

TOWN OF HAMBURG PLANNING BOARD MINUTES

5-14-75

ACTIONS TAKEN

MINOR SUBDIVISION  
7099 OLD LAKE SHORE ROAD  
JACK BECKER

WALTER STEFFAN  
HAMBURG CAR BARN  
CAMP ROAD

HASBROUCK PLASTICS  
LAKE VIEW ROAD,  
LAKE VIEW, NEW YORK

JACOBI PIZZERIA  
CAMP ROAD

BETHFORD PART 6  
DOLPHIN DRIVE  
MR. PETERSON

CALVIN CULVER  
4214 HOWARD ROAD

WAYFARERS LODGE  
ROGERS ROAD

PUBLIC HEARING

REFERRED SITE PLAN BACK  
FOR CORRECTIONS.

ADDITION TO NONCONFORMING  
USE - MUST APPLY TO THE  
ZONING BOARD OF APPEALS.

ADDITION TO NONCONFORMING  
BUILDING - MUST APPLY TO  
ZONING BOARD OF APPEALS.

INFORMAL PRESENTATION  
R-2 DISTRICT - LOT SIZES  
MUST CONFORM TO MINIMUM  
LOT AREA IN R-2 DISTRICT.

SITE PLAN - PARKING LOT  
CHECK WITH BUILDING  
INSPECTOR.

SITE PLAN APPROVED CONTINGENT  
ON 55 PARKING SPACES BEING  
SHOWN ON PLAN, (2) ACCESS  
DRIVEWAYS 24' WIDE WITH  
POURED CONCRETE CURBING.

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

5-14-75

The Town of Hamburg Planning Board members met in regular session on Wednesday, 5-14-75 at 7:30 p.m. Presiding was Chairman Weinheimer and others present were Mr. Will, Mr. Recla, Mr. Sipprell, Mr. Schlehr, Mrs. Sherwood, Mrs. Howes, Attorney Benzinger, Consultant Dawson, Town Engineer William Harris and Mrs. Beale, stenographer. Absent: Building Inspector Lauchert.

Minutes of the meeting of 4-30-75 were approved as amended, motion made by Mr. Recla seconded by Mr. Will. Carried.

Minutes of 4-30-75 amended as follows: Off-Track Betting & Restaurant, Lake Shore Road, Woodlawn; paragraph one, second last line - instead of "it was the consensus of the Board" - should read - it was the opinion of the majority of the Board that this type business is a permitted use in a General Business District.

MINOR SUBDIVISION - 7099 OLD LAKE SHORE ROAD

The following Legal Notice was read by Secretary Karen Sherwood:

LEGAL NOTICE  
TOWN OF HAMBURG  
Town of Hamburg Planning Board  
Approval of Subdivision Plat on  
7099 Old Lake Shore Road  
Known as Minor 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, Hamburg, New York on the  
14th day of May, 1975 at 8:00 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 2 lots owned by John R.  
Green Trust "B"; the Trustees of  
which are the Manufacturers &  
Traders Trust Company and J. Clement  
Johnston. This property is further  
described as follows:

**PARCEL B**

ALL THAT TRACT OR PARCEL  
OF LAND situate in the Town of  
Hamburg, County of Erie and State of  
New York and being part of Lot No.  
48, Township 9 and Range 8 of the  
Holland Land Company's survey and  
more particularly described as follows:

BEGINNING at a point on the  
center line of Lake Shore Road, which  
is 90' southwest from the intersection  
of the northeast line of lands conveyed  
to Catherine W. Myer by deed  
recorded in the Erie County Clerk's  
Office in Liber 707 of Deeds at Page  
404 and the center line of Lake Shore  
Road; thence southwesterly and  
along the center line of Lake Shore  
Road, a distance of 50' to a point;  
thence northwesterly and parallel to  
the northeast line of lands conveyed  
to Catherine W. Myer as aforesaid,  
a distance of 280' to a point; thence  
westerly and parallel to the center  
line of Lake Shore Road, a distance of  
160' to a point; thence northwesterly  
and parallel to the northeast line of

lands conveyed to Catherine W.  
Myer as aforesaid to the shore of  
Lake Erie; thence northeasterly and  
along the shore of Lake Erie to the  
southwesterly line of lands conveyed  
to Emily Lazier Foster by deed  
recorded in the Erie County Clerk's  
Office in Liber 739 of Deeds at Page  
116; thence southeasterly along the  
southwesterly line of lands conveyed  
to Emily Lazier Foster as aforesaid to  
a point on said line which is 280'  
northwesterly from the center line of  
Lake Shore Road; thence south-  
westerly at an interior angle of  
91°51', a distance of 126.51' to a  
point; thence southerly at an exterior  
angle of 115°57', a distance of 32.88'  
to a point; thence southeasterly and  
parallel to the southwesterly line of  
lands conveyed to Emily Lazier  
Foster as aforesaid, a distance of  
250.42' to the point or place of  
beginning.

**PARCEL C**

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. 48,  
Township 9 and Range 8 of the  
Holland Land Company's survey and  
more particularly described as follows:

BEGINNING at the intersection of  
the southwesterly line of lands con-  
veyed to Emily Lazier Foster by deed  
recorded in the Erie County Clerk's  
Office in Liber 739 of Deeds at Page  
116, with the center line of Lake  
Shore Road; thence southwesterly  
and along the center line of Lake  
Shore Road, a distance of 140' to a  
point; thence northwesterly at an  
interior angle of 88°09' to the last  
mentioned course, a distance of  
250.42' to a point; thence north-  
easterly at an exterior angle of 24°06'  
to the last mentioned course, a  
distance of 32.88' to a point; thence  
northeasterly at an exterior angle of  
64°03' to the last mentioned course,  
a distance of 126.57' to a point on the  
southwesterly line of lands conveyed  
to Emily Lazier Foster as aforesaid;  
thence southeasterly at an exterior  
angle of 91°51' to the last mentioned  
course and along the southwesterly  
line of lands conveyed to Emily Lazier  
Foster as aforesaid, a distance of 280'  
to the point or place of beginning.

Accepting and reserving herefrom  
the right-of-way and/or easements  
over the said premises which was  
granted by Katherine A. Steele to  
James F. Austin and Mary Simon  
Austin his wife by deed dated April  
10, 1922, recorded in the Erie County  
Clerk's Office in Liber 1615 of Deeds  
at Page 268 on April 10, 1922.

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

Lester Weinheimer, Chairman  
Town of Hamburg Planning Board

MINOR SUBDIVISION - 7099 OLD LAKE SHORE ROAD - Cont'd.:

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

Jack Becker of Hodgson, Becker & Olds appeared after the Public Hearing was closed and Chairman Weinheimer informed him if the Planning Board does not take action within 45 days, the subdivision is automatically approved.

WALTER STEFFAN - HAMBURG CAR BARN - CAMP ROAD

Mr. Walter Steffan appeared before the Board and submitted a revised Site Plan.

The Board in discussing the revised Site Plan in executive session found that it conformed to the New York State Department of Transportation recommendations except for labeling the southerly drive that is to be removed to show that it will be topsoiled and seeded. Also noted that the bumper blocks in the parking spaces were not so labeled. The sign location was not shown on the Site Plan or any display lighting.

Motion was made by Mr. Recla to refer the Site Plan back to Mr. Steffan for the following corrections: label the southerly drive that is to be removed as topsoiled and seeded, show sign location, label bumper curb blocks in all parking spaces; if there is to be any display lighting, it must be shown on the plan; motion seconded by Mr. Schlehr. Carried.

HASBROUCK PLASTICS - 1975 LAKEVIEW ROAD - LAKEVIEW, N.Y.

Mrs. Hasbrouck, owner of Hasbrouck Plastics and Mr. Glashauser, Manager of Productions appeared before the Board and Chairman Weinheimer read the following reports:

Hamburg Traffic Safety Board: "Board thinks the plan is good, good sight distance both ways. In all probability, it is expected that traffic will flow in a more orderly pattern after completion of this plan. There is a stop sign at Burke Road and Lakeview Road."

Town of Hamburg Engineering Department: William Harris, P.E., Town Engineer verbally informed the Board the Engineering Department has no comment.

Industrial Development Committee Town of Hamburg: approved the Site Plan with no comments.

Chairman Weinheimer informed applicants the proposed parking area is an addition to a nonconforming use and they must apply to the Zoning Board of Appeals. Mrs. Hasbrouck was given the applications for the Zoning Board of Appeals and will be on their agenda for the June 3rd meeting.

JACOBI PIZZERIA - CAMP ROAD

Mr. John and Sebastian Jacobi appeared before the Board requesting permission to put an addition on the side of their building to be used for a storage room.

Chairman Weinheimer advised applicants they must apply to the Zoning Board of Appeals as the existing building is non-conforming.

Motion was made by Mr. Schlehr to deny this application and refer same to the Zoning Board of Appeals; seconded by Mrs. Howes. Carried.

BETHFORD PART VI - DOLPHIN DRIVE

Mr. Leonard Peterson and Mr. Ken Peterson appeared before the Board and Chairman Weinheimer read the following reports:

Engineering Department, William R. Harris, P.E., Town Engineer: "We are not satisfied with the provision made for handling the storm water flowing northerly into the proposed subdivision from Mile Strip Road. In view of recent experiences in other subdivisions it is felt that serious consideration should be given to piping this water through the subdivision. It is requested that the developers' engineers meet with us about this and other engineering matters."

"Although it may not be considered an engineering matter, we would also like to point out that sublots 351, 352 and 353 are badly cut up by the existing 24 inch trunk line of Erie County Sewer District No. 3. These lots are relatively shallow, approximately 109 feet deep and the trunk sewer is approximately 35 feet from the back lot line."

"It, of course, will be necessary for the developer to obtain the necessary approvals from Erie County Sewer District No. 3 and the Erie County Department of Environmental Quality for both the sanitary sewer line extensions and the required house connections."

Conservation Advisory Board: "Due to the location of the Bethford Subdivision Part 6 in the problem plagued Erie County Sewer District #3, we must oppose development of that subdivision at this time."

"We have received a copy of a memo from the Erie County Environmental Management Council (sent to the Erie County Executive and Legislature and to the Sewer District's Board of Managers) which outlines the situation there. A copy of this memo is enclosed."

"While the appropriate authorities are aware of the problems in the District and have expressed their concern, at this point no alleviating action has been taken and a final course of action has apparently not been chosen. Regardless of who may be blamed for allowing this situation to develop and who will eventually pay to rectify it, the sewage overflow exists and poses a health hazard. We feel that anyone who has an opportunity to prevent this situation from deteriorating further has a responsibility to act in this direction."

BETHFORD PART VI - DOLPHIN DRIVE - Cont'd.:

Report from Conservation Advisory Board continued:

"Therefore our recommendation is to refuse permission for this subdivision at this time, on the grounds that it poses a threat to the safety, health and welfare of Town of Hamburg residents. We further recommend that permission for development of Bethford Subdivision Part 6 should be withheld until such time as its development will not cause additional overflow of untreated sewage in County Sewer District #3."

Planning Board Attorney Joseph Benzinger informed the Board that since the original Subdivision Map was never filed in the Erie County Clerk's Office, it is necessary for Mr. Peterson to redesign the subdivision to conform to the present code. This property is in a R-2 District.

CALVIN CULVER - 4214 HOWARD ROAD

Mr. Calvin Culver appeared before the Board asking for the proper direction from the Board for putting in a parking lot.

It was noted that Mr. Culver had appeared before the Zoning Board of Appeals on 3-5-74 and had been granted a special exception use under § 29-14 B (2) (e) to operate an auto repair garage at the above location.

As Building Inspector John Lauchert was absent, Chairman Weinheimer informed Mr. Culver to check with Mr. Lauchert, Building Inspector as to the proper direction to follow, by contacting him in the Building Department during business hours.

WAYFARERS LODGE - ROGERS ROAD

Mr. Morgan Bowen appeared before the Board regarding Site Plan review. Mr. Bowen informed the Board they wish to put an addition on the front of the existing building to be used for more lavatories for the existing facilities as the present system is not adequate.

It was noted that the Zoning Board of Appeals granted a 17' variance in front yard setback as this property is located between the railroad tracks and a power line easement.

Hamburg Traffic Safety Board recommendation: "No objection to addition as sufficient parking is provided. Suggest this be referred to County, as it is a County Road."

Town of Hamburg Engineering Department: "No comments, little engineering data shown."

Department of Public Works, Donald C. Guglielmo, Permit Engineer: "I have reviewed the plan and the site of the above mentioned location. Assuming that the applicant is asking for permission to construct an addition to the existing building, and not for altering the existing driveways, this department would have no involvement in this matter."

WAYFARERS LODGE - ROGERS ROAD - Cont'd.:

Department of Public Works recommendations continued:

"My only comment would be that the existing driveways should be more clearly defined and restricted to the widths shown on the plan."

Industrial Development Committee, Town of Hamburg: memo dated 4-17-75 re: Wayfarers Club, approved.

Motion was made by Mr. Will to approve the Site Plan contingent on 55 parking spaces being shown on the plan and 24' access driveways with poured concrete curbing; seconded by Mr. Sipprell. Carried.

Consultant Dawson informed the Board additional text regarding the new Zoning Ordinance will be submitted and discussed at the next regular meeting, therefore, the sub-committee meeting is canceled for 5-21-75.

Chairman Weinheimer informed the Board of a Planning and Zoning Seminar to be held on Thursday, June 5, 1975 at Cornell University, Ithaca, New York. Any interested Planning Board members must make reservations by May 29, 1975.

Chairman Weinheimer informed Board members of a Conference on Housing Code Enforcement to be held on May 20, 1975 from 1:00 - 4:30 P.M. at: Auditorium of the Buffalo Museum of Science, Humboldt Park, Buffalo, New York.

Motion was made by Mr. Will to adjourn meeting at 10:30 p.m., seconded by Mrs. Sherwood. Carried.

  
\_\_\_\_\_  
Karen Sherwood, Secretary  
Town of Hamburg Planning Board

Next regular meeting: 5-28-75

Mrs. Karen Sherwood attended a meeting on April 24, 1975 in the Boston Town Hall. This was a joint meeting of representatives of Boston, Concord, Hamburg, North Collins and Orchard Park Planning Boards. Minutes of meeting received and filed.



Edward V. Regan  
COUNTY EXECUTIVE

*L. Richardson*  
*B. J. [unclear]*

# Environmental Management Council

COUNTY OFFICE BUILDING  
ROOM 1675

95 FRANKLIN STREET  
BUFFALO, NEW YORK 14202  
(716) 846-5893

George B. Melrose  
CHAIRMAN

MEMO TO: Mr. Edward V. Regan, Erie County Executive  
Mr. Richard J. Keane, Chairman, Erie County Legislature  
Erie County Sewer District No. 3 Board of Managers

FROM: Mr. Merritt W. Van Lier, Executive Director, Environmental  
Management Council

SUBJECT: Erie County Sewer District No. 3

DATE: April 22, 1975

At its April 15, 1975 meeting, the Erie County Environmental Management Council discussed this matter at length and passed the attached resolution which comments on the new order recently issued on Sewer District No. 3. As you are aware, the Environmental Management Council has been concerned and involved with sewage disposal problems in this district for quite some time. Information contained in this memo discusses the factors leading to the Council's action.

We commend the County for recognizing the seriousness of the problem and initiating remedial programs to correct overflow conditions occurring at the Willet Road Pump Station and Fisher Road Manhole No. 24.

The Council has reviewed actions to date, including careful review of materials supplied with the final order ("Report of Findings for Erie County Sewer District No. 3 Pursuant to the Commissioner's Order of April 3, 1975", dated April 2, 1975, "Explanatory Memorandum", and "DEC Policy Governing Discharges to Intermittent Streams", dated November 7, 1974) and DEQ laboratory data. All were extremely helpful in analyzing the problem.

Council members provided review and comments on the draft order on April 2, 1975, which was subsequently revised and adopted in final form on April 3, 1975. We are concerned, however, with serious deficiencies in the final order, some of which were not included in the initial draft supplied to the EMC.

### Health Hazards

The problems in Erie County Sewer District No. 3 have been classified as a "possible", "potential", "probable", etc. health hazard. We call to your attention recent laboratory findings indicating total coliform (TC) counts of up to 11,000,000/100 ml measured in overflows. Public bathing beaches are closed when TC exceeds 2400/100 ml ! (... "30 day logarithmic mean total coliform value for 100 ml of sample shall not exceed 2400 from

a minimum of five examinations and provided that not more than 20% of the samples shall exceed a total coliform value of 5,000 for 100 ml of sample...") Children living in subdivisions have greater access to these areas than to public beaches. Photographs and public testimony are available to document these conditions. The Council recommended that such areas be properly fenced and posted in a memorandum addressed to the County Attorney's Office on May 2, 1973. To date, no action has occurred in areas identified in Sewer District #3.

#### 500 Permits Per Year?

The intent of the order is to allow 3,000 permits over a six (6) year period, or 500/yr. However, in specifically stating "...up to an average of 500..." and no limit for improved lots, the order allows for issuance of permits far in excess of this number during the first few years specified in the order.

#### More Plans

Permits should not be issued based on "...Plans and demonstrations of committment..." ! Until such time as new on line facilities (holding tanks, etc) are installed to provide additional capacity and sanitary handling, no new tap ins should be allowed.

Although, endorsing and supporting the intent of the new order released jointly by the County Departments of Environmental Quality and Health, the EMC considers the above items serious, legal loopholes which may lead to additional environmental degradation in Sewer District 3. We would also call your attention to other issues raised in the attached resolution and ask that appropriate actions be initiated immediately to modify the order to resolve these problems.

mb

cc: T. Hullar  
W. Mosher  
J. Arcadi  
A. Abgott  
D. Bossert

*File Comm*

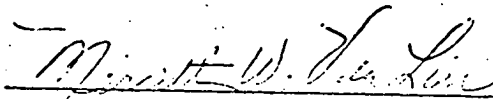


may issue no more than 500 connection permits per year through 1980  
for single family dwelling unit equivalents in new subdivisions or developments  
in new sewage collection lines or extensions".

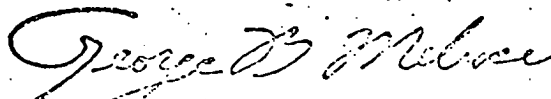
4. That the Board of Managers of Sewer District #3 be directed to contact residents served by the district in order to inquire as to whether they are experiencing back up of sewage in their basements caused by surcharges in sewer lines for which the Board is responsible. We recommend that this be accomplished in part by mailing out questionnaires with the sewer bills.

5. That all areas downstream of the Fisher Road Station and Willet Road that are continuously or occasionally a health hazard should be clearly posted with warnings and where there is a possibility that small children may be attracted to the area that suitable fencing be installed. In addition, appropriate actions should be initiated to clean up existing accumulations of sewerage sludge and other materials which continue to cause environmental degradation.

Resolved this day of April 15, 1975



Merritt W. Van Lier  
Executive Director



George B. Melrose  
Chairman

RESOLUTION OF THE

ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

WHEREAS, the Erie County Department of Environmental Quality issued an order on April 3, 1975, concerning Sewer District #3; and

WHEREAS, this order recognizes that County Sewer District #3 is operating in violation of the Sanitary Code of Erie County; and

WHEREAS, this order compells no action on the part of the board of managers of Sewer District #3 other than the submission of a plan and demonstration of a commitment to implement corrective measures; and

WHEREAS, only minimal attempts have been made to determine whether basement back-ups are occurring in Sewer District #3, on the part of the DEQ or the Board of Managers of Sewer District #3; and

WHEREAS, the attempts to regulate the issuance of tap-in permits for new developments in Sewer District #3, there is no limit on the issuance of permits for new construction on lots on streets fully improved before January 31, 1974; and

WHEREAS, no mention is made in the order of what actions are to be taken to clean up and post areas downstream of the Fisher Road Station which will continue to be a health hazard even if the discharge of raw sewage is discontinued; and

WHEREAS, the order allows for an issuance of "up to an average of 500 connection permits per year through 1980 for single family dwelling unit equivalents in new subdivisions or developments as new sewage collection lines or extensions" but does not clarify whether the maximum permit allowed in the first year may exceed 500; Therefore be it

RESOLVED, that the EMC requests the following actions on the part of the DEQ:

1. The order for Erie County Sewer District #3, dated April 3, 1975, item II.2 where it reads "as the commissioner determines that the condition of Item I.5 has been met" should be amended to read, "as the Commissioner determines that the conditions of Item I have been met".
2. Where Item III of the order reads, "In addition, the Board of Managers may issue connection permits for buildings which may be constructed on lots on streets in the District fully improved before January 1, 1974" be amended to read, "150 of the allocated 500 permits/year may be reserved for owners of lots on streets in the District fully improved before January 31, 1974".
3. Where Item III of the order reads, "That the Board of Managers may issue up to an average of 500 connection permits per year through 1980 for single family dwelling unit equivalents in new subdivision or developments or new sewage collection lines or extensions" be amended to read, "That the Board of