

TOWN OF HAMBURG PLANNING BOARD MINUTES

11/10/76

ACTIONS TAKEN:

SUPER DUPER STORE
LAKE AVENUE, BLASDELL
MR. BING PUTNAM

SITE PLAN REVIEW.
APPROVED SITE PLAN SUBJECT
TO ENGINEERING DEPARTMENT
APPROVAL.

HAWLEY DEVELOPMENT CORP.
S.5833 CAMP ROAD
MR. CARL JOHNS

APPROVED SITE PLAN CONTINGENT
ON PARKING SPACES 9 - 11
MOVED 4' TOWARD WEST (CAMP RD.).

SUNDANCE VILLAGE SUBDIVISION
SKETCH PLAN
SCHOELLKOPF ROAD
JACOB SCHOELLKOPF, V.

DISCUSSION - METHOD OF
MANAGEMENT - OPEN AREA,
(PARK DISTRICT).

PROPOSED OFFICE
WARD & KRUEGER REALTY
4938 LAKE SHORE ROAD

SITE PLAN REJECTED - MUST
MAKE APPLICATION TO ZONING
BOARD OF APPEALS.

OTHER ITEMS:

BRAYMILLERS MARKET - Gowanda State Road, Hamburg, New York
See minutes - replies from other Board's.

RE-ZONING APPLICATION - Ferdinand Garcia covering property at 120
Linden Avenue, 60' south of Tracy Avenue,
from R-4 to Highway Commercial (referred from
Town Board 1/28/76). The Planning Board re-
viewed this application and recommends to the
Town Board re-zoning from south boundary of
Sub Lot 65 of Bayview Subdivision all area
northerly from R-A to M-2 as adjoining property
is owned by Bethlehem Steel Company and the M-2
Zoning will coincide with the Land Use Plan.

INN-ON-THE-LAKE - - S.4914 Lake Shore Road. Zoning Board of Appeals
on 11/3/76 granted additional front yard parking
as the additional parking is for Mr. Castiglia's
own use and not for customers from Inn-On-The-
Lake. Planning Board approved Site Plan -
barrier to be installed in front of existing
garage to prevent customers from restaurant
using parking area in front of homes.

PENDING ITEMS:

Braymillers Market, Gowanda State Road, submit revised Site Plan.
Photo Mat, Town Hall Plaza, amend Town Hall Plaza Site Plan.

TOWN OF HAMBURG PLANNING BOARD MINUTES

11/10/76

The Town of Hamburg Planning Board members met in regular session on Wednesday, 11/10/76 at 7:30 p.m. Presiding was Chairman Recla and others present were Mr. Will, Mrs. Sherwood, Mr. Corcoran, Mr. Cook, Mr. McKenna, Attorney Benzinger, Consultant Dawson, Building Inspector Lauchert and Mrs. Beale, stenographer. Absent: Mrs. Howes.

Minutes of the meeting of 10/27/76 were approved on motion by Mr. Corcoran; seconded by Mrs. Sherwood. Carried.

SUPER DUPER STORE - LAKE AVENUE, BLASDELL:

Mr. Bing Putnam submitted an application to the Zoning Board of Appeals requesting a variance to permit new parking lot with parking ten feet (10') from the front property line. The Zoning Board of Appeals at their meeting of 11/3/76 granted a 25' variance in front yard setback to permit parking 10' from the front property line pending Planning Board and Engineering Department approval.

Mr. Bing Putnam was present and informed the Board he had met with the Erie County Highway Department and the new parking area will be installed according to all requirements of the Erie County Highway Department. Mr. Putnam also stated his engineers are working with Town of Hamburg Engineering Department and will meet their requirements.

Motion was made by Mr. Will to approve the Site Plan as presented subject to Town of Hamburg Engineering Department approval; seconded by Mr. Corcoran. Carried.

HAWLEY DEVELOPMENT CORP. - S.5833 CAMP ROAD corner STALEY DRIVE:

Mr. Carl Johns of Hawley Development Corp. submitted an application to the Zoning Board of Appeals requesting the necessary variances to operate a convenience store and gas pumps at the above address. The Zoning Board of Appeals on 11/3/76 granted the necessary variances for remodeling existing abandoned service station and operating same as convenience store and self-service gas station.

The Planning Board at their meeting of 10/13/76 requested a revised Site Plan which was submitted, this date, by Mr. Carl Johns. In reviewing the revised Site Plan the Board noted that for proper turning radius from parking area on south side of building, parking spaces 9 thru 11 must be moved four feet (4') toward the west (Camp Road). All other requested requirements were shown on the revised Site Plan.

Motion was made by Mr. Will to approve the revised Site Plan with the stipulation parking spaces 9 thru 11 are moved 4' west; seconded by Mr. Cook. Carried.

SUNDANCE VILLAGE SUBDIVISION - SKETCH PLAN - SCHOELLKOPF ROAD:

Mr. Jacob Schoellkopf, V., Mr. Gerald Gertis of the surveying and engineering firm designing plans for Sundance Village and Jim Rolls, attorney for Mr. Schoellkopf, V. appeared before the Board to discuss the method of management of the open area in this cluster

SUNDANCE VILLAGE SUBDIVISION - SKETCH PLAN - Cont'd.:

type development.

Attorney Rolls informed the Board he had contacted the Attorney Generals Office, the Comptrollers Office and other parties who might have any guide lines for the method of management of the open area in a cluster type development but at this time had received no concrete evidence of the proper method of management of the open area in cluster type development. Attorney Rolls did state that a Homeowners Association Management Plan is not working well in other places.

Attorney Rolls discussed the possibility of Mr. Schoellkopf, V. petitioning the Town Board to create a "Park District" covering only the open area outlined in the subdivision plan which would be on the order of the special districts covered by other facility districts such as water, sewer and street lighting. If the Town Board creates by resolution a Park District it would give the Town Board power to maintain same as they see fit and any improvements would be billed back to the homeowners in the district itself. The homeowners could petition the Town Board for any changes if the majority of said homeowners requested such changes. Under this type Park District there would be no cost to the Town as the individual homeowners would be assessed. Attorney Rolls submitted a typed report as follows: "Covenant to be Included in Deed of property to be dedicated to Town as a Park District in accordance with the provisions of Article XII of the Town Law and Article XXIV, § 29-136 (H) (2)

GRANTOR hereby conveys the above described property as shown on a map entitled "Sundance Village" and filed in the Erie County Clerk's office on the day of , 197 under map cover # to the Town of Hamburg to be used as the park area for all persons resident within the park district hereinafter described: (description of: entire Sundance Village).

GRANTOR hereby covenants for itself, its successors and assigns that any expense for the establishment of the park district or for improvements and/or maintenance of said park may be assessed by the Town of Hamburg to each home owner on a pro-rata basis as a special district assessment to be included on the annual Town of Hamburg tax bill as fixed by the Tax Assessor of the Town of Hamburg, State of New York for town taxation purposes.

GRANTOR hereby covenants for itself, its successors and assigns that the Town of Hamburg through its Town Board shall have all authority as given to it pursuant to the Town Law including the improvement and/or maintenance of the park lands and including the power to make any improvements or to maintain the park areas without request or approval of the inhabitants of said park district."

Attorney Rolls also noted that under the "Park District" the Town Board has power over same whereas under a "Homeowners Association" the Town Board would have no power except thru legal action.

Mr. Schoellkopf, V., at a previous meeting, had also suggested the alternative of keeping the open land under his own ownership and Mr. Corcoran asked Attorney Rolls to explain the pros and cons of this type method of management. Attorney Rolls replied that keeping the open land under Mr. Schoellkopfs ownership is not feasible and would defeat the purpose of cluster development.

METHOD OF MANAGEMENT, OPEN AREA, SUNDANCE VILLAGE SUB., CONT'D.:

Attorney Benzinger noted that under the Code of the Town of Hamburg, Article XXIV, § 29-136 (H) (2) Provisions satisfactory to the Town Board shall be made to assure the proper maintenance of all nonpublic areas and facilities for the common use of occupants of any cluster housing development, therefore, it is up to the Town Board to make the final decision on the method of management of the open area.

Building Inspector Jack Lauchert informed the Board the Town Board is meeting in executive session on Monday evening, 11/15/76 and suggested he contact the Town Board members to see if this matter (Open area, method of management) could be placed on the agenda for discussion. Mr. Schoellkopf, V., Attorney Rolls, Attorney Benzinger, Chairman Recla informed Mr. Lauchert they would be available for such discussion on Monday evening.

Mr. Jacob Schoellkopf, V. asked if the Public Hearing on the Preliminary Plan for Sundance Village Subdivision could be scheduled for the Planning Board meeting of 11/24/76. Consultant Dawson stated the Preliminary Plan cannot go to Public Hearing until the method of management of the open area is approved by the Town Board. Attorney Benzinger informed the Board the Public Hearing can be held with the understanding the owner/developer realizes he cannot receive final approval until the Town Board has approved and accepted a management plan for the open area. Chairman Recla informed Mr. Schoellkopf, V. that the Legal Description of the property would have to be submitted to the Building Department by 11/16/76 so that the Notice of Public Hearing is advertised in a local newspaper in the town at least five (5) days before such hearing.

Planning Board member Mrs. Sherwood asked Attorney Rolls if it would be possible to put restrictive covenants in the Deeds to insure the use and maintenance of the open area. Attorney Rolls stated that if the majority of the homeowners in this subdivision petitioned the Town Board for some type of improvement or change in the common area, for instance an active recreation area, and if the Town Board agreed with such request, there would be no reason for the Town Board to refuse as the cost of same would revert back to individual homeowners thru higher assessment and increased taxes. Mrs. Sherwood asked how the Town would have control if a resident of a cluster development destroyed anything in the common area, such as cutting down a tree; Attorney Rolls stated that this would be a misdemeanor under the Town Ordinance.

Chairman Recla informed Mr. Schoellkopf, V. that the soils and interpretive report has been received from the Soil Conservation Service showing this property is very wet and Edwin R. Merriman, District Manager, Soil Conservation Service stated in his cover letter: "our office hopes the town and developer will request from us additional data and assistance in planning adequate methods to manage the storm water generated by the developed area." Mr. J. Schoellkopf informed Chairman Recla he has also received a copy of the soils and interpretive report.

PROPOSED OFFICE - WARD & KRUEGER REALTY - 4938 LAKE SHORE ROAD:

Mr. Ken Meister and Mr. Garry Dye of Ward & Krueger Realty and Ronald C. Hosken, Architect presented a Site Plan covering an existing two story frame dwelling at 4938 Lake Shore Road which they propose converting the first floor into an office. Mr. Hosken informed the Board the existing one-car garage will be removed (north of frame dwelling) and two parking spaces installed in that area.

The lot is 83' wide x approximately 215' deep, on the Lake side. The Site Plan shows a total of five parking spaces, three of which are located in the front yard. The existing dwelling front yard setback is approximately 38' with 5' of same being in the right-of way. The three parking spaces shown on the Site Plan are located five (5) feet from the west side line and 5' into the right-of-way of Lake Shore Road.

Article XVIII § 29-101. Setback for all off-street parking spaces. B. In any C District. 1. Unless reduced by action of the Zoning Board of Appeals upon the favorable recommendation of the Town Planning Board, no open or enclosed off-street parking space shall be permitted within 37' of any street line, provided, however, no action by the Board of Appeals shall allow such off-street parking space less distant than 10' from any street line. 2. No open or enclosed off-street parking space shall be permitted within 10' of any side lot line or rear lot line of a lot used for residential purposes or in any R District. Also, the Code requires 1½ parking spaces per employee and as Mr. Hosken had stated there are two (2) full-time employees and twelve part-time employees which would require twenty-one (21) parking spaces.

Motion was made by Mrs. Sherwood to reject the Site Plan presented and applicant to submit an application to the Zoning Board of Appeals; seconded by Mr. Will. Carried.

BRAYMILLERS MARKET, GOWANDA STATE ROAD:

Secretary Art Will read the following letters regarding Site Plan covering new building, Braymillers Market, Gowanda State Road:

Traffic Safety Board, dated 11/8/76: "While the plan anticipates use of existing driveways, it is recommended that the NYS DOT permit office review this plan. Although this plan concept is better than previous operation of parking (in that it places parking removed to one side away from market and displays). Should consider one driveway for ingress and one driveway for egress. Consider outline of pedestrian shoppers' area with vertical delineation to keep vehicles out of same."

William Harris, P.E., Town Engineer, dated 10/29/76: "We have no comments at this time."

Replies re Site Plan, Braymillers Market, Cont'd.:

NYS DOT, J. M. Galvin, Assistant Resident Engineer South Erie County, dated 11/4/76: "I have completed my review of the subject Site Plan as requested and have the following comments:

1. I have indicated on the attached a proposal which I feel will solve some of our problems.

2. I would like to see the existing guide rail removed. As indicated, excess control could be by some type of curbing (concrete, asphalt concrete, timber, etc.). The area between the curbing and the R.O.W. line should be grass only. I would hope that the Town would also require an additional green area beyond the R.O.W. line. This area should be lined with curbing.

3. Provisions should be made so the area will drain to existing catch basins.

4. Driveway useage should be as indicated to arrow. Enforceable signing indicating one-way useage of drives should be provided.

The above will be our minimum requirements and is only a suggested plan. Modifications will be considered.

A permit will be required and we recommend a performance bond of \$1,000.00. Refer any questions to 649-2157."

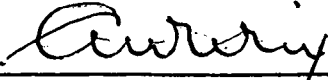
Letter sent to Mr. Jack DeCarlo, owner enclosing copy of letter from NYS DOT also copy of plan showing notations made by NYS DOT. Planning Board requests an additional 10' of grass area, with curbing on both sides, beyond the R.O.W. line. With the green area extended ten (10) feet to the west, the parking area will have to be moved back and so shown on a revised Site Plan. Also, the telephone booth is to be moved to the north side of the new building, on the parking lot side. The Planning Board requests barriers on each side of the building extending from the building to the curbing around the requested green area, such as planters or split-rail fencing with opening to provide access to store entrance and the barrier on the southeast side of building to be located 15' out from building; also overlay depicting plan to embellish and improve area directly in front of building. Also suggest 3' tubs as planters at each side of entrance and exit driveways (total of four) to be removeable in winter months.

OTHER ITEMS:

The dinner meeting of Erie County Planning Division to be held at the Roycroft Inn, East Aurora, New York on November 29, 1976 was discussed. Attorney Benzinger and several Board members will attend. Also attending dinner meeting, Consultant Dawson.

Consultant Dawson discussed Sundance Village Subdivision and suggested the Planning Board request 10% of the acreage be dedicated to the Town for park and recreation purposes in addition to the private land assembled in common and the 10% of acreage to be in one area. Mr. Dawson further stated if the Planning Board required 10% of acreage dedicated to Town, developer/owner should then submit a revised plan showing the balance of acreage worked out in a cluster design. Mr. Dawson also stated the tax picture should be looked into since the Code permits a reduction in lot area of 3,125 square feet per single-family detached dwelling for cluster housing.

Motion was made by Mrs. Sherwood to adjourn meeting at 11:00 p.m.,
seconded by Mr. Corcoran.



ARTHUR WILL, SECRETARY
TOWN OF HAMBURG PLANNING BOARD

Next regular meeting: 11/24/76
7:30 p.m.