

**Legal Notice**  
**Town of Hamburg Planning Board**  
**Agenda June 21, 2006**

The Town of Hamburg Planning Board will conduct a regular meeting on June 21st, 2006 in Room 7B of Hamburg Town Hall at 7:30 p.m. to discuss the following applications:

1. Public Hearing Spruce Ridge Subdivision - Abel Road (7:30 p.m.)
2. Johnson's Country Store - S. Western Blvd.
3. Recommendation on Vanderbilt Properties-S. Western & Amsdell
4. Tractor Supply - Burke Business Park - Southwestern Blvd.
5. Mission Hill single family homes - Camp Road
- 6 Parker Commons - Parker Road
7. Walmart & Benderson Projects - Brierwood Plaza S. Western Blvd.
8. Hopevale Townhomes - Heatherwood Drive
9. First Niagara Bank - Lake Shore Road
10. Rezoning Request - Mike Schmidt

**Gerard Koenig, Chairman**  
**Paul Eustace, Secretary**  
**Planning Board**

**Dated: June 8, 2006**

**Town of Hamburg Planning  
Board Meeting June 21st, 2006  
Actions Taken**

**Spruce Ridge 3 lot Subdivision  
Abel Road  
John Armbruster**

**Approved preliminary**

**Johnson's Country Store  
4783 Southwestern Blvd.**

**Approved additional parking lot contingent  
On Engineering**

**Vanderbilt Properties  
Rezoning from R-A to  
PUD - for 148 units**

**Favorable recommendation to Town Board  
Split vote - 3 against, 4-favorable**

**Tractor Supply  
Burke Business Park  
Southwestern Blvd.**

**Approved contingent on Eng. To go to  
ZBA for reduced parking**

**Mission Hill single family  
and patio homes  
Camp Road**

**Tabled to July 5<sup>th</sup> Work Session**

**Walmart Super Center &  
Benderson project at  
Brierwood - S.Western Blvd.**

**Studies being prepared**

**Parker Commons 38  
patio homes - J. Kalstek  
Parker Road**

**Prepare preliminary**

**Hopevale Town Homes  
Burke Builders  
off Heatherwood**

**Proceed to preliminary - W.S. 7-5-06**

**Treehaven Subdivision  
Change in setbacks from 20'  
to 17' - lots 110 to 116 only**

**Change approved**

**Schmidt Rezoning  
S.Western Blvd. From M2 to C-2**

**Fav. Recommendation to Town Board**

**Town of Hamburg  
Planning Board Meeting  
June 21st, 2006**

The Town of Hamburg Planning Board met for a regular meeting on Wednesday, June 21st, 2006 at 7:30 p.m. in Room 7B of Hamburg Town Hall. Those attending included: Chairman Gerard Koenig, Vice-Chairman David Phillips, Secretary Paul Eustace, Sasha Yerkovich, Karen Rogers, Richard Taber, Steve McCabe. Others attending include Rick Lardo, Drew Reilly, Attorney Michael Fruth, Attorney Don McKenna, Councilman Cavalcoli, and Terry Dubey, Stenographer.

**Spruce Ridge Subdivision II - Abel Road - Public Hearing, 7:30 p.m.**

Secretary Eustace read the following Legal Notice of Public Hearing:

**LEGAL NOTICE  
TOWN OF HAMBURG  
PLANNING BOARD  
SPRUCE RIDGE  
SUBDIVISION II  
ABEL ROAD**

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 3 lot subdivision known as Spruce Ridge Subdivision (II) for John Armbruster on June 21st at 7:30 p.m. in Room 7B of Hamburg Town Hall.

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 No. 20, T-R, R-8 of the Holland Land Company's survey, bounded and described as follows:

Beginning at a point in the center line of Abel Road, said center line being the west line of Lot No. 20 and the north-west corner of lands conveyed to John and Sally Armbruster by deed recorded in the Erie County Clerk's office in liber 9667 of deeds at page 445; running thence southerly 233.83 feet to a point; said point being the center line of Abel Road; running thence easterly at right angles 224.75 feet to a point; running thence northerly parallel to the center line of Abel Road 242.04 feet to the north line of Lot 20, running thence westerly along the north line of Lot 20, 224.75 feet to the point or place of beginning.

**GERARD KOENIG, Chairman  
PAUL EUSTACE, Secretary  
Planning Board**

Dated: 6-8-06

Chairman Koenig declared the hearing open.

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522  
Email: [engineering@townofhamburgny.com](mailto:engineering@townofhamburgny.com)

Supervisor  
STEVEN J. WALTERS

Councilmen  
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GERARD M. KAPSIK, P.E.



Town Attorney  
VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 6/21/06

SUBJ: 6/21/06 PLANNING BOARD MEETING AGENDA  
Spruce Ridge Subdivision - Abel Road

The following are review comments on a preliminary plat plan dated May 2, 2006:

- (1) The sublots can be serviced by the existing sanitary sewer and watermain.
- (2) The required map cover should include all of the sublots currently owned by the developer.
- (3) The existing homes along Abel Road do not have public sidewalks. We have no objection to waiving the public sidewalk requirement.

All comments are to be addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

# TOWN OF HAMBURG

S-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111 • FAX (716) 649-4087



Supervisor  
STEVEN J. WALTERS

Town Attorney  
VINCENT J. SORRENTINO

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Supt. of Highways  
JAMES F. CONNOLLY

June 28, 2006

To Whom It May Concern:

Subject: Spruce Ridge Subdivision

Attached are minutes of the meeting of June 21st, 2006 on the Public Hearing for Spruce Ridge Subdivision on Abel Road.

The preliminary was approved contingent on Engineering on 6-21-06. See Attachment

Very truly yours,

Town of Hamburg Planning Dept.

*Andrew C. Reilly*  
Andrew C. Reilly, Planning Consultant

ACR:tad

**Spruce Ridge Sub. (Cont.)**

Mr. John Armbruster appeared before the Planning Board on a 3 lot subdivision to be located on Abel Road. The overall project of more than 4 lots constitutes the filing of a map cover. The sewer is located across the street and that is what Mr. Armbruster has been waiting for. The sidewalk requirement can be waived.

Chairman Koenig asked 3 times if anyone wished to be heard for or against the subdivision. Hearing no comments, the hearing was declared closed.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to issue a negative declaration on the project, approve the preliminary contingent upon Engineering; waive the sidewalk requirement, and a map cover showing all lots is to be filed. Carried.

**Johnson's Country Store - 4783 Southwestern Blvd.**

Mr. Al Johnson of Johnson's Country Store appeared before the Planning Board on an additional parking lot to be located to the right of his building. At the present time, he shares a parking lot with Gullo's Garden Center. The NYS Dept. Of Transportation has granted permission for a curb cut, and the current plan must be amended conditioned upon Town Engineering approval for engineering details. (See attached memo). The driveway is located a bit differently because of the guy wires.

Motion was made by Mr. Phillips, seconded by Mrs. Rogers, to amend the site plan showing an additional parking lot; that all Engineering items are to be addressed, that concrete bumpers are to be provided along the side of the building and that upright concrete curbing or parking bumpers are to be used in the parking area. Carried.

**Vanderbilt Properties - Amsdell & Southwestern Blvd. Recommendation to Town Board**

Mr. Drew Reilly informed the board that this is a rezoning request for a large subdivision to be located on Amsdell and Southwestern Blvd. The proposal is to change the zoning from R-A, Residential Agricultural, to PUD. The Town Board saw some merit in this project and referred it to the Planning Board for review. However, this proposal does not conform to the master plan. An amendment is to be made to the plan as well as rezoning approval. The question is where do we draw the line?

Mr. Dave Stapleton gave a short over-view of the active adult retirement community. This evening, they brought new images showing the entranceway and street scape. They anticipate creating something that has not been done in our area. This is a very creative project great for this location, and they would like the Planning Board's support.

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Supt. of Highways  
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 6/21/06

SUBJ : 6/21/06 PLANNING BOARD MEETING AGENDA  
Revisions to Johnsons Country Store - 4783 Southwestern Blvd.

The following are review comments on a plan for a proposed parking lot layout for the above-referenced property dated 7/05:

- (1) The 1990 rezoning of this parcel and 6/13/90 site plan approval provided site access for this property through one common driveway with the Gullo Garden Center.
- (2) The drawing does not show any proposed changes on the east side of the building. What use is intended for this area?
- (3) The site is located within the Southwestern Boulevard Overlay District. Landscaping for the site should be reviewed accordingly by the Planning Board.
- (4) Show the existing sidewalk and curbing along Southwestern Blvd. on the drawing. The proposed driveway and drainage work within the Southwestern Blvd. right-of-way are to be approved by the New York State Dept. of Transportation (NYSDOT). We are unable to approve the plan prior to NYSDOT review and approval of the work in their right-of-way.
- (5) Upright concrete curbing is to be provided along the driveway and adjacent to the parking spaces in front of the store. Remove the notes regarding future parking area.
- (6) Include the appropriate detail drawings for the sanitary sewer vents and cleanouts located within the pavement area.
- (7) Show the locations of the parking lot lighting.

- (8) Show the proposed garbage dumpster location properly fenced and placed on a concrete pad.

All comments are to be satisfactorily addressed for approval.



Gerard M. Kapsiak, P.E.  
Town Engineer



Richard J. Lardo  
Principal Engineer



Vanderbilt (Cont.)

Reports were also prepared by Drew Reilly, Planning Consultant, as well as one from Steve McCabe stating his position on the matter.

Chairman Koenig pointed out that in his opinion, this parcel is far away from Lakeview and is a logical place for this type of project. The sewer district ends there and we should entertain the proposal.

Mr. Phillips disagreed. He stated that there are active farms in the Lakeview area, and this was once an active farm.

Mrs Yerkovich stated that 10 years ago, it was the intent that the Lakeview area remain rural. However, eventually someone is going to request that the property go to R-1, residential. An R-1 zoning could be a detriment to the Lakeview area as this parcel is surrounded by another PUD, namely Brierwood Estates, as well as a medical facility across the street. I would like to see this line extended another 700' so that the Villas at Brierwood could go forward. Another project in the future might be worse than this proposal. The project will be privatized with paid infrastructure.

Mr. McCabe noted that he wants to see green space protected in the Town and would like to see a compelling reason why we should change the zoning.

Mrs. Gail Vara, executor of her father's estate, stated that her dad died in 1998. So far, they have had 300 different developers come forth with proposals. The property has been held in the family for 70 years and her dad knew that eventually the farm land would go to something else. She is the last one of 9 children and her dad was a "man of the soil". This property is no longer a working farm. One hundred forty-eight units are proposed and the applicant would be saving wood hedges. Lakeview is two miles down the road. This proposal is a compromise of sorts and this is what the family wants.

Mr. Taber pointed out that he has some concerns. The Conservation Board has expressed concerns. I have not been involved with the master plan update and would like to measure the positive benefits of the project.

A sewer investigation has been done. Test pits were located along the water line. It is feasible to tie in across Amsdell Road on the north side and come into frontage on Amsdell Road.

A public hearing will be held at the Town Board level and it is up to the members of the board to make the final decision. Also, a public hearing is to be held to amend the master plan.

Mr. Paul Eustace stated that he is in agreement with Mr. McCabe. I feel the project is too dense. We are not gaining any green space. It is a great project but not in that location.

Villas at Brierwood (Cont.)

Mr. Bob Elardo asked about the restrictions that will be attached. Response is that this project will be designed for adults over 55 and empty nesters. There will be 4 unit attached condos in a ranch type setting, and handicap accessible. Children will not be restricted. There will be a club house, walking paths, and private roads. The units will run in the vicinity of \$200,000 and above.

Mrs. Rogers asked as to how many units will be proposed initially? Mr. Stapleton responded that there is a demand for these units, and the club house will be built first along with 20 units immediately to full build out. There will be 2 commercial pieces in the front and Route 20 is being widened to take in more traffic. There will be one main entrance and an emergency access.

Mr. Steve Matlock stated that right now we have more commercial empty buildings and yet our taxes keep going up. I don't like to see the way Hamburg is going. I think this project would make it worse. Why bother with a master plan.

Councilman Cavalcoli responded that the master plan has been done 3 times. It is a document written to guide the Town and to look at all the economics and environmental changes that will be happening in the next 5-10 years. We are now 9 years into the document. This guide is set up to meet the Town's needs now and in the future. Southwestern Boulevard is now becoming a 5 lane highway.

Mr. John Armbruster asked if the applicant could go to another spot in the Town. Response given is that there is no other location that would accommodate a project of this size.

Chairman Koenig asked for a recommendation to rezone from R-A, Residential Agricultural to PUD for Villas at Brierwood, and to amend the master plan. Mr. Reilly explained that the first resolution should be for a negative or positive recommendation, call for a public hearing, look for lead agency status, and amend the master plan, as there are concerns to be addressed.

Motion was made by Mr. McCabe, seconded by Mr. Phillips to forward a Negative recommendation to the Town Board. (In favor, Steve McCabe, D. Phillips, Paul Eustace). (died for lack of majority).

Motion was made by Mr. Koenig, seconded by Mrs. Yerkovich to forward a favorable recommendation to the Town Board for rezoning of the parcel for Vanderbilt Properties on Amsdell and Southwestern Blvd. From Residential Agricultural to PUD, and to amend the Master Plan. In favor, Karen Rogers, Sasha Yerkovich, Gerard Koenig, Richard Taber. Carried.

Split vote 4-3.

Mrs. Yerkovich noted that she has concerns on other parts of Lakeview to remain rural, and if there is a way to strengthen that resolve. Councilman Cavalcoli responded that this can be done with the next Master Plan.

# *Villas At Brierwood*

## **Please consider :**

1. We have conducted a search for a site in Hamburg with the appropriate PUD or R3 zoning for over a year. The PUD sites are all currently occupied. The locations with R3 zoning are either built out or far too small for the creative design type of community we are proposing. In essence, there is a lack of sites however there is a large demand for this type of housing which will only increase as the baby boomer generation retires over the next 15 to 20 years.

2. The comprehensive plan is a well written document that took a great deal of work and deliberation by many parties to complete. The rezoning for our project is in keeping with many of its primary objectives even within the Lakeview Overlay District :

- “Accommodate a variety of residential housing types in the community”- our proposed project will bring a new highly desirable lifestyle for many of Hamburg’s present and future residents.
- “ Provide for adequate buffering of future development”- the proposed Villas @ Brierwood incorporates a large buffer/greenspace along the entire eastern boundary. There are large interior open spaces. The neighborhood walking community will provide an appropriate transition from the commercial, PUD and residential development to the north of the site and the larger open/conservation areas in the Lakeview area south of the site.
- “ Fiscally responsible development “
  - \* the development infrastructure is being installed and paid for and maintained privately
  - \* Large tax benefits for the Town and School district due to Private infrastructure and only a few student .
  - \* Residents of our communities typically have a larger than average amount of expendable dollars per capita, which benefits local merchants, restaurants, service providers.
  - \* During the 4 to 5 years construction the project will provide employment for 105 workers with an estimated \$3,360,000.00 in annual wages and salary.
  - \*The 28000 sq. ft of mixed retail and office space should provide full time employment for an estimated 73.5 workers with a total of \$880,000 annually of wages and salary. The gross output of the businesses would be an estimated \$2,000,000.00 ( source: Urban Land Institute)
  - \*The Southwestern Boulevard Overlay District requires development to be “**creative in design and to provide aesthetics through landscaping**”.
- incorporate large open spaces with ponds and professionally designed and maintained landscaping.. It will be a unique and attractive addition to the street scape in this area.

3. **Low Impact :** The *Villas at Brierwood* at only 3.79 homes per acre is lower than the 3.87 homes per acre normally allowed in an R1 district with less impact to services than single family homes. ( R3 zoning in Hamburg allows up to 20 units per acre and can be over 3 stories high)

Thank you for your consideration and support of the *Villas at Brierwood*.

# TOWN OF HAMBURG

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Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 6/21/06

SUBJ: 6/21/06 PLANNING BOARD MEETING AGENDA  
Vanderbilt Properties, Southwestern Blvd. near Amsdell Road  
Proposed Rezoning RA to PUD.

The following are review comments on the above-referenced rezoning application dated 3/10/06:

- (1) The site is not located within a water district. A water district extension will be required for the project, due to a public watermain extension being necessary to service the site.
- (2) Per 5/19/06 correspondence from the Erie County Water Authority (ECWA), the developer's engineer is to determine if there is adequate pressure and flow to service the site.
- (3) The site is not located in a sanitary sewer district. A sewer district extension will be required to service the site. A downstream sewer capacity analysis is necessary to be performed in compliance with NYSDEC requirements.
- (4) The parcel is located within the Southwestern Overlay District.
- (5) Storm water detention will be required for the development.
- (6) A secondary access roadway to the condominium area should be provided.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

Villas at Brierwood (Cont.)

Mr. Reilly is to prepare packets and a synopsis of the history of Vanderbilt for the Town Board. (There will be one Town Board meeting in July and August).

**Tractor Supply - Burke Business Park - Southwestern Blvd.**

Messrs. David Ede and Robert Zuccala of Erdman Anthony appeared before the Planning Board on the site plan for Tractor Supply. The applicant presented a rendering of the aesthetics of the building. There will be a squared off vestibule with red and white integrated block. The rest of the building will be off white and a reddish brown. They have tried to address all the Engineering concerns. The site plan meets the conditions of the rezoning. The Dept. Of Transportation has stated that it will be up to the Planning Board to decide if there is to be a restricted entrance with no left turns out, to work with the applicant for a raised median, or to allow no restrictions. The Traffic Safety Board stated that there should be some type of physical barrier for a safer situation. Tractor Supply will be a low volume traffic generator.

On parking, Tractor Supply will not use that many parking spaces and should apply to the Zoning Board for a variance.

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to approve the site plan subject to implementation of Engineering items as outlined in the 6-21-06 memo, that on item 3, waive the cross easement; that there be a restricted left hand turn lane as outlined on the present drawing. Carried.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to forward a favorable recommendation to the Zoning Board for a reduction of parking spaces as this type of business does not need as many as required by zoning. Carried.

**Mission Hill single family and patio home complex - Camp Road**

Chairman Koenig pointed out that he has in front of him a petition containing 300 signatures from residents of Brook Gardens to have a 100' buffer to differentiate Brook Gardens from the Mission Hill project. They want trees preserved and there is a great deal of wild life that will be disrupted with this project.

Mr. Cliff Krumm and Brian Piotrowski, developer, appeared on behalf of the project that is zoned R-4. A sketch plan was presented showing that the property is located on Camp Road before one reaches the underpass. The project consists of 100 acres of land, with single family units and patio homes. A boulevard entry way is planned. One hundred nine lots are anticipated on one side with a detention pond. There are federal wetlands on the property. They will be 150' away from the railroad tracks. On the southeast corner, there will be a recreation complex.

Mission Hill (Cont.)

The Conservation Board noted that when they did an on site, an odor was very prevalent. Mr. Krumm explained that if water is sitting in the pump station, it becomes septic. The problem can be solved by adding oxygen procedures which is the sewer district's responsibility. There will be 213 units less than the original 390 mobile home units. On single family, 109 units are proposed and 114 will be patio homes ranch style. There will be a minimum of 15' between structures. They would like to change the setback to 25'. There will be a homeowner's association for the entire project with a second for zero lot line units. Snow plowing and mowing will be taken care of.

Mr. Dennis Witt has a major concern with the elimination of trees.

Mr. Les Phillips asked if there is a demand for this type of housing? He also expressed concern about light standards in bedroom windows. He also asked how large the units will be. Response is that the homes will run between 1800' to 2000'. The patio homes will be 1400' to 1800'. Concept is acceptable. Applicant to proceed to site plan. Item to be on July 5<sup>th</sup> work session.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to table. Carried.

**Parker Commons - Parker Road**

Messrs. M. Borowiak and J. Kalstek appeared before the Planning Board on a cluster design known as Parker Commons consisting of 38 lots for patio homes. This has been an on-going project in the sketch plan phase.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to give a positive recommendation for the sketch plan, waive the length of the road requirement, and start the Lead Agency process. Carried.

**Walmart and Benderson Retail at Brierwood - Southwestern Blvd.**

Messrs. Todd Markovich, Engineer, and Attorney Neil Madden appeared before the Planning Board on the proposed Wal-Mart Super Center. Mr. Markovich explained that they have revised the site plan, and changed from angle to perpendicular parking to increase land area, provide a buffer, and eliminate the retaining wall to increase more green space. The out parcel size has gone from .7 to .95 acres. Nine hundred eighty parking spaces have been provided.

Mr. Markovich then reviewed the Table of Contents and they have 75% of the document completed. The document includes wetland reports, traffic reports, with attachments, drainage calculations, flows, Town and DEC requirements. This includes Benderson's part of the project. Reports should be completed by the end of the month. Copies will be mailed to the Planning board. On the out parcel, there will be a restaurant of some type (3-4,000 s.f. building).

A letter was received from Paul Wilson of the Lake Shore Fire Company on the access to Rogers Road.

Mr. Tony Battista noted that there are two changes for the Benderson portion. A 50' buffer has been provided with the elimination of one access point. The facade on the back of the building facing Rogers Road will be colored block. There will be decorative cornices and lighting. The buildings will be set down at a 4' drop. They will cut and fill and part of the building will be raised and another part lowered. They will also provide a landscaped slope. Reports will be completed by the end of the month.

Mrs. Pat Matlock asked about the traffic and how the studies will be done. Mr. Reilly explained that they are doing traffic counts as required by the DOT manual. They have added 8-9 intersections including Amsdell and Abel Roads. They also refer to ITE manuals.

A question was raised about pesticides from the garden center. Response: There are storm water regulations that require quantity and quality. There will be no outdoor storage of pesticides. The State and Engineering will review these plans.

Mr. Tim Rhodie of Southwestern Boulevard noted that he is concerned with 6 lanes and the turning lane, as he will not be able to get out of his driveway as the lane is 15' from his bedroom window. He will have to put up with headlights and noise. The turning lane is 30' away from his living room.

Mr. Richard Rochelle asked how it came about that Walmart decided to go to Brierwood. There will be more traffic. Response given is that the property is zoned correctly, and many people have been asking for a grocery center for years.

Gail Vara spoke in favor of the project and noted that the signals should be simultaneously activated .

Motion was made by Mr. Phillips, seconded by Mr. Eustace to Table. Carried.

### **Hopevale Town Homes - off Heatherwood**

Messrs. Mike Borowiak and David Burke appeared before the Planning Board on a sketch plan for 58 units for townhouses. This is a 14.80 acre parcel, zoned R-3, for a townhouse community. There is a flood plain that will be avoided and public sewer and water is available. There will be a recreation area and a trail system. Since this is a sketch plan, the applicant is looking for direction. The units will be similar to Sawgrass Court townhouses. An emergency access is to be provided. The square footage of the units will run between 1400 s.f. to 1900 s.f. A drainage study will be done. The units will be a one floor plan.

Applicant was advised to proceed to preliminary. Motion was made by Mr. Phillips, seconded by Mr. McCabe to table to July 5<sup>th</sup> Work Session. Carried.

**Michael Schmidt Rezoning - 2 Bay Car Wash - Southwestern Blvd.**

Mr. Reilly explained that this is a rezoning request from Industrial to Commercial for a 2 bay car wash between the Jiffy Lube and the self storage facility on Southwestern Blvd. The proposal will require a Special Use Permit and site plan review.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to forward a favorable recommendation to the Town Board as this is a down-zoning from industrial to commercial, and an effective use of the parcel. Carried.

**Treehaven Subdivision - change in setbacks for lots 110 to 116**

A letter was presented by Tom Lewin asking for a change in setbacks for patio homes that are located on the cul de sac in Treehaven Estates. They have a setback requirement of 20' and need to reduce it to 17'.

Motion was made by Mr. Phillips, seconded by Mrs Yerkovich to approve the change as requested on sub lots 110 to 116 Only. Carried.

Minutes of the meeting of May 3<sup>rd</sup> were approved on motion by Mr. Phillips, seconded by Mr. Eustace. Carried.

Minutes of the meeting of May 17<sup>th</sup> were approved on motion by Mr. McCabe, seconded by Mr. Phillips. Carried.

Motion was made to adjourn by Mr. Phillips, seconded by Mr. Taber. Carried. Meeting adjourned at 11:30 p.m.

Respectfully submitted,

Paul Eustace, Secretary  
Planning Board



# TOWN OF HAMBURG

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Supt. of Highways  
JAMES F. CONNOLLY

June 21, 2006

To: The Town Board

Rezoning Request for Michael Schmidt - from M2 to C-2, Gen. Commercial for a car wash

At the meeting held June 21, 2006, the Planning Board made a favorable recommendation for the Michael Schmidt rezoning for a car wash, next to Jiffy Lube, on S. Western Blvd.

Motion was made by Mr. Phillips, seconded by Mr. Eustace that the recommendation is favorable as this is a down zoning to commercial.

*B. Koeng*  
Gerard Koeng, Chairman  
Paul Eustace, Secretary  
Planning Board

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## ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522  
mail: [engineering@townofhamburgny.com](mailto:engineering@townofhamburgny.com)

Supervisor  
STEVEN J. WALTERS

Councilmen  
D. MARK CAVALCOLI  
KATHLEEN COURTNEY HOCHUL  
JOAN A. KESNER  
THOMAS J. QUATROCHE, JR.

Town Engineer  
GERARD M. KAPSIK, P.E.



Town Attorney  
VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 6/21/06

SUBJ: 6/21/06 PLANNING BOARD MEETING AGENDA  
Proposed Michael Schmidt Rezoning Southwestern Blvd.

The following are review comments on the above referenced rezoning application:

- (1) This parcel was subdivided from the Hamburg Self Storage parcel in 2000. We could not locate any record of Planning Board approval of the subdivision.
- (2) Sanitary sewer and water service is available to the site.
- (3) Storm water detention will be required for the project.
- (4) The legal description does not match the survey. Revise as necessary.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

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# TOWN OF HAMBURG

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Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.


DATE: 6/21/06

SUBJ: 6/21/06 PLANNING BOARD MEETING AGENDA  
Wal-Mart - Southwestern Blvd. near Rogers Road

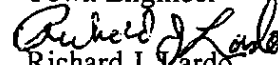
The following are review comments on a sketch plan dated 11/21/05 and last revised on 3/17/06:

- (1) It appears that an additional parcel is being created along Route 20. Minor subdivision approval may be required.
- (2) The site location map has several errors. Revise as necessary, removing the private driveways.
- (3) The site is located within the Southwestern Overlay District.
- (4) Curbed landscape islands should be provided along the front of the building.
- (5) The proposed traffic signal and other work within the Route 20 right-of-way are to be reviewed and approved by the New York State Department of Transportation (NYSDOT).
- (6) We have concerns regarding infiltration/inflow into the existing private sanitary sewer servicing the site that will need to be addressed. It is necessary that the private sewer be studied and repaired/replaced as necessary up to its connection to the Town sewer system on Rogers Road.
- (7) Existing utility lines (sanitary sewer, storm sewer, and water) are to be relocated so that they are not running beneath the building.
- (8) We will review the site plan when it is properly prepared and submitted in accordance with the site plan review check list.

All comments are to be satisfactorily addressed for approval.

  
Gerard M. Kapsiak, P.E.

Town Engineer

  
Richard J. Lardo  
Principal Engineer

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Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 6/21/06

SUBJ: 6/21/06 PLANNING BOARD MEETING AGENDA  
Brierwood Plaza, Southwestern Blvd. at Rogers Road

The following are review comments on a sketch plan dated June 2005 and last revised on 4/25/06:

- (1) Public sanitary sewer is available along the west side of Rogers Road.
- (2) The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.
- (3) The site is located within the Southwestern Overlay District.
- (4) We will review the site plan when it is prepared and submitted in accordance with the site plan review checklist.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

Volunteer Fire  
Rogers Road  
1075



4519 MAIN STREET • AMHERST, NEW YORK 14226 • PHONE: (716) 839-4212 • FAX: (716) 839-4228  
June 14th, 2006

To the Town of Hamburg Planning Board Chairman,

We are requesting a change in the front yard set back location for the patio home, private drive, cul de sac lots in Treehaven Estates. This is solely for lots 110-116. The map cover has not been filed at this time.

Originally we had proposed a 20' set back which is fine for the rectangle lots. Due to the nature of Cul De Sac lots, the rear yard does get shorter and this has caused a rear yard set back problem. We are requesting the front yard set back on lots 110-116 be set at 17' from the lot line in lieu of 20'. The code only calls for a 10' set back so we do not violate that. The utility easement is 15' so we do not encroach on that. All homes will have 2 car garages as well as parking for 2 cars in the driveway so I think that is a non issue. I have spoken with the utility companies and they are O.K. with this proposal.

Alternatives to solve the set back problem would be to create deeper back yards but that is difficult because the rear yard set back must be 25% of the lot depth. Therefore we would need to extend the rear yards 12' into the green space to obtain 3' of required rear yard. Also, the rear yard drainage is now installed. As well as lots 113, 114, and 115 might encroach on the stream and detention pond at the back of them. We could severely modify the plan but that causes other problems. We would lose the continuity of our 3 elevations. It would not be similar to the model which makes them very difficult to sell. By making them shorter and wider we run the risk of not meeting side yard requirements no less I have not been able to create a plan that would accomplish this.

Therefore we respectfully request that we be allowed to amend the front yard set back to 17' on lots 110-116.

Sincerely,

Thomas E. Lewin

TEL/suz

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s from

June 21, 2006

Memo To: Planning Board

From: Planning Department

Re: June 21, 2006 - Planning Board Agenda - Status of application

The following outlines the status of the projects on the 6-21-06 Planning Board agenda:

1. Spruce Ridge Subdivision: This project appeared before the Planning Board on 6-7-06 and a Public Hearing is set for 6-21-06 for preliminary approval. The applicant will have to submit a final plat plan for approval by the Planning Board at a subsequent meeting because these lots, together with lots previously approved, are considered a major subdivision (will require County Realty Subdivision approval).

Action: Potential preliminary approval and SEQR determination

2. Johnson's Country Store: The petitioner is requesting Planning Board approval of an additional curb cut and installation of a new parking area on to Southwestern Blvd. Originally, as approved, Johnson's Country store was to share a curb cut with Gullo's (the business to the east of Johnson's). However, the applicant now proposed to construct additional parking on the west side of the existing building and create his own driveway to Southwestern Blvd.

Action: Site plan amendment approval for a new parking area and approval of the Additional curb cut on Southwestern Blvd.

3. Vanderbilt Properties: At the 6-7-06 Planning Board meeting, the Planning Board was given D. Reilly's report on the request to amend the master plan to allow for a PUD. The Planning Board members will discuss this memo and the request further at the 6-21-06 meeting and possibly pass a recommendation on the Town Board or request additional information.

Action: Possible recommendation to the Town Board on the PUD request and master plan amendment.

4. Tractor Supply: The Town board recently approved the Burke Business Park rezoning, of which this project will be a part. The Planning Board discussed this project on 6-7-06 and the petitioner is looking for site plan approval on 6-21-06.

Action: Possible site plan approval

5. Mission Hills Development: This project was introduced to the Planning Board on 6-7-06 and is to be located on property that was previously approved for a mobile home park. Issues of concerns on 6-7-06 included the delineation of the existing wetlands on the site, a secondary means of access to the site, traffic concerns and the crossing of a floodway on the site. The need for a supplemental EIS was also discussed.

Action: Sketch plan direction

6. Parker Commons: The Planning Board authorized the petitioner to utilize cluster development on 5-17-06, stipulating that no more than 38 lots can be developed. A revised cluster sketch was presented to the Planning Board on 6-7--06 for its review.

Action: Sketch plan direction

7. Walmart/Benderson: On 6-7-06 the Planning Board was given copies of a table of contents for the EIS to review. The applicant plans to submit an enhanced SEQR Part 3 based on the table of contents provided and is hoping for a Negative Declaration by the Planning Board based on the information contained in the Part 3, or direction in producing a DEIS.

Action: Further discussion regarding information provided and whether a Negative Declaration or Positive Declaration is warranted.

8. Hopevale Town homes: This project was introduced to the Planning Board on 6-7-06. Issues of concern included increased traffic, a possible secondary means of access and the required green space associated with a town home project. In general, the plan appears to meet zoning requirements.

Action: Sketch plan direction

9. First Niagara Bank: This project last appeared before the Planning Board on 4/19/06, at which time the applicant was directed by the Planning Board to attempt to negotiate with Benderson for a shared access to their existing building so as to remove the proposed access to Orchard Avenue. The Planning Department has been informed that negotiations between First Niagara Bank and Benderson are still ongoing.

Action: The applicant has requested the project to be tabled.

10. Rezoning request – Michael Schmidt: The applicant proposes to rezone a 3.27-acre parcel of land on Southwestern Boulevard from M-2 to C-2 for the purpose of constructing a state of the art car wash facility. The Town Board referred the request to the Planning Board on 6/12/06.

Action: Possible recommendation to the Town Board on the rezoning request (Most probably at the meeting in July)



## Notification Requirements

Based on my memo of 3/1/06, input from the Zoning Code Review Committee, and comments from the Town Board, the following changes should be made to the Town's Laws:

### A. Subdivision Regulations

1. Add requirement for Public Hearing for Major Subdivisions to require Notifications (mailings) to adjacent property owners.
2. At the public hearing have a sign-in sheet for those people that want notification concerning future actions on the subdivision.
3. When a Preliminary Plat has been completed that had to meet conditions of the Planning Board, the Town shall notify those people that signed up for notification at the public hearing. These plans will be available for comment for 10 days, prior to signature by the Town. If issues are raised by the public that cannot be resolved with Town staff, the Preliminary Plat will be returned to the Planning Board for their input prior to signing the plat.
4. Final plats need to be sent to the Planning Board for their review, prior to signature and filing.

### B. Site Plans

1. Site Plan Approvals will require a public hearing to be set. Public hearings will require the typical notice in the appropriate Town newspaper, and will require notification to adjoining property owners.
2. At the public hearing, a sign-in sheet for those people that want notification concerning future actions on the Site Plan will be provided.
3. If a Site plan Approval is issued by the Planning Board with specific special conditions, individuals on the notification sheet will be contacted when the final Site Plan is submitted to the Town. The Site Plan will be available for review for 10 days prior to signature by the Town. If issues are raised by the public that cannot be resolved with the Town staff, the Site Plan will be returned to the Planning Board for their input prior to signing the Site Plan.

# TOWN OF HAMBURG

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CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 6/21/06

SUBJ: 6/21/06 PLANNING BOARD MEETING AGENDA  
First Niagara Bank (adjacent to 4923 Lake Shore Road)

The following are review comments on a site plan dated 3/22/06:

- (1) The existing Wanakah Pharmacy building was subdivided from the main parcel. Therefore, subdivision approval is required for the project. A separate address will be assigned for the proposed bank.
- (2) The proposed driveway to Orchard Avenues does not align with Woodlawn Avenue. The driveway should be relocated for proper alignment.
- (3) Note that a New York State Department of Transportation (NYSDOT) permit is required for work within the Lake Shore Road highway right-of-way. We are unable to approve these plans prior to NYSDOT review and approval of work in their right-of-way.
- (4) The building address will not be No. 4923. Remove the address from the drawings.
- (5) The 4/7/06 comments submitted by the Shoreline Revitalization Committee are to be appropriately addressed.
- (6) We will review the site plan when it is prepared in accordance with the site plan review checklist.
- (7) The site is located within the Route 5 Overlay District.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

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Supt. of Highways  
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 6/21/06

SUBJ : 6/21/06 PLANNING BOARD MEETING AGENDA  
Hepevale Town Homes - Heatherwood Drive

The following are review comments on a sketch plan dated May 12, 2006:

- (1) The site is located in a sanitary sewer district. A downstream sewer capacity analysis is necessary to be performed in compliance with NYSDEC requirements.
- (2) The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.
- (3) The proposed one outlet street layout exceeds the maximum street length of 500 feet, required in Town Subdivision Regulations Section 230-22. A secondary or emergency outlet should be provided.
- (4) The segment of the private drive to the south is to terminate as a 50 feet radius cul-de-sac.
- (5) Stormwater detention will be required for the project.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer



# Town of Hamburg Conservation Advisory Board

S-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075

June 21, 2006

To: Planning Board - Drew Reilly

From: Conservation Advisory Board

Subject: Hopevale Townhouses

On Friday, June 16th, Messrs. Carnevale, Gregory, Nichols and Spittler examined the Hopevale site.

Surface conditions, at the time, were relatively dry.

In addition to the floodplain, we found a flowing stream with 2"-4" of water on the trail at the eastern end of the site. We could not locate the source of the stream on site, but a subsequent review of a USGS topographic map indicates the headwaters of the stream maybe in the Sowles Rd. Area; which would indicate a rather large watershed feeding the stream. The vegetation on the site is not remarkable, however, the site is a good wildlife habitat.

We recommend that a wetland delineation and a surface drainage study be done prior to any further action on this site.

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VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 6/21/06

SUBJ: 6/21/06 PLANNING BOARD MEETING AGENDA  
Parker Commons Subdivision

The following are review comments on a preliminary plat plan dated 6/2/06:

- (1) The site is tributary to Erie County Sewer District No. 3 (ECSD No.3). The district should be contacted to determine if there is sufficient available capacity in their system to service the site.
- (2) The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.
- (3) Storm water detention will be required for the development.
- (4) The proposed one outlet street exceeds the maximum street length of 500 feet, as required in Town Subdivision Regulations Section 230-22. A secondary or emergency outlet should be provided.
- (5) The proposed street horizontal curves are to have a minimum radius of 150 feet, as required in Section 230-22.
- (6) Provide a detail drawing for the proposed landscape berm.
- (7) The private road is to have an asphalt pavement width of 26 feet.
- (8) We have not received an acceptable survey and legal description for the subdivision.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

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Supt. of Highways  
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 6/21/06

SUBJ : 6/21/06 PLANNING BOARD MEETING AGENDA  
Mission Hill Subdivision - Camp Road

The following are review comments on a sketch plan dated May 2006:

- (1) The site is located in a sanitary sewer district. A downstream sewer capacity analysis is necessary to be performed in compliance with NYSDEC requirements.
- (2) The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.
- (3) A portion of the site is not located in a water district. A water district extension may be required for this project.
- (4) The proposed one outlet street layout exceeds the maximum street length of 500 feet, required in Town Subdivision Regulations Section 230-22. A secondary or emergency outlet should be provided.
- (5) New York State Department of Transportation (NYSDOT) approval is required for work within the Camp Road right-of-way.
- (6) Stormwater detention will be required for the project.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

# **TOWN OF HAMBURG**

## **ENGINEERING DEPARTMENT**

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VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 6/21/06

SUBJ: 6/21/06 PLANNING BOARD MEETING AGENDA  
Tractor Supply - Southwestern Blvd.

The following are review comments on a site plan issued 5/12/06:

- (1) We are unable to approve the site plan prior to the Planning Board's approval of the subdivision to create the parcel.
- (2) We are unable to approve the site plan prior to approval of the construction plans for the Hamburg Business Park Development Project.
- (3) The Planning Board previously approved a cross-access easement on the south side of the Meridia parcel west of this site that is not being utilized.
- (4) Concrete curb is required for both entrances and for the parking spaces along Southwestern Blvd. and the building.
- (5) Curbing or other appropriate protective measures are required between the parking area driving lane and the stormwater detention basins.
- (6) The cul-de-sac off the Southwestern Blvd. entrance driveway serves no purpose and should be eliminated.
- (7) Show the location of any proposed garbage dumpsters. They are to be placed on a concrete pad and fenced.
- (8) Concrete aprons are required for both entrance driveways.
- (9) A New York State Department of Transportation (NYSDOT) permit is required for work within the Southwestern Blvd. right-of-way. We are unable to approve the site plan prior to NYSDOT review and approval of the work within their right-of-way.

- (10) We will review the sanitary sewer and water services to the site after approval of the constructions plans for the Hamburg Business Park utilities.
- (11) The site is located within the Southwestern Overlay District.
- (12) The landscape plan is to be approved by the Planning Board.
- (13) The Design Engineer should contact this office to discuss the stormwater plan and circulation.

All comments must be addressed for approval.



Gerard M. Kapsiak, P.E.  
Town Engineer



Richard J. Lardo  
Principal Engineer





STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
125 MAIN STREET  
BUFFALO, NY 14203  
WWW.DOT.STATE.NY.US

ALAN E. TAYLOR, P.E.  
REGIONAL DIRECTOR

THOMAS J. MADISON, JR.  
COMMISSIONER

June 21, 2006

Andrew Reilly  
Town of Hamburg Planning Department  
S-6100 South Park Avenue  
Hamburg, NY 14075

RE: SEQR/SITE PLAN REVIEW  
Tractor Supply Company  
Southwestern Boulevard  
Town of Hamburg

Dear Mr. Reilly:

We have reviewed the information submitted for the subject project and have the following comments:

- If the Site Plan is approved by the Town with left turn restrictions at the driveway on Southwestern Boulevard, then we prefer that the hatched island is removed and either a raised island is provided or appropriate signing is installed indicating the left turn restrictions. We can review the driveway design details during the Highway Work Permit process.
- A NYSDOT Highway Work Permit will be required for the work within the State Highway Right-of-Way. Additional site engineering review will be done as part of the Highway Work Permit process. This letter does not constitute approval for the purposes of a Highway Work Permit.

If you have any questions or comments, please contact me at 847-3575.

Very truly yours,

EDWARD S. RUTKOWSKI, P.E.  
SEQR/Site Plan Review Coordinator

ESR//lls

Post-it <sup>®</sup> Fax Note	7671	Date	6/21/06	# of pages	1
To	DREW REILLY		From	ED RUTKOWSKI	
Co./Dept.		Co.	NYSDOT		
Phone #		Phone #	847-3575		
Fax #	648-0151		Fax #	847-3080	

# TOWN OF HAMBURG

S-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111 • FAX (716) 649-4087



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Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

DATE:

6/27/06

PLANNING BOARD  
APPLICATION:

Johnson's Country Store

APPLICANT/AGENT  
ADDRESS:

Al Johnson  
Johnson's Country Store  
4783 Southwestern Blvd.  
Hamburg, NY 14075

The above referenced application was given **CONDITIONAL/PRELIMINARY** approval by the Town of Hamburg Planning Board at their meeting on Wednesday, 6/21/06. Please be aware that the attached **additional** requirements are necessary for final approval(s) of any Site Development Plan, Minor Subdivision, or Major Subdivision. The Town prohibits any construction prior to obtaining a Building Permit. To obtain a Building Permit, signed final plan approvals are required to be issued by the Town of Hamburg Planning Board and Engineering Department. Please conduct all activities and discussion directly with the appropriate departments to avoid delay. Representatives of these departments can be reached at:

Town of Hamburg Engineering Department: (716) 649-6111, ext. 350

Town of Hamburg Planning Department: (716) 649-2023

APPROVALS REQUIRED:

Engineering Department	(✓)
Building Inspection	( )
Planning Department	( )
Highway Department	( )
Traffic Safety Advisory Board	( )
Other: <u>See attached</u>	(✓)

CC: Building Inspection  
Engineering

**\*THANK YOU FOR YOUR COOPERATION\***

Johnson's Country Store

Additional Conditions:

1. Concrete bumpers are to be provided along the side of the building
2. Upright concrete curbing or parking bumpers are to be used in the parking area.

**Town of Hamburg  
Planning Board Work Session  
Actions Taken**

World Gym  
Camp Road  
Mark Messina

Approved with conditions