

TOWN OF HAMBURG PLANNING BOARD MINUTES

6-25-75

ACTIONS TAKEN:

ROUNDTREE VILLAGE PART I & PART II  
HOWARD ROAD

PUBLIC HEARING

BIG TREE WESLEYAN CHURCH  
4171 FAIRVIEW PARKWAY

SUBMITTED SKETCH PLAN  
ADDITION TO CHURCH.  
NONCONFORMING - Z.B.A.

BI-LO ASHLAND PETROLEUM  
SOUTH PARK & SOUTHWESTERN  
SELF-SERVICE GAS STATION

ZONING BOARD OF APPEALS  
RE: SIDE YARD SETBACK.

HERBERT DILS  
5504 SOUTH PARK AVENUE

SITE PLAN REVIEW  
PARKING SPACES TO BE 10'  
FROM SIDE LOT LINE.

MACALUSO BUILDING CORP.  
McKINLEY & MILESTRIP  
CREDIT UNION BUILDING

SEE BOARD RECOMMENDATIONS  
IN MINUTES.

N.Y.S. ELECTRIC & GAS CORP.  
SOUTH PARK AVENUE

PLOT PLAN  
FENCE & PARKING LOT.

TOWNE MEADOWS  
JOHN BOSSE  
NILES AVENUE, HORTON AVENUE

SKETCH PLAN SUBMITTED  
SINGLE-FAMILY DEVELOPMENT

REZONING APPLICATIONS:

SURMA, ROBERT & RHODA covering property on the North Creek Road  
and Southwestern Boulevard from R-F to  
General Business - referred from Town Board.

WATERFALLS VILLAGE INC. covering property on the north side of  
Howard Road near Camp Road from R-F and  
Highway Commercial to R-6 - referred from  
Town Board.

PENDING ITEMS:

Anthony Castiglia - Surfside Pizzeria, Lake Shore Road.  
Pony Post - Abbott Road and Willet.  
Walter Steffan - Hamburg Car Barn, Camp Road.

TABLED ITEMS:

Robert Loomis - Mobile Camping Park, Milestrip Road.

TOWN OF HAMBURG PLANNING BOARD MINUTES

6-25-75

The Town of Hamburg Planning Board members met in regular session on Wednesday, 6-25-75 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, Building Inspector Lauchert, Town Engineer William Harris, Consultant Dawson and Mrs. Beale, stenographer. Absent: Attorney Benzinger.

Minutes of the meeting of 6-11-75 were approved on motion by Mr. Sipprell; seconded by Mr. Will. Carried.

ROUNDTREE VILLAGE SUBDIVISION, PART I & II, HOWARD ROAD

The following Legal Notice was read by Secretary Karen Sherwood:

**LEGAL NOTICE  
TOWN OF HAMBURG  
PLANNING BOARD  
APPROVAL OF  
SUBDIVISION PLAT  
ON HOWARD ROAD  
KNOWN AS  
ROUND TREE VILLAGE**

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 25th day of June, 1975 at 8:00 p.m. E.D.S.T. for the purpose of approval of Subdivision Plat. This property is further described as follows:

ALL THAT TRACT or parcel of land situated in the Town of Hamburg, County of Erie, State of New York, being part of Lots No's. 14 & 15, Township 9, Range 8 of the Holland Land Company's Survey and described as follows:

**PARCEL NUMBER I**

BEGINNING at a found iron pipe in the north right-of-way line of Howard Road (66.0' wide) and the northeasterly right-of-way line of Howard Road (70.0') said point of beginning being northwesterly 1126.0' from the northerly right-of-way line of Southwestern Boulevard (100.00' wide); thence north 01°11'53" east, 1450.00' along the west line of Our Lady of Charity Refuge, filed under Liber 7513, Page 83, to a point in the north line of Lot 14 and the south line of Lot 15, Township 9, Range 8; thence with an interior angle of 89°41' 07", north 89°07' 00" west, along the north line of Lot 14, 250.00 feet to a

corner; thence with an interior angle of 271°16' 08", north 02°09' 08" east, 703.89' to a corner; thence with an interior angle of 89°43' 52", north 89°07' 00" west and parallel with the north line of Lot 14, 1237.50' to a corner; thence with an interior angle of 91°15' 57", south 02°08' 57" west 703.88' to a corner in the north line of Lot 14; thence with an interior angle of 268°44' 03", north 89°07'00" west, along the north line of Lot 14, 1234.40' to a found concrete monument on the northwest corner of Lot 14; thence with an interior angle of 91°10'27", south 02°03'27" west along the west line of Lot 14 1184.04' to a found iron pipe on a corner; thence

with an interior angle of 89°18'00", south 88°38'33" east, 1112.51' to a corner; thence with an interior angle of 270°42'00", south 02°03'27" west, parallel with the west line of Lot 14, 127.27' to a point on the northerly right-of-way line of Howard Road (66' wide); thence with an interior angle of 89°30'21", 204.86' along the right-of-way line to a bend point; thence with an interior angle of 184°25'52", south 84°00'20" east along the north right-of-way line of Howard Road (66.0' wide) 1429.13' to the point of beginning containing 101.59 acres.

**PARCEL NUMBER III**

North 32°47'07" west 300.56' from the intersection of the northerly line of Southwestern Boulevard (100.00' wide) and the westerly line of Howard Road (70.0' wide) continuing along the westerly line of Howard Road, north 31°52'07" west, 411.00' to the point of the beginning;

Thence south 58°07'53" west, 120.00' to a corner; thence with an interior angle of 90°00' north 31°52'07" west, 327.69' to a corner; thence with an interior angle of 127°51'47", north 84°00'20" west, 424.01' to a corner; thence with an interior angle of 274°06'30", south 01°53'18" west, 401.48' to a corner; thence with an interior angle of 90°16'17", north 88°22'59" west, 1100.22' to a corner; thence with an interior angle of 89°33'34", north 02°03'27" east and parallel with the west line of Lot 14, 590.15' to a point in the southerly right-of-way line of Howard Road (66.0' wide) thence with an interior angle of 90°29'39", south 88°26'12" east, 202.88' along the southerly line of Howard Road to a bend point; thence with an interior angle of 175°34'08", south 84°00'20" east along the southerly right-of-way line of Howard Road (66.0' wide) to a point in the westerly line of Howard Road (70.0' wide); thence with an interior angle of 127°51'47", south 31°52'07" east along the westerly line of Howard Road (70.0' wide), 386.39' to the point of beginning containing 16.44 acres ±.

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: June 17, 1975. 6-19

PUBLIC HEARING - ROUNDTREE VILLAGE, PART I & II - Cont'd.:

Chairman Weinheimer asked if anyone would like to be heard in favor of this subdivision? Attorney Donald McKenna was present and stated he is in favor of same, as well as Mr. Hummel, a representative of the developer.

Mrs. Hippele, representing the Locksley-Park Taxpayers Association was present and asked if this subdivision is in conformity with the 1970-1990 Land Use Plan of the Town of Hamburg? Chairman Weinheimer informed Mrs. Hippele that this subdivision is in conformity with the Land Use Plan. Mrs. Hippele then said she has no objection.

Chairman Weinheimer asked three times if anyone present wished to speak for or against this subdivision; as there were no further replies, hearing was closed.

BIG TREE WESLEYAN CHURCH - 4171 FAIRVIEW PARKWAY

Reverend Black appeared before the Board and presented a Sketch Plan and informed the Board they have purchased additional property on South Park Avenue, approximately 100 feet from the church, to be used for additional parking. He also stated they wish to erect an addition 60' x 50'. Reverend Black said the seating capacity of the church will be 200 people and also stated they have purchased four buses to bring the congregation to the church to cut down on the traffic. The additional land purchased will provide 45 additional parking spaces giving them a total of 82 parking spaces.

Chairman Weinheimer informed Reverend Black the addition requested is to a nonconforming building and, therefore, it is necessary to apply to the Zoning Board of Appeals. Also, the rear yard setback does not meet the Zoning Code requirement; the number of parking spaces provided does not meet the Zoning Code requirement; the additional property recently purchased for parking is not adjacent to the existing Church property.

Motion was made by Mr. Sipprell to deny the Plan submitted and applicant to make application to the Zoning Board of Appeals for the necessary variances; seconded by Mrs. Howes. Carried.

BI-LO ASHLAND PETROLEUM - SOUTH PARK & SOUTHWESTERN

Mr. Louis Schuette, Commercial Permit Consultant and Mr. Carl Bauer, Construction Engineer were present and the following recommendations were read by Chairman Weinheimer:

The Hamburg Traffic Safety Board: "recommends that the driveway on Southwestern and the driveway on South Park Avenue nearest Southwestern Boulevard be entrance-ways only. Driveway on south edge of site be designated for exiting only."

BI-LO ASHLAND PETROLEUM - SOUTH PARK & SOUTHWESTERN - Cont'd.:

The N.Y.S. Department of Transportation had called Building Inspector Lauchert and said internal drainage is required.

William R. Harris, P.E., Town Engineer: "Very little engineering data is given. No pavement specifications are found and little information on pavement elevations, drainage, etc. It is assumed that the new pavement will be mostly surfacing, following existing grades, etc."

"Since there are no public sewers in the area, Erie County Health Department approval of their private system will be required. Also, the usual N.Y.S. Department of Transportation approvals should be obtained covering driveway entrances and drainage."

Industrial Development Committee Town of Hamburg submitted memo with approval checked.

Chairman Weinheimer informed Mr. Schuette that the side yard requirement at the location of the gas pumps does not meet the Zoning Code requirement and they will have to apply to the Zoning Board of Appeals for the necessary variance. Mr. Schuette was informed of the meeting date of the Zoning Board and the deadline for filing the application.

Mr. Schuette requested they be placed on the Planning Board agenda following the August 5th Zoning Board of Appeals meeting and have been placed on the agenda of August 13th at 8:00 p.m.

Motion was made by Mr. Sipprell to deny Bi-Lo Ashland Petroleum Site Plan and refer same to the Zoning Board of Appeals; seconded by Mr. Recla. Carried.

HERBERT DILS - 5504 SOUTH PARK AVENUE

Mr. Herbert Dils and Mr. Donald Staley appeared before the Board and submitted a Site Plan covering the above property. Mr. Dils informed the Board he wishes to erect a new building 32.2' x 48.0' to be used as a tool rental garage. Mr. Dils stated the driveway shown on the plan is existing.

Chairman Weinheimer informed Mr. Dils the parking spaces on the south property line would have to be moved back 10 feet as the Zoning Code requires a 10' transitional side yard between a nonresidence district and a residence district. Also informed copy of Site Plan to be submitted to the N.Y.S. Department of Transportation and the Engineering Department Town of Hamburg for their recommendations.

Applicant to submit revised Site Plan and has been placed on the Planning Board agenda of July 16, 1975 at 8:00 p.m.

MACALUSO BUILDING CORP., CREDIT UNION BLDG., MCKINLEY & MILESTRIP

Site Plan covering the proposed credit union building was submitted at the Planning Board meeting of 6-11-75.

The following recommendations were received and read by Chairman Weinheimer:

COUNTY OF ERIE, DEPT. OF PUBLIC WORKS: (Donald C. Guglielmo, Permit Engineer)

Dated 6-16-75: "We have reviewed the above mentioned project, and have the following comments: McKinley Parkway driveway to conform to flare type (see attached sketch). Existing curbing to be saw cut or chipped only. Milestrip Road driveway - relocate proposed driveway so as to be beyond existing blacktop curb and to be more closely aligned with existing road. This driveway also to have flare type approach. If you have any further questions, contact me at 846-8371."

WILLIAM R. HARRIS, P.E., TOWN ENGINEER: "Although existing elevations and contours are shown, very little detail is given on proposed pavement grades and no surface drainage is shown. Also it is not clear to us where curbing is to be installed. No water or sewer service lines are shown, and no water main is shown. It is suggested that their Engineers or Architects contact us about requirements and arrangements for these services. Necessary approvals for driveways, drainage, etc. should be obtained from the Erie County Department of Public Works."

Building Inspector Jack Lauchert to inform Macaluso Building Corporation of the above recommendations from William Harris, P.E., Town Engineer and County of Erie, Department of Public Works.

NEW YORK STATE ELECTRIC & GAS CORP., 5655 SOUTH PARK AVENUE

Mr. Richard Murray appeared before the Board and submitted a Plot Plan showing site construction for New York State Electric and Gas Corporation. He informed the Board they are grading and fencing the westerly portion of this property for storage of materials and equipment for security reasons.

Chairman Weinheimer informed Mr. Murray that a copy of the Plot Plan will be submitted to the Town of Hamburg Engineering Department, The Town of Hamburg Traffic Safety Board and the Conservation Board for their recommendations.

Motion was made by Mr. Will to table the above until the Planning Board meeting of July 16, 1975 at which time the recommendations will be received and read from the designaged Boards; seconded by Mr. Schlehr. Carried.

TOWNE MEADOWS - MILESTRIP, HORTON & NEFF

Mr. John Bosse and Mr. Gertis of Conable, VanKuren & Gertis appeared before the Board and submitted a Sketch Plan of a 113 lot subdivision; single-family development, minimum size lot of 65' x 120'. This subdivision is located in a R-4 District and located in Erie County Sewer District #3.

Chairman Weinheimer informed Mr. Bosse and Mr. Gertis that the Board will examine the Sketch Plan and also make an on-sight-inspection of the property and their comments made at the Planning Board meeting of 7-16-75.

REZONING APPLICATIONS:

SURMA, ROBERT & RHODA, covering property on the North Creek Road and Southwestern Boulevard from Residence-Farm to General Business. This property is located 340' from North Creek Road. After discussion of this rezoning application the following motion was made:

Mr. Will made a motion to recommend to the Town Board rezoning of the above mentioned property as it conforms with the Town of Hamburg 1970-1990 Land Use Plan; seconded by Mr. Sipprell. Carried.

WATERFALL VILLAGE INC., covering property on the north side of Howard Road near Camp Road from Residence-Farm and Highway Commercial to R-6. After discussion of this rezoning application, the following motion was made:

Mr. Sipprell made a motion to recommend to the Town Board rezoning of Parcel #1 from Highway Commercial to R-6, Parcel #2 from Residence-Farm to R-6 and Parcel #3 from Residence-Farm to R-6 as this conforms with the Town of Hamburg 1970-1990 Land Use Plan; motion seconded by Mrs. Sherwood. Carried.

Letter dated 6-26-75 to Supervisor Leo J. Fallon, copies to Councilman Jacob Ferro, Councilman Richard Smith, Councilman Barbara Wicks, Councilman Eugene Wardzinski, Henry Leyh, Town Clerk, Legal Department and Frederick Clarke, Director of Finance recommending to the Town Board rezoning of the above two (2) rezoning applications.

CORRESPONDENCE

Chairman Weinheimer had received a copy of § 265-a. Town Law covering "Exemption of lots shown on approved subdivision plats" from Town Attorney Walter Rooth. Mr. Weinheimer asked that a copy of same be sent to Planning Board Attorney Joseph Benzinger.

Letter received from United States Department of Agriculture Soil Conservation Service, Francis L. Zaik, District Conservationist and motion was made by Mr. Schlehr, seconded by Mr. Sipprell to send copy of same to Mr. Michael Archangle as the letter covered the excavated area and creek spoil adjacent to the Willow Run Subdivision which had been stripped by the developer. Motion carried.

Consultant Dawson informed the Board he is working on additional text for the Zoning Ordinance and will be working with Mrs. Beale during July and August regarding retyping of text that has been discussed and approved by the sub-committee at their past meetings.

The meeting dates for July and August were discussed and the July meeting will be held on 7-16-75 and the August meeting will be held 8-13-75.

Meeting adjourned at 11:35 p.m.

  
Karen Sherwood, Secretary  
TOWN OF HAMBURG PLANNING BOARD

Next regular meeting: 7-16-75