

TOWN OF HAMBRUG PLANNING BOARD MINUTES
12/29/76

The Town of Hamburg, Planning Board members met in regular session on Wednesday, 12/29/76 at 7:30 P.M. Presiding was Chairman Recla; present were Mr. Will, Mr. Corcoran, Mrs. Howes, Mr. McKenna, Mr. Cook, Mrs. Sherwood, Attorney Benzinger; absent was Consultant Dawson;

Minutes of the meeting 12/15/76 were duly amended and approved on Motion of Mr. Cook, seconded by Mrs. Howes. Carried.

SUNDANCE VILLAGE SUBDIVISION - SCHOELLKOPF

The Board members briefly reviewed the preliminary plan of the subdivision as had been modified and approved at the December 15, 1976 meeting. The matter was taken off the table and was considered for final approval. It was moved by Mr. Will, seconded by Mr. McKenna that with the fact of the Town Board having approved and adopted creation of a park district for the method of management of the open space area in the subdivision, the subdivision plan be fully approved. Carried.

PETITION FOR AMENDMENT OF SIGN ORDINANCE

The Chairman presented for consideration a Petition which had been presented to the Town Board, filed in the Town Clerk's Office December 22, 1976, bearing signatures and identifications of some 47 commercial establishments in the Town of Hamburg requesting an amendment to Section 29-108 of Local Law No. 7, 1976, Town of Hamburg Zoning Board, referring to the prohibition of "portable signs". The Petitioners state that the code's prohibition of such portable signs is an unfair restriction on advertisement of products, and that such signs are not aesthetically detrimental and that use of same might increase business in the Town, provide jobs, etc. The Petition was forwarded to the Planning Board by the Town Board for review and recommendation.

After full discussion, the findings of the Planning Board were that the present sign ordinance as presently constituted effectively preserves and enhances the appearance of the Town of Hamburg while allowing broad latitude for every business to communicate with the public and convey commercial messages with sufficient strength and clarity; further that portable signs detract from the environmental standards which are felt to be the desires of the Town Board and the Planning Board; further that in the enactment

process of the present sign ordinance, three informational meetings and one public hearing were had, at which no objections to the probable sign prohibition were voiced or recorded.

The Chairmen will communicate with the Town Board as to these findings.

OPEN MEETINGS LAW

Attorney Benzinger gave a review of new legislation, amending the Public Officers Law, having to do with open meetings of public bodies performing governmental functions. The Planning Board reviewed its own pattern of conduct of its meetings and concluded that all meetings in the future at which formal business and decisions are made shall be held open to the public so as to fully comply with the spirit and intent of this new legislation. To satisfy the requirement for giving public notice of the meetings of the Planning Board, it was decided to request the Town Clerk to post notices in the Town Hall as to the routine scheduling of all regular meetings of the Planning Board, in the manner of the Planning Board meeting on Wednesday evenings at 7:30 following the Monday meetings of the Town Board.

The Board had general discussion as to its own procedure in making up its agenda for the regular meetings. It was decided that all applications and presentations for a regular Monday evening meeting were to be received by the Building Department up to and not later than noon of the Friday preceding a Monday *Wednesday* evening meeting. This provision was seen as necessary so as to allow Planning Board members proper and ample opportunity to inspect sites, study details of applications and presentations and perform necessary research.

Motion made by Mr. Will to adjourn at 9:30 P.M., seconded by Mr. Cook.

Eugene B. Reels

Arthur Will, Secretary
Town of Hamburg Planning Board

TOWN OF HAMBURG

BUILDING DEPARTMENT
S.6100 SOUTH PARK AVENUE
HAMBURG, NEW YORK 14075

DEVELOPMENT CHECK LIST

THE FOLLOWING INFORMATION MUST BE SUBMITTED TO THE BUILDING DEPARTMENT PRIOR TO THE PROCESSING OF YOUR APPLICATION:

1. Nine (9) copies of a site plan shall be provided and shall contain at least the following:
 - A) Area Map of location.
 - B) Property layout showing all dimensions, on 24" x 30" paper.
 - C) Location and size of all buildings (proposed & existing), showing side yards, rear yards, front setbacks and separations. Zoning dimensions enforced.
 - D) Layout of all off-street parking, showing: 1) access drives, 2) spaces (10' x 20' minimum), 3) barricades where required, 4) cross-section of the paving, 5) over all dimensions. It is suggested that the actual number of spaces be reviewed with the Building Department.
 - E) Drainage plan showing all receivers, size of connecting lines, points of connection to sewer, and grade elevations to ensure that no storm water will drain onto adjoining properties.
 - F) Layout of all drives showing:
 - 1) width (20' min.)
 - 2) radius (18' min.)
 - 3) reference dimensions from the nearest street intersection
 - 4) yield sign at each egress
 - G) Water line plan, showing sizes and type of meter. Any proposed Fire Service line should be approved by Erie County Water Authority.
 - H) Sanitary sewer plan showing rim and invert elevations.
 - I) Location of existing and proposed fire hydrants. Check for minimum specifications with the Town Engineer.
2. Two (2) copies of floor plans for each floor.
3. Two (2) copies of building elevations.

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4. Two (2) copies of plans showing any proposed fire fighting equipment in the building (risers, hose connections, etc.)
5. Plans and Site Plans with seal, signed by Architect or Engineer licensed in the State of New York. Also, they must be submitted to the New York State Department of Labor for review and reply received before building permit is obtained.
6. Statement as to the estimated daily sanitary sewage flow and anticipated number of employees. If appropriate.
7. The following items should be considered as part of the above, and included for review by the Planning Board.
 - a) All landscaping, trees, shrubs, etc., (to be labeled with name, type and size) and grass areas to be preserved. Effort should be made to provide as much grass area as possible. This is very important.
 - b) All existing trees, other than scrub growth, should be preserved if possible.
 - c) Trees should be provided along property lines where a change of ownership occurs.
 - d) In places where it is desirable to erect a fence to divide property, or to limit access, grassed berm area with plantings should be provided, in addition to type and height of fence proposed.
 - e) Boundaries between vehicle circulation areas and other areas should be curbed and shown curbed; or, if concrete wheelstops, or bumper high barricades are to be provided, these should also be shown.
 - f) Consideration should be given to pedestrian walkways requirements.
 - g) Consideration should be given to the design of safe, congestion free means of ingress and egress from the site. These areas should be kept clear.
 - h) Lighting should be provided and restricted to illuminating the building and/or premises only - shown if possible.
 - i) Land use information should be provided regarding adjacent properties within 100 feet of the subject parcel.
 - j) Location of sign - check Zoning Code.

SITE PLANS TO BE DISTRIBUTED TO:

- 3 Planning Board
- 1 Engineering Department
- 2 Traffic Safety Board
- 1 Industrial Committee
- 1 Conservation Committee *ENV. BOARD*
- 1 Recreation Department
- 1 Fire Department

REVISED: 3/19/75

COMMITTEE

MOUNT VERNON BUSINESS DISTRICT

Mrs. Kathy Triepel
28 Kennison Parkway
Hamburg, New York 14075
627-3960

Mr. Frank Warnes
S.4880 Lake Shore Road
Hamburg, New York 14075
627-9182

Mr. David R. Brooks
4882 Lake Shore Road
Hamburg, New York 14075
627-3060

Mr. Anthony Castiglia
S.4471 Lake Shore Road
Hamburg, New York 14075
627-2161

Mr. Paul J. Howe
137 Durham Road
Hamburg, New York 14075
627-2012

Mr. Arthur Banasiak
21 Mt. Vernon Boulevard
Hamburg, New York 14075
627-5567

Mrs. Lynn Schintzius
19 Morgan Parkway
Hamburg, New York 14075
627-9519

Mrs. Beulah E. Hippele
20 Morgan Parkway
Hamburg, New York 14075
627-5865

Mr. Joseph F. Rugnetta
133 Durham Road
Hamburg, New York 14075
627-7739

Mr. Michael Fitzgerald
219 Clifton Parkway
Hamburg, New York 14075
627-5810

Mr. Stanley Bratek
39 Van Peyma
Hamburg, New York 14075
unlisted

STATUS OF REZONING APPLICATIONS

AS OF 1-13-75

JACK KEIFFER (File 74-194)
S.4945 Southwestern Blvd.
R-F to Highway Commercial

- 3/27/74 Planning Board recommended to Town Board rezoning of this application as it is an extension of an existing Highway Commercial zoning.
5/13/74 Public Hearing. TABLED by Town Board.
1/13/75 APPROVED BY TOWN BOARD

M. KURTZ DIETZER (File 74-206)
Legion Drive & Franklin Street
R-2 & R-3 to Neighborhood Business

- 8/14/74 Tabled until special meeting regarding Prop. Land Use Plan (Planning Board).
9/11/74 Planning Board recommended to Town Board rezoning of application; is consistent with Future Land Use Plan.
10/ 8/74 Checked with Town Clerk's Office: Application has not been brought up at Town Board meeting.
11/25/74 Public Hearing Held - Tabled by Town Board.
1/13/75 APPROVED BY TOWN BOARD

WEST-HERR FORD INC. (File 74-219)
Corner of Sowles Road and Camp Road, north of existing car lot on north side of Sowles Road.
REZONING from R-F to Highway Commercial.

- 11/27/74 Tabled by Planning Board for further information.
12/11/74 Applicant advised to resubmit application showing R2 and R-F - Highway Commercial.
1/15/75 On Planning Board Agenda. Recommended to Town Board approval of this application; conforms to Land Use Plan.
2/24/75 PUBLIC HEARING - Town Board; tabled for 2 weeks.
3/10/75 DENIED BY TOWN BOARD


JOHN J. LAUCHERT,
BUILDING & ZONING INSPECTOR

JJL/sfb
cc: Leo J. Fallon
Walter Rooth
Councilmen (4)
Henry Leyh
Fred Clarke
Engineering Dept.

STATUS OF REZONING APPLICATIONS

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AGLIATA, PETER J.
Southwestern Boulevard
R-F to Highway Commercial

(File 75-225)

- 1/15/75 Tabled by Planning Board until on-sight inspection.
1/29/75 Planning Board recommended to Town Board denial of this application; lot in question is in single ownership; is less than one-half acre; Zoning is done by districts and this would constitute spot-zoning; also does not comply with Land Use Plan.
3/10/75 Application withdrawn - \$75.00 returned.

WALNOR REALTY CORP.
Camp Road & N.Y. State Thruway
R-F to Highway Commercial

(File 75-228)

- 2/12/75 Tabled by Planning Board for on-sight-inspection.
2/26/75 Recommended to Town Board rezoning; complies with Land Use Plan.
3/24/75 PUBLIC HEARING - Town Board - APPROVED.

FRANK'S PRODUCE DELIVERY, INC. (File 75-229)
1770 Bay View Road
R-F to Highway Commercial

- 2/12/75 Tabled for on-sight-inspection by Planning Board.
2/26/75 Recommended denial of this application to Town Board, spot zoning and does not comply with Land Use Plan.
3/24/75 PUBLIC HEARING - Town Board - TABLED.
4/14/75 Town Board Meeting - DENIED.

STATUS OF REZONING APPLICATIONS

WILLIAM G. SCHIFERLE
Versailles Plank Road
R-F to R-4

(F-75-234)

- 4/16/75 Referred to Planning Board by the Town Board.
Planning Board recommended to petitioner to amend
application to read: R-F to R-2 (first 500' off
Versailles Plank Road) R-4 (balance of property)
- 4/21/75 Letter received from Mr. Schiferles attorney amending
application to read: R-F to R-2 and R-4.
- 4/30/75 Planning Board recommended to Town Board rezoning of
the above property from R-F to R-2 and R-4, complies
with the Land Use Map.
- 7/14/75 PUBLIC HEARING - TOWN BOARD - 8:20 p.m. TABLED
- 9/ 8/75 Town Board - APPROVED.

ROBERT & RHODA SURMA
North Creek Rd. & Southwestern Blvd.
R-F - General Business

(F-75-239)

- 6/24/75 Referred to Planning Board by the Town Board.
- 6/26/75 Planning Board recommended to Town Board rezoning as
it conforms with the Land Use Plan. Part of this property
is already zoned G.B. and a restaurant is a permitted use
in a G.B. District. The request is to allow parking in
the new part to be rezoned, otherwise they would have to
remove many trees, flowers, shrubs & grass and this would
detract from the beauty of the property.
- 8/11/75 PUBLIC HEARING - TOWN BOARD - TABLED.
- 9/ 8/75 Town Board - APPROVED. - recommends ingress & egress from
Route 20 rather than North Creek.

WATERFALLS VILLAGE INC.
HOWARD ROAD near Camp Road
R-F and H.C. to R-6

(F-75-240)

- 6/24/75 Referred to Planning Board by the Town Board.
- 6/26/75 Planning Board recommended to Town Board rezoning of
Parcel #1 from H.C. to R-6; Parcel #2 from R-F to R-6
Parcel #3 from R-F to R-6; conforms with Land Use Plan.
Changing from H.C. to R-6 off Camp Rd. will permit another
access to the Mobile Home Park and will take some of the
traffic flow off Howard Road. The R-F portion ot be rezoned
is largely wooded and the lots will be 50' x 100' which
exceeds our present Code requirement.
- 8/11/75 PUBLIC HEARING - TOWN BOARD - APPROVED.

BENJAMIN J. NICOSIA & JACK KEIFFER (File 75-243)
 Bay View Road near Beetow Drive
 R-F to R-4 (see revision 8/22/75 R-F to R-2)

- 8/13/75 Referred to Planning Board by the Town Board. Planning Board recommends DENIAL of this application as R-4 zoning would permit both single and double dwellings and would not conform to the Land Use Plan or the surrounding area. Planning Board recommends applicants reapply for R-2 zoning which would permit single family dwellings only.
- 8/22/75 Applicants revised application requesting rezoning of this property from R-F to R-2.
- 9/10/75 Planning Board tabled.
- 11/12/75 Planning Board recommends to the Town Board rezoning of this property from R-F to R-2 as this conforms with the Land Use Plan, conforms with development of Beetow Drive adjacent street and will fill out the area surrounded by the Thruway, a Park and Hilbert College.
- 12/ 8/75 PUBLIC HEARING - Tabled, TOWN BOARD.
- 12/22/75 APPROVED BY TOWN BOARD.

LIBERATORE BROTHERS * (File 75-244)
 Scranton Road, north side, east of Wood Avenue
 R-4 to R-M

- 8/13/75 Referred to Planning Board by the Town Board. The Planning Board recommends to the Town Board rezoning this property to R-M as this conforms with the Land Use Plan, is consistent with the character of the neighborhood and would decrease the tax rate.
- 9/10/75 Letter dated 8/28/75, applicant requested postponement until after November 1975.
- 11/12/75 The Planning Board reviewed this application and found same to be incorrect, therefore, advised Mr. Liberatore to submit revised application.

LIBERATORE BROTHERS (File 75-245)
 5348 South Park Avenue (correct address: S-5412)
 R-4 to R-M (revised to read: R-2 to R-M)

- 8/13/75 Referred to Planning Board by the Town Board. Planning Board requests applicant revise application to read: R-2 to R-M as this property is presently zoned R-2.
- 8/22/75 Letter dated 8/22/75 from Mr. Liberatore stating the correct address on this application for rezoning should be S-5412 South Park Avenue and should read R-2 to R-M.
- 9/10/75 Planning Board tabled.
- 11/12/75 Planning Board suggested Mr. Liberatore revise application and request rezoning from Sprague Avenue north to cover Sub Lot's one thru seven.
- 12/10/75 Pending Legal Description Planning Board recommends to Town Board rezoning to R-M S.L. 1 - S.L. 6 in order to make existing use conforming; is continuation of R-M Zone; not out of character with neighborhood and add to economic tax value for Town.
- 12/22/75 Scheduled Public Hearing 1-12-76 - Tabled BY TOWN BOARD. APPROVED 1/26/76

STATUS OF REZONING APPLICATIONS

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LIBERATORE BROTHERS * (Revised) File 75-244
southside of Washington Street, north of Washington Square
east of Deacon Street
R-~~A~~ - R-M (to complete Washington Square complex-substituted
2 for application filed 8/6/75).

12/10/75 Referred to Planning Board by the Town Board.
Planning Board recommends to Town Board rezoning of
this parcel to R-M as it is a direct addition to an
R-M Zone; the pattern of development dictates this
zone and will increase tax revenue.
1/26/76 Public Hearing - Town Board - TABLED.
3/ 8/76 APPROVED BY TOWN BOARD. - with restriction Site Plan
be approved by the Town Board.

FRANK CIPRIANI and MARIO CIPRIANI File 75-254
Southwestern Boulevard (Rt. 20)
R-F to Highway Commercial

12/10/75 Referred to Planning Board by the Town Board.
Planning Board recommends denial to Town Board;
would be spot zoning, does not conform with Land Use
Plan; want to protect Southwestern from excessive
traffic generating business and suggest applicant look
into other areas along Southwestern already zoned
Highway Commercial.
1/26/76 Public Hearing - Town Board. (Rescheduled-per applicant)
2/23/76 Public Hearing - Town Board. TABLED for 2 weeks.
3/22/76 DENIED BY TOWN BOARD.
3/29/76 Majority was all that was needed to grant the application,
therefore, RE-ZONING PASSED.

FERDINAND GARCIA (File 76-255)
 Covering property at 120 Linden Avenue,
 60' south of Tracy Avenue
 from R-4 to Highway Commercial

- 1/28/76 Referred to Planning Board by Town Board:
 Tabled for on-sight-inspection.
- 2/11/76 Planning Board recommends to the Town Board denial
 of the re-zoning to Highway Commercial as this is an
 inappropriate zone, is in a secluded area and the Land
 Use Plan proposes General Industry Zoning.
 The Planning Board recommends to the Town Board re-
 zoning the entire R-4 area to General Industry as
 this would conform to the Land Use Plan.
- 11/15/76 Planning Board recommends to Town Board re-zoning from
 south boundary of S.L. 65 of Bayview Sub. all area northerly
 from R-A to M-2.
- 3/14/77 TOWN BOARD APPROVED from R-A to M-2.

STS. CYRIL & METHODY MACEDONIAN CHURCH
 Covering property at 4785 Lake Avenue
 between Abbott Road & McKinley Pkwy.
 (300' deep) from R-F to General Business

- 4-14-76 Referred to Planning Board by Town Board.
 Planning Board recommends re-zoning to General Business
 (300' deep) as conform with Land Use Plan and character
 of adjacent neighborhood.

J.F.S. INC. (Jake Schoellkopf, V.) (76-258)
 Covering property on Lake Shore Road and Lake View Road
 from R-F to Planned Development Revised: R-A & R-1 to R-2

- 5/12/76 Referred to Planning Board by Town Board. TABLED.
- 6/30/76 Tabled.
- 7/12/76 Planning Board recommends to Town Board re-zoning to R-2
 with the provision that it be developed in accordance
 with a cluster site plan acceptable to the Planning Board.
 The site plan must preserve a sizeable portion of the wet
 woodlands presently protected by the Conservation District.
- 8/ 9/76 TOWN BOARD - Public Hearing - Tabled.
- 8/23/76 Petition against re-zoning signed by 69 residents of area.
- 9/13/76 DENIED BY TOWN BOARD.

STATUS OF REZONING APPLICATIONS

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VIOLA KILLIAN

4004 Big Tree Road, being the northeast corner of Big Tree Road and Bryant Street from R-2 to C-1. Petitioner requests, under provisions of § 29-170, that this property be returned to the status of C-1 as this property was zoned Neighborhood Business before the recent townwide zoning change.

6/30/76 Town Board referred to Planning Board. TABLED.

7/14/76 Planning Board recommends to Town Board rezoning to C-1, the equivalent of Neighborhood Business under old Code.

8/ 9/76 TOWN BOARD - Public Hearing - APPROVED, re-zoned to C-1.