

TOWN OF HAMBURG PLANNING BOARD MINUTES

11/24/76

ACTIONS TAKEN:

SUNDANCE VILLAGE SUBDIVISION
PRELIMINARY PLAN
SCHOELLKOPF RD., ATHOL SPRINGS
WALDEN CLIFFS CUT-OFF RTE. 5 ROAD

PUBLIC HEARING. NO OPPO-
SITION. TOWN BOARD MUST
APPROVE OPEN SPACE MANAGE-
MENT PLAN.

MCDONALD'S RESTAURANT
TOWN HALL PLAZE
S.6000 SOUTH PARK AVENUE

REVISED SITE PLAN.
ADDITION TO BUILDING.
TABLED.

BUS STOP RESTAURANT
5007 LAKE AVENUE
JACK HILLMAN

REVISED SITE PLAN.
NO ONE APPEARED, REVISED
PLAN NOT SUBMITTED.

BRAYMILLER'S MARKET
GOWANDA STATE ROAD
MR. JACK DECARLO

REVISED SITE PLAN.
TABLED FOR CLARIFICATION
FROM ZONING BOARD OF APPEALS.

PENDING ITEMS:

PROPOSED OFFICE, WARD & KRUEGER REALTY, 4938 LAKE SHORE ROAD.
Application before Zoning Board of Appeals 12/7/76.
PHOTO MAT, TOWN HALL PLAZA; amend Town Hall Plaza Site Plan.

TOWN OF HAMBURG PLANNING BOARD MINUTES

11/24/76

The Town of Hamburg Planning Board members met in regular session on Wednesday, 11/24/76 at 7:30 p.m. Presiding was Chairman Recla and others present were Mr. Will, Mrs. Sherwood, Mr. Corcoran, Mr. McKenna, Attorney Benzinger, Consultant Dawson, Building Inspector Lauchert and Mrs. Beale, stenographer. Also present for the majority of the meeting, Mrs. Howes. Absent: Mr. Cook. Present: Councilman Schlehr.

Mrs. Sherwood made a motion to amend the minutes of the meeting of 11/10/76 as there was no second to the motion Mr. Will made a motion to approve the minutes of 11/10/76 as presented; seconded by Mr. Corcoran. Carried.

SUNDANCE VILLAGE SUBDIVISION, SCHOELLKOPF RD., ATHOL SPRINGS WALDEN CLIFFS ROAD AND ECKHARDT ROAD:

The following Legal Notice was read by Secretary Mr. Art Will:

<p>LEGAL NOTICE TOWN OF HAMBURG PLANNING BOARD APPROVAL OF SUBDIVISION PLAT KNOWN AS SUNDANCE VILLAGE LOCATED ON ATHOL SPRINGS - WALDEN CLIFFS ROAD, ECKHARDT ROAD AND SCHOELLKOPF ROAD</p>	<p>right angles to the last described line 300 feet to the west corner of Zeck; thence southeast at right angles to Athol Springs - Walden Cliffs Road 363 feet to the northerly line of Athol Springs - Walden Cliffs Road and the south corner of Zeck; thence southwest along the northerly right of way line of Athol Springs - Walden Cliffs Road 1142.75 feet to the northerly right of way line of Idlewood Road; thence west along the north right of way line of Idlewood Road 158.57 feet to the centerline of Eckhardt Road; thence north along the centerline of Eckhardt Road (west line of Lot 47) 1065 feet more or less to a point 960.0 feet south of the northwest corner of Lot 47; thence east parallel with the north line of Lot 47, 1091.38 feet; thence north parallel with the west line of Lot 47, 320.0 feet; thence west parallel with the north line of Lot 47, 1091.38 feet to the centerline of Eckhardt Road; thence north along the centerline of Eckhardt Road (west line of Lot 47) 640.0 feet to the point of beginning and containing 68 acres more or less.</p>
<p>NOTICE is hereby given that the Planning Board of the Town of Hamburg will hold a public hearing at the Hamburg Town Hall, S.6100 South Park Avenue, Hamburg, New York on the 24th day of November, 1976 at 8:00 p.m. E.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, and State of New York being part of Lot 47, Township 9, Range 9 described as follows: BEGINNING at the intersection of the centerline of Eckhardt Road (66' wide) with the centerline of Schoellkopf Road (66' wide), said point being the northwest corner of Lot 47; thence east along the centerline of Schoellkopf Road (north line of Lot 47) 2851.83 feet more or less; thence south 375 feet more or less to the northerly right of way line of Athol Springs - Walden Cliffs Road (100' wide) also known as the Lake Shore Cut-off; thence southwest along the northerly right of way line of Athol Springs - Walden Cliffs Road 1822 feet more or less to the east corner of lands conveyed to Dorothy Zeck; thence northwest at right angles to the last described line 363 feet to the north corner of Zeck; thence southwest at</p>	<p>FULL OPPORTUNITY to be heard will be given to all citizens and all parties in interest. EUGENE RECLA, Chairman Town of Hamburg Planning Board 11-18</p>

PUBLIC HEARING - SUNDANCE VILLAGE SUBDIVISION - CONTINUED:

Chairman Recla asked if anyone present wished to be heard in favor of this subdivision? Mr. Jacob Schoellkopf, V., owner was present and stated in keeping with the development laid out under the new Town of Hamburg Zoning Ordinance "cluster development", the open space concept is different from what has previously been done in the Town of Hamburg. He further stated that the future homeowners in this type development will derive many benefits from the large amount of open space, approximately 35% of the total area of the subdivision.

Mr. Schoellkopfs attorney James Rolls was also present; also Mr. Gertis of Tallamy, Van Kuren, Gertis, Thielman; Engineers, Surveyors & Planners.

Mr. Paul Schlehr of 125 Apollo Drive, Lake View, New York was present and stated he understands there are two (2) gas wells on the property in question and the Environmental Conservation Board had noted that there are building restrictions in that no buildings can be constructed within two hundred (200) feet of a gas well which would disallow the use of a number of lots on the plan. Mr. Jacob Schoellkopf, V. stated there is one (1) gas well in the southwesterly portion of the subdivision, as shown on the plan, and stated if there are regulations regarding building restrictions within two hundred feet of a gas well, he would comply with such regulations.

Chairman Recla asked if anyone present wished to be heard in opposition to Sundance Village Subdivision? No one voiced any opposition.

Chairman Recla asked three times if anyone wished to be heard for or against Sundance Village Subdivision, as there was no reply, Chairman Recla declared the public hearing closed.

Motion was made by Mrs. Sherwood that if expression from the Town Board as to approval of an open space management plan is not received by the Town of Hamburg Planning Board prior to the forty-five day time period from the date of Public Hearing of 11/24/76, the Town Planning Board will deny the Preliminary Plan covering Sundance Village Subdivision; seconded by Mrs. Howes. Carried.

Letter to be sent to Mr. Jacob Schoellkopf, V., owner and copy to Attorney James Rolls informing them of the above motion.

McDONALD'S RESTAURANT, TOWN HALL PLAZA:

Mr. Donald Fraser, contractor and Mr. Mark Holt, assistant manager of McDonald's Restaurant located in Town Hall Plaza appeared before the Board and submitted a revised Site Plan. Mr. Donald Fraser informed the Board the addition will be to the front of the building, will be an extension of the existing dining room and will provide an additional 56 seats bringing the total seating capacity to 112. Size of addition: 18' wide x 30' deep.

MCDONALD'S RESTAURANT ADDITION - CONTINUED:

Size of lot: 125' wide x 177.5' deep; 26 parking spaces on property and Mr. Donald Fraser stated that McDonald's Restaurant has an agreement between the Plaza owners on the use of common and mutual parking which gives McDonald's legal title for their customers to utilize the plaza for parking. (submitted copy of agreement)

As the existing free-standing sign falls within the proposed addition, it must be relocated and new location is shown on the revised plan. Application has been completed to the Zoning Board of Appeals for their meeting of 12/7/76 for relocation of the existing sign.

Mr. Paul Schlehr asked Mr. Fraser if provisions have been made for landscaping as the existing landscaping will be removed for the proposed addition. Mr. Mark Holt said he is sure the landscaping will be replaced when the addition is completed. Chairman Recla informed Mr. Holt the proposed landscaping must be shown on the revised plan.

The revised Site Plan covering proposed addition to McDonald's Restaurant was tabled pending Zoning Board of Appeals decision on relocation of the free-standing sign and proposed landscaping must be shown on revised plan.

BRAYMILLERS MARKET, GOWANDA STATE ROAD:

The Town of Hamburg Planning Board sent a letter to Mr. Jack DeCarlo, owner, dated 11/15/76 requesting a revised Site Plan with requested changes from the Planning Board and the NYS DOT.

Attorney Charles Tuppen and Mr. Jack DeCarlo were present and Attorney Tuppen informed the Board he had discussed the requests made by Mr. J. M. Galvin, Assistant Resident Engineer South Erie County, NYS DOT as per his letter dated 11/4/76 and Mr. Galvin had informed Attorney Tuppen this letter was only his suggestions. Attorney Tuppen informed the Board the existing guard rails have served to give good traffic control and the owner would not want to see them removed. He also stated that the cost to rebuild will be well over the insurance proceeds received and the owner feels he should have the flexibility of making the appearance of the reconstructed building and property up to his own discretion. Attorney Tuppen further stated that Mr. DeCarlo will be spending a great deal of money and certainly wants the proposed new business to be attractive as well as keeping the impression of a country farmer produce operation.

Chairman Recla informed Attorney Tuppen and Mr. DeCarlo that the object of Site Plan review is to have everything required shown on the Site Plan as the Board has found in the past that many times they have been guaranteed verbally that something will be done and if it has not been shown on the Site Plan, it is impossible to enforce a verbal agreement. Chairman Recla informed Mr. DeCarlo to submit a revised Site Plan to the Planning Board showing what he proposes to do and the Board will review same.

Planning Board member Mrs. Sherwood read Section 29-142, ARTICLE XXV Nonconforming Use Regulations: Restoration:

BRAYMILLERS MARKET, GOWANDA STATE ROAD, CONTINUED:

"Unless granted a variance by the Zoning Board of Appeals, no building or structure containing a nonconforming use which has been damaged by fire or other causes to the extent of 50% or more of its equalized assessed value, as determined by a Town Assessor of the Town of Hamburg, shall be rebuilt or repaired except in conformance with the regulations of this ordinance. In such reconstruction neither the floor area nor the cubical content of a nonconforming use shall be increased from the floor area or cubical content of the nonconforming use prior to the time of damage."

The minutes of the Zoning Board of Appeals dated 8/3/76 covering Application No. 1838 - Decarlo & Morabito Corp. to erect a concrete block building on Lot No. 9, T9, R8 located at S.6944 Gowanda State Road, Zoned: R-A., were read and the decision is as follows:

"Motion was made by Mr. Bruscia to grant permission to erect a new concrete block building with no part of building or overhang to be less than 50' from right-of-way; no saleable items or parking permitted in first 50' in front of building; seconded by Mr. Carberry." Carried.

Motion was made by Mr. Will to table Braymillers Market Site Plan for clarification from the Zoning Board of Appeals; seconded by Mr. Corcoran. Carried. Attorney Benzinger will contact W. Barry Mallon, Chairman of the Zoning Board of Appeals for such clarification.

OTHER ITEMS:

Chairman Recla reminded members of Erie County Planning Dinner Meeting at the Roycroft, East Aurora, New York on 11/29/76.

Motion was made by Mr. Will to adjourn meeting at 10:40 p.m., seconded by Mrs. Sherwood. Carried.



ARTHUR WILL, SECRETARY
TOWN OF HAMBURG PLANNING BOARD

Next regular meeting: 12/15/76
7:30 p.m.