members met in regular session on Wednesday, 2-26-75 at 7:30 p.m. Presiding was Chairman Weinheimer and others present were Mr. Will, Mr. Recla, Mr. Schlehr, Mrs. Sherwood, Mrs. Howes, Attorney Benzinger, Building Inspector Jack Lauchert, Consultant Dawson, Town Engineer Mr. Harris and Mrs. Beale, stenographer. Absent: Mr. Sipprell.

Minutes of the meeting of 2-12-75 were approved on motion by Mr. Will; seconded by Mr. Recla. Carried.

CORRESPONDENCE

Notice of Western New York Conference on Erosion and Sediment to be held in Batavia, New York on March 11, 1975 was read by Chairman Weinheimer and forwarded to the Environmental Committee.

Letter received and read by Chairman Weinheimer from Alan Greenfield, Director of Recreation regarding proposed recreation area re: Roundtree Village Subdivision. The following were listed for consideration before any final approval:

1. Entrance way located between residences usually create problems.
2. Private lots backing up to park. Experience has shown this to present problems in form of encroachment and noise.
3. Lack of street frontage usually leads to serious control difficulties. This type of area tends to become gathering places for undesirable after-hours activities.
4. Size and topography of area as to suitability for development.

PUBLIC HEARING - SUBDIVISION PLAT ON NORTH CREEK ROAD AND STAFFEHL DRIVE (FOUR LOT SUBDIVISION).

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 NORTH  
CREEK ROAD AND STAFFEHL  
DRIVE FOUR LOT 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 26th day of February, 1975 at 8:00 p.m. E.S.T. for the purpose of approval of Subdivision Plat.

It is proposed that the Planning Board approve a Subdivision Plat consisting of 4 lots owned by A. C. Marrano and others. 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. 40, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

PARCEL #1: BEGINNING at a point in the center line of North Creek Road, said center line being the south line of Lot No. 40, at a point 1098.90 feet east of the southwest corner of said Lot No. 40; running thence northerly on a line parallel with the west line of Lot No. 40, 120.99 feet to the southeasterly line of the New York State Thruway; running thence northeasterly along the southeasterly line of said Thruway, 706.14 feet to a point; running thence south 3 degrees 49' 56" west, 624.81 feet to the center line of North Creek Road; running thence westerly along the center line of North Creek Road, 462 feet to the point or place of beginning.

PARCEL #2: BEGINNING at a point in the center line of North Creek Road, said center line being the south line of Lot No. 40, at a point distant 1560.90 feet east of the southwest corner of said Lot; running thence north 3 degrees 49' 56" east 624.81 feet to the southeasterly line of the New York State Thruway; running thence northeasterly along said southeasterly line of the New York Thruway, 493.56 feet to a point; running thence south 3 degrees 49' 56" west 972.36 feet to the center line of North Creek Road; running thence westerly along the center line of North Creek Road, 328 feet to the point or place of beginning.

PARCEL #3: BEGINNING at a point in the center line of North Creek Road, said center line being the south line of Lot No. 40, at a point distant 1888.90 feet east of the southwest corner of said Lot; running thence north 3 degrees 49' 56" east 972.36 feet to the southeasterly line of the New York State Thruway, running thence northeasterly along said southeasterly line of the New York State Thruway, 472.16 feet to a point; said point being in a line drawn parallel with the west line of Lot No. 40; running thence southerly along said parallel line, 1309.14 feet to the center line of North Creek

Road; running thence westerly along the center line of North Creek Road, 308.90 feet to the point or place of beginning.

PARCEL #4: BEGINNING at the southwest corner of lands conveyed to Mary A. McAllester by Deed recorded in the Erie County Clerk's Office in Liber 1205 of Deeds, Page 403, said point of beginning being on a line drawn parallel with the west line of Lot No. 40 and distant 1098.90 feet easterly therefrom; running thence easterly along the south line of lands conveyed to McAllester and continuing easterly along the south line of lands conveyed to John Hauber by Deed recorded in the Erie County Clerk's Office in Liber 344 of Deeds at Page 201, 1098.90 feet to a point; thence southerly on a line parallel with the west line of Lot No. 40, 88.80 feet to the northwesterly line of the New York State Thruway; thence southwest-erly along the northwesterly line of said Thruway, 1456.09 feet to a point; thence north 47 degrees 26' 37" west 191.91 feet to a point; thence northerly along said line drawn parallel with the west line of Lot No. 40 and distant 1098.90 feet easterly therefrom, a distance of 1001.09 feet to the point or place of beginning.

EXCEPTING THEREFROM THE FOLLOWING PARCEL DEEDED TO THE TOWN OF HAMBURG: BEGINNING at a point in the northwest line of lands conveyed to the State of New York, Department of Transportation. Reference: Parcel 473, Liber 6005 of Deeds, Page 398 (New York State Thruway) at the southeast corner of lands also conveyed to the State of New York, Reference; Parcel 474, Liber 5950 of Deeds, Page 8; said point being the southeast corner of Staffehl Drive; thence north 47 degrees 26' 37" west, and along the northeast line of the aforesaid Parcel 474, a distance of 25 feet to a point; thence north 35 degrees 08' 16" east, a distance of 201.43 feet to a point; thence north 44 degrees 44' 26" east, a distance of 1302.10 feet to a point in the south line of lands conveyed to the State of New York, Reference: Parcel 475, Liber 6005 of Deeds, Page 387; thence north 89 degrees 21' 28" east, and along the south line of said Parcel 475, a distance of 8.91 feet to a point which is the southeast corner of said parcel; thence south 3 degrees 49' 56" west, a distance of 66.80 feet to a point in the northwest line of the New York State Thruway; thence southwesterly and along the north-west line of the New York State Thruway, a distance of 1456.09 feet to a point and place of beginning and containing .51 acres of land be the same more or less.

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

LESTER WEINHEIMER,  
Chairman  
Town of Hamburg  
Planning Board

Dated: February 4, 1975. 2-6

SUBDIVISION PLAT ON NORTH CREEK & STAFFEHL DR. - CONT'D.:

Mr. Marrano, owner of this property was present and stated that each of the four lots has been approved by the Erie County Health Department for septic systems for one residence.

Chairman Weinheimer asked three times if anyone wanted to be heard for or against this subdivision; Mr. Marrano said he is in favor of same and as no one spoke against this subdivision Chairman Weinheimer closed the Public Hearing.

HANNEL'S COUNTRY KITCHEN - PLEASANT AVE. & SOUTHWESTERN BLVD.

Mr. Hannel appeared before the Board and advised the Board that he would like to use the cellar in the existing restaurant as a lounge and will provide additional parking for the added seating capacity. The new Site Plan shows a total of 37 parking spaces which meets the code requirement. Chairman Weinheimer asked Mr. Hannel when this parking area would be paved and Mr. Hannel said it will be paved as soon as weather permits. Mr. Hannel also stated there will be a door at the rear of the building into the basement to be used for entrance-exit.

Mr. Lauchert was asked if the plans meet the requirements of the Fire Code and he assured the Board they do.

Motion was made by Mrs. Howes to approve the Site Plan submitted; seconded by Mr. Will. Carried.

TOPS MARKET - SOUTHWESTERN & MCKINLEY

No one appeared regarding the above. Mr. Lauchert advised the Board that we have to receive a reply from the County and the State regarding curb cuts before final Site Plan is submitted.

The Board requests that the owner of this development provide six (6) planters, 3' high x 10' long - concrete planters, across the front of the store. These are to be shown on the final Site Plan and the paved area is to be so labeled.

ISLAND ACRES - MCKINLEY PARKWAY BETWEEN ALLENDALE & BURKE PKWY.

Mr. Victor Liberatore appeared before the Board and advised the Board that he owns lots in Highland Acres #1, covered by Map Cover 925 which is located in Sewer District #3 and that some of these lots have sewers and water. He advised the Board that he had talked to Robert Fluegge, Deputy Commissioner Air and Water Quality in the Edward Rath Building and that Mr. Fluegge requested Mr. Victor Liberatore to get a letter from the Town of Hamburg Planning Board stating they have no objection to future development of this area. Mr. Liberatore advised the Board he plans to build homes on lots where the sewers are already located and realizes he must have approval

ISLAND ACRES - MCKINLEY PARKWAY - CONT'D.:

of the Erie County Health Department before a building permit can be issued.

The Planning Board sent a letter to Robert Fluegge, P.E., Deputy Commissioner Air & Water Quality, County of Erie, Edward A. Rath Building, Buffalo, New York stating the property in question is located in an existing subdivision; Highland Acres No. 1, Map Cover 925 and exceeds our present Zoning Ordinance, and the Planning Board has no objection for future development of this area for both singles and doubles. Letter dated 2-27-75.

REZONING APPLICATIONS

WALNOR REALTY CORP. - CAMP ROAD & N. Y. STATE THRUWAY  
R-F - Highway Commercial.

The above rezoning application was tabled at the Planning Board meeting of 2-12-75 until an on-sight-inspection could be made by Board members.

The Planning Board now recommends to the Town Board rezoning this property to Highway Commercial as it complies to the Land Use Plan. Motion was made by Mrs. Sherwood; seconded by Mr. Schlehr. Carried.

FRANK'S PRODUCE DELIVERY, INC. - 1770 BAYVIEW ROAD  
R-F - Highway Commercial

The above rezoning application was tabled by the Planning Board at their meeting of 2-12-75 until an on-sight-inspection could be made by Board members.

Motion was made by Mr. Will to recommend to the Town Board denial of this application as it would be spot zoning and does not comply to the Land Use Plan; seconded by Mrs. Howes. Carried.

OTHER ITEMS

Mr. Jack Lauchert advised the Board that a Trucking Firm had contacted him regarding property now owned by Bethlehem Steel located on Lake Avenue, consisting of approximately 18 acres which they are interested in purchasing and using for a truck transfer station. Mr. Lauchert advised the Board that a very small portion of this property has frontage on Lake Avenue.

Copy of a resolution adopted by the Town Board on 2-24-75 as follows: RESOLVED that the Planning Board be directed, when making Site Plan Approvals, to include in its written report an indication of the findings of the Traffic Safety Board, Environmental Board, and where appropriate, the Industrial and Comm. Expansion Board, so long as such Boards report within a two week period.

OTHER ITEMS - Cont'd.:

In view of the aforementioned resolution adopted by the Town Board regarding Site Plan Approvals, the Planning Board will now request nine (9) copies of Site Plans be submitted.

Meeting adjourned at 10:30 p.m.

Karen Sherwood  
Karen Sherwood, Secretary  
TOWN OF HAMBURG PLANNING BOARD

Next regular meeting: 3-12-75