

TOWN OF HAMBURG PLANNING BOARD MINUTES

8-13-75

ACTIONS TAKEN:

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

REVISED SITE PLAN
ZBA GRANTED VARIANCE ON EAST
SIDE LINE ON 8-5-75. SITE
PLAN APPROVED.

BIG TREE WESLEYAN CHURCH
4171 FAIRVIEW PARKWAY
REVEREND BLACK

SITE PLAN ACCEPTED CONTINGENT
ON APPROVAL OF TRAFFIC SAFETY
BOARD, N.Y.S. D.O.T., ENGINEERING
DEPARTMENT. ZBA GRANTED REAR
YARD VARIANCE ON 8-5-75.

BETHFORD SUBDIVISION PART VI
DOLPHIN DRIVE
MILESTRIP ROAD

PUBLIC HEARING.

CLUB LORELEI
S.5895 SOUTHWESTERN BLVD.

SECOND DRIVEWAY-EXIT ONLY.
APPROVED SITE PLAN AS PRESENTED.

RAINBOW DINER
3191 LAKE SHORE ROAD
WOODLAWN

NON-CONFORMING BUILDING.
ADD'L. INFORMATION MUST BE
SHOWN ON SITE PLAN. APPLY
TO ZBA FOR THEIR DECISION.

TOWNE MEADOWS SUBDIVISION
NILES, HORTON, NEFF
JOHN BOSSE

PLANNING BOARD MEMBERS TO
MAKE ON-SIGHT-INSPECTION.

RE-ZONING APPLICATIONS REFERRED FROM TOWN BOARD:

1. BENJAMIN J. NICOSIA & JACK M. KEIFFER - covering property on Bayview Road near Beetow Drive from R-F to R-4. Planning Board recommends to Town Board applicants revise application and request re-zoning from R-F to R-2.
2. LIBERATORE BROS. - covering property on the north side of Scranton Road, east of Wood Avenue from R-4 to R-M. Planning Board recommends to Town Board re-zoning of this property as this complies with the Land Use Plan, is consistent with character of the area and would decrease the tax rate.
3. LIBERATORE BROS. - covering No. 5348 South Park Avenue from R-4 to R-M. The Planning Board in reviewing this application found this property presently Zoned R-2, therefore, recommended to the Town Board, applicant revise application to read re-zoning from R-2 to R-M.

PENDING ITEMS:

Pony Post - Abbott Road and Willett

TABLED ITEMS:

Robert Loomis - Mobile Camping Park, Milestrip Road.

TOWN OF HAMBURG PLANNING BOARD MINUTES

8-13-75

The Town of Hamburg Planning Board members met in regular session on Wednesday, 8-13-75 at 7:30 p.m. Presiding was Chairman Weinheimer and others present were Mr. Will, Mr. Recla, Mrs. Howes, Mr. Sipprell, Mrs. Sherwood, Attorney Benzinger, Consultant Dawson, Building Inspector Lauchert, Town Engineer Harris and Mrs. Beale, stenographer. Also present Councilman Schlehr and Mr. Ainsley Rockwood of the Town of Hamburg Conservation Advisory Board.

Minutes of the meeting of 7-16-75 were approved on motion by Mr. Recla; seconded by Mr. Will. Carried.

BI-LO ASHLAND PETROLEUM, SOUTH PARK AND SOUTHWESTERN BOULEVARD

This application was presented to the Zoning Board of Appeals on 8-5-75 and the Zoning Board granted a 22' variance in the east side line for construction of a canopy over the pump area.

Mr. Louis Schuette, Commercial Permit Consultant was present and presented a revised Site Plan. Mr. Schuette said they are going to request permits for two free-standing signs and Building Inspector Lauchert said as long as the signs conform to the Code, with frontage on two Highways, they will be permitted two free-standing signs.

Motion was made by Mr. Sipprell to approve the Site Plan as presented; seconded by Mr. Recla. Carried.

BIG TREE WESLAYAN CHURCH - 4171 FAIRVIEW PARKWAY

This application was presented to the Zoning Board of Appeals on 8-5-75 and the Zoning Board granted a 26' rear yard setback variance, also a variance of 58 parking spaces.

Reverend Thomas Black and Mr. Donald Wade, Vice-Chairman of the Church Board appeared before the Planning Board for Site Plan review. Chairman Weinheimer informed Reverend Black the Site Plan will be submitted to the Town of Hamburg Traffic Safety Board, the New York State D.O.T. and the Town of Hamburg Engineering Department for review.

Reverend Black said they are very anxious to get the addition started before bad weather and since the Zoning Board granted the necessary variance in rear yard setback the following motion was made:

Mr. Sipprell made a motion to accept the Site Plan contingent on approval of the Town of Hamburg Traffic Safety Board, the New York State D.O.T. and the Town of Hamburg Engineering Department; seconded by Mr. Recla. Carried.

BETHFORD SUBDIVISION - PART VI - PUBLIC HEARING:

The following Legal Notice was read by secretary Karen Sherwood:

LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
 Town of Hamburg
 Approval of Subdivision Plat
 On Milestrip Road Known As
 Bethford Subdivision - Part 6

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 13th day of August, 1975 at 8:30 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 situate in the Town of Hamburg, County of Erie, State of New York, being part of Lots 35 and 36, Township 10 Range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

COMMENCING at the southwesterly corner of Lot 35; said point also being the centerline of Mile Strip Road; thence northerly along the westerly line of Lot 35, 144.91 feet to a point, also being the southerly line of Sublot 224; thence northeasterly along the southeasterly line of Sublot 224, 34.06 feet to the point of beginning; thence northerly along the easterly line of Lot 224, 116.58 feet radially to the southeasterly boundary line of Dolphin Drive; thence northeasterly along the southeasterly boundary line of Dolphin Drive 96 ± feet to a point, also being the extension of the northeasterly line of Sublot 223 across Dolphin Drive; thence northwesterly across Dolphin Drive and along the northeasterly line of Sublot 223, 181.88 feet to a point; thence northeasterly along the southwestery line of Sublots 219 and 218, 40.66 feet to a point; thence northerly along the easterly line of Sublots 218 and 217, 94.87 feet to a point; thence northerly along the easterly line of Sublots 217 through 203, 869.55 feet to the southerly boundary line of Dolphin Drive; thence westerly along the southerly boundary line of Dolphin Drive 31.25 feet to a point; thence continuing westerly along the southerly boundary line of Dolphin Drive, along a curve having a radius of 300 feet, as it curves to the left 79.54 feet to a point located on the easterly boundary line of Bethford

Drive; thence northerly along the easterly boundary line of Bethford Drive, 60 feet to a point located on the northerly boundary line of Dolphin Drive; thence easterly along the northerly boundary line of Dolphin Drive, being a curve having a radius of 360 feet as it curves to the right, 94.25 feet to a point, thence easterly continuing along the northerly boundary line of Dolphin Drive, 4.62 feet to a point located at the southeasterly corner of Sublot 202; thence northerly along the easterly line of Sublot 202, 86.41 feet to a point on the easterly line of Lot 36, also being the southeasterly corner of Sublot 3 filed under Map Cover 1937 in the Erie County Clerk's Office; thence northerly along the easterly line of Sublot 3, 20.39 feet to a point; thence easterly 269.28 feet to a point; thence southerly and parallel with the westerly line of Lot 35, 1240.70 feet to a point; thence southwestery 321.20 feet to the point or place of beginning.

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: August 4, 1975 8-7

BETHFORD SUBDIVISION - PART VI - PUBLIC HEARING, Cont'd.:

Chairman Weinheimer asked if anyone present wished to be heard in favor of this subdivision? Mr. Leonard Peterson and Mr. Ken Peterson, developers of this subdivision were present and stated they are in favor of this subdivision.

Mr. & Mrs. Albert Moadoer of 166 Dolphin Drive were present and informed the Board they own property adjoining the proposed subdivision. Mr. Moadoer said there is a small creek that runs across the rear of their property and at times this causes water in their basement and asked what the developer plans to do about this creek. Mr. Peterson said this will be studied by their Engineers as they realize they have to satisfy all drainage problems as well as sanitary problems and if necessary this will be tiled and run into a storm sewer; receiver would be put in if their engineers found this necessary. Mr. & Mrs. Moadoer not in opposition to this subdivision as long as creek is properly taken care of.

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.

CLUB LORELEI - S.5895 SOUTHWESTERN BOULEVARD

Mr. Engelbert Kutschka, President of the Lorelei Club appeared before the Board and informed the Board they wish to construct a second driveway to be used for exit only. Mr. Kutschka presented a letter from the New York State Highway Department dated 8-7-75 showing they have approved the road cut for the new driveway. The existing driveway will be for ingress and the new driveway located thirty feet from the easterly property line will be for egress.

Motion was made by Mr. Sipprell to approve Site Plan as presented; seconded by Mr. Will. Carried.

RAINBOW DINER - 3191 LAKE SHORE ROAD

Mr. V. DiMaria appeared before the Board with Mr. William Renzi, owner of the above property. Mr. DiMaria informed the Board he is leasing the existing building and property at the rear for parking. Mr. DiMaria wishes to construct a small addition to the front of the building for a cloak room and remodel the interior of the structure. Mr. DiMaria will operate this business as a restaurant and eventually apply for a license for beer and wine. There will be no bar.

Chairman Weinheimer informed Mr. DiMaria that the existing building is nonconforming and in order to remodel or alter same, must apply to the Zoning Board of Appeals and was informed their next meeting is September 9, 1975 and the following evening, 9-10-75 is the next Planning Board meeting.

In reviewing the Site Plan, the Planning Board requested the following additional information be shown: elevations, drainage, bumpers in parking spaces, define driveways, dimensions to be shown, grassed area to be labeled and lighting shown in parking area and Site Plan resubmitted on 9-10-75.

TOWNE MEADOWS SUBDIVISION - NILES, HORTON & NEFF

Mr. John Bosse appeared before the Board and presented a Preliminary Sketch Plan of the proposed subdivision.

Chairman Weinheimer read letter dated 8-9-75 from the Town of Hamburg Conservation Advisory Board re: Towne Meadows Subdivision: "The Conservation Board feels strongly that a minimum of 10% of this development should be set aside as open space. This open space land does not have to be turned into a playground but could be left in an undisturbed state. The west corner of the development is wooded and would be ideal for this purpose."

"The contour shown on the map indicates that the land slopes down toward Mile Strip Road and there are two drainage ditches through the property. Buildings will increase runoff by 42% (based on soil type and data from the USDA Soil Conservation Service) and we feel that the Engineering Department should ascertain whether the drainage ditches would overflow or the increased runoff water would be a problem for the existing dwellings along Mile Strip Road."

"We also feel that there should be a buffer zone between the new Mile Strip Road and the back of Lots 5 through 22 if this buffer is not provided by the highway planners."

"We are concerned about the sewage disposal for the development. At present the Erie County Department of Environmental Quality will allow a total of only 200 sewer tap-ins in Erie County Sewer District No. 3 on streets undeveloped after January 31, 1974. How many of these 200 tap-ins will be allocated to Hamburg? What method will the Town use to determine how many tap-ins will be allocated developers in Hamburg? How many will be made available to the Towne Meadows Subdivision?"

Mr. Bosse said he does not feel the sewer tap-ins are a concern of the Planning Board as he is working with Erie County Sewer District No. 3 as the developer. Also, Mr. Bosse stated that the State does put the fencing in when a subdivision is already completed with completed dwellings and they come through with road construction after the completed subdivision, they will then put the fencing in along new Mile Strip Road. He assured the Board, if the State does not provide the fencing, he will construct same.

Chairman Weinheimer in reply to the 10% of the development to be set aside as open space, stated that the Planning Board does not always request 10% of the acreage of a subdivision be set aside for open space; in lieu of land, developer must pay \$50.00 per dwelling unit at the time the building permit is obtained.

Planning Board members to make an on-sight-inspection of the property involved and as per Mr. Bosse's request have placed him on the Planning Board agenda of 9-10-75 at 9:00 p.m.

CORRESPONDENCE

Minutes of Hamburg Traffic Safety Board meeting of 8-7-75 received and filed.

Item #15 - Site Plan Review: Bethford Subdivision - Comment:
"Parking restrictions are recommended on hydrant side and possibly on both sides of curve, depending on hydrant location. Also suggest stop on Dolphin at north intersection. Should line up with Emerling."

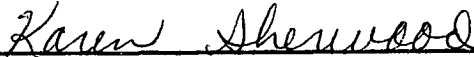
Letter sent to Members of the Town Board regarding three (3) rezoning applications; recommendations as shown on first sheet of minutes.

OTHER ITEMS:

Building Inspector Jack Lauchert discussed with the Board moving of a hot-dog stand from Marks Submarines on Lake Shore Road to Nicholas Golf Drive-In-Range on Lake Shore Road, next to the Skyway Drive-In Theatre and the Board felt it would be permissible to issue a Temporary Permit from April until November 1975 as long as the location of the hot-dog stand at Nicholas Golf Drive-In-Range does not interfere with the parking.

Consultant Dawson reviewed with the Board proposed Town Zoning Ordinance § 29-10 Conservation areas, definition, location, uses, regulations and superimposition over districts.

Meeting adjourned at 11:55 p.m.



Karen Sherwood, Secretary
Town of Hamburg Planning Board

Next regular meeting: 9-10-75