

TOWN BOARD MEMBERS PRESENT:

Steven J. Walters	Supervisor
Michael Quinn	Councilman
Cheryl Potter-Juda	Councilwoman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk;
Mary Dosch, Sr. Account Clerk; Walter Rooth III, Town Attorney; Craig Cwick, Deputy Town Attorney; Michael Williams, Chief of Police; Kurt Allen, Supervising Code Enforcement Officer; Drew Reilly, Planning Consultant

Drew Reilly, Planning Consultant, comments that the Planning Department has one item on the agenda from a person that has been before the Code Review Committee with a rezoning request to rezone property on Heltz near Lakeview Road. It is currently zoned C-2, which is the highest commercial zoning in the Town, and he would like to build a single family home. He is asking to down zone the property to R-A. This area of the Town has a lot of large single family homes. This is the second step of the process which would be to refer it to the Planning Board for their review. They should also consider taking another look at the zoning of surrounding properties that are single family homes but are zoned commercial.

Drew Reilly comments that the developer for the Shaw & Shaw rezoning is present to discuss that issue. They have already held the public hearing and the Berkley square residents did have some issues. They were concerned about traffic and buffers for the adjoining residential multi-family property as well as aesthetics.

Larry Best, Developer, comments that this is a family project. The plan is for 48 Units, 4 - 12 unit buildings. He then reviews the plan with the Town Board. They will be luxury apartments renting at around \$950 to \$975.00 per month. They will be 1,000 square feet on the first floor and 1,050 square feet, which includes a loft, on the second floor.

Mr. Reilly comments that they can control the size of the units, as part of the plan, but they cannot control the rental price.

Councilman Quinn comments that he talked to Mr. Ziemba from the Berkley Square Homeowners Association and was informed that they are concerned about the traffic and so is the Superintendent of Frontier Central. Is there any reason this could not be exited onto South Park?

Mr. Reilly responds that the first proposal exited out to South Park and they told them that the better entrance would be on the side road. They would be unable to make a left onto South Park because of heavy traffic. They asked the developer to try to match where Reilly Boulevard comes in. The School District was happy when they put Reilly Blvd in because now all the busses go down that road to get out to Southwestern. They believe the residents in Berkley are able to get out onto Big Tree and also now go through the new roundabout. The developer

believes that they will not make the traffic any worse. This is a low use, does not generate a lot of traffic and with Reilly Blvd there they can exit that way.

Councilman Quinn questions how many parking spaces will be available.

Mr. Best responds that there is enough room to do 2 spaces per unit.

Councilman Quinn then comments that Mr. Ziembra was also concerned with drainage. Some adjacent units in Berkley Square sit lower than the proposed plan.

Mr. Reilly comments that the Town Engineer reviewed the plans and commented that this will help the drainage in the area because when they develop the site they will take all the runoff and consolidate it. They will not be making any formal decisions tonight. They will be giving him directions as to what other information they need to get up to speed on the project.

Councilman Quinn comments that Mr. Ziembra is also concerned about water pressure.

Mr. Reilly responds that Erie County Water Authority now owns the system. He would have to check with them on that issue.

Mr. Best comments that they have spent several thousand dollars on engineering costs and they cannot close on the property until they are approved for the rezoning. They don't want to spend any more money on all the other engineering costs until they know if the rezoning will be approved.

Mr. Reilly comments that they will have to have enough information to feel comfortable with traffic impact, water and drainage. He then explains that when the Town approves rezonings they can put reasonable conditions on that rezoning.

Mr. Reilly then reviews a packet he put together on everything he discussed this evening. (attached)

The Town Board discusses the appointment of the new Police Officer.

Councilman Quinn comments that he is concerned about the resolution concerning the Community Center Renovation Project.

Supervisor Walters comments that it needs to be discussed in Executive Session.

The Town Board discusses three late resolutions from the Finance Department. The first creates and funds a bridge fund capital reserve and the second pays for a bridge that was repaired in 2013 and approves payment from that bridge fund capital reserve. The third resolution has to do with funding a deficit in the Highway Budget due to the town's self-insured hospital and medical insurance.

Councilman Quinn comments that he has some late resolutions. The first one is for the Safety Committee appointments. The second is appointing him to the Hamburg Industrial Development Agency Board. The other one concerns the Chiefs contract. The last one is to try and put Mr. Mikac on as Director of Buildings and Grounds at the same salary Mr. Dash had with no benefits as a part time position.

The Town Board reviews the resume and qualifications of the Police Officer to be appointed from the agenda.

1.

On a motion of Supervisor Walters, seconded by Councilman Quinn, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

RESOLVED, that the Town Board move into Executive Session at 6:42 pm on a personnel matter and pending litigation.

Town Clerk

Hamburg Town Board
Work Session
Planning Items
1/27/2014 Meeting

1. Shaw/S. Park Rezoning - C-1 to R-3 (NC)

Project History

- a. Brought to code Review on April 3, 2013 and Code Review found merit in the requested rezoning. Referred request to the Town Board.
- b. Town Board entertained the rezoning on April 22, 2013 and referred it to the Planning Board.
- c. Planning Board met on May 1, 2013, September 18, 2013 and October 16, 2013, and recommended the rezoning.
- d. Town Board called a Public Hearing on October 28, 2013 and the Public Hearing was held on November 25, 2013.
- e. Project/action has been tabled since.

Why Rezoning Entertained

- a. Site is located in the Residential/ High Density Mixed Use area of the Comprehensive Plan.
- b. The area includes a higher use zoning category of C-2 and it abuts a PUD Zoning Area with multi-family components.
- c. The South Park corridor has been planned for higher density residential development. A lot of R-3 Zoning exists from Quinby Drive to Big Tree Road.

Issues

- a. At the Public Hearing, residents were concerned about traffic on Bayview and at the S. Park/Bayview intersection.
- b. Concerns were also raised about proper screening of the buildings and the aesthetics of the proposed buildings.

Actions Needed

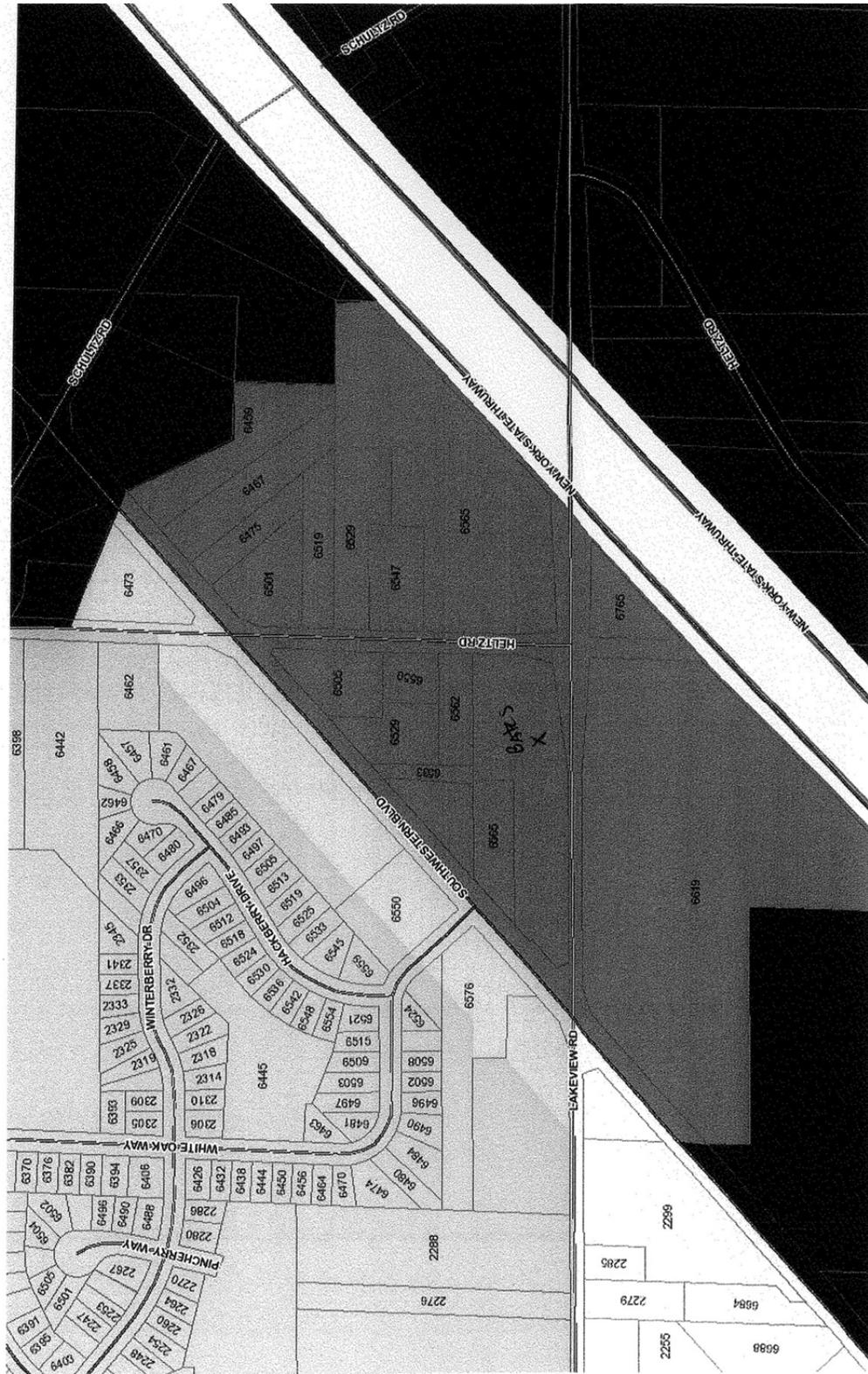
- a. Town Board needs to provide direction to the Planning Department on its decision. This direction could include one of the following:
 - Direct the Planning Department to put together a SEQR Negative Declaration and an approval resolution for the next meeting.
 - Refer the project back to the Planning board for further review and comments.
 - Direct the Planning Department to get additional information on problems (traffic, aesthetics, etc.) from the applicant.
 - Direct the Planning Department to draft a Positive Declaration requiring the applicant to complete an EIS.

2. Bates Rezoning – Heltz Road : C-2 to R-A

- The applicant has requested the rezoning in order to construct a single family home. This rezoning request has appeared before the Code Review Committee and has received its recommendation for the Town Board to entertain this request.
- The project is waiting for the Town Board's decision on whether to entertain the rezoning request and refer it to the Planning board for review and recommendation.
- The property in question is surrounded by C-2 zoning, but the area includes many large single family homes.
- The Town Board is obligated to respond to this individual request, but the Planning Department would recommend that if this request is entertained, the Town investigate this entire area. If this property is rezoned, we need to make sure that potential future C-2 development is properly buffered from the residential areas.

3. Outstanding Planning issues at the Town Board

- a. Electronic Signage Moratorium – In place; awaiting recommendation from committee on Law Amendment.
- b. Several local law amendments have gone through the “process” and are awaiting a decision on moving forward. Please review the attached documentation.



Hamburg Planning Board 2013 Year-End Summary of Activity**SITE PLANS**

1. L A Fitness – Positive recommendation to Town Board
2. DATO Development garages (north side of Lake Avenue) – Approved
3. Erie Cty. Ag. Society Discovery Building (5600 McKinley Parkway) – Approved
4. Suburban Adult Services, Inc. (vacant land west of 3054 Abbott Road) – Approved
5. Gullo's Garden Center addition to greenhouse (4767 Southwestern Boulevard) – Approved
6. John Kuebler (vacant land, east side of McKinley Parkway) – Reapproved
7. Hamburg Brewing Co. (6553 Boston State Road) – Approved
8. Benderson Development (Tim Horton's at 7 Corners) – Approved
9. Roger Duffett (north side of Maelou Drive) – Revised site plan approved
10. Care-A-Lot Daycare Center (5479 Lakeshore Road) – Approved
11. Sherwood Meadows Apartment project – Under review
12. Russo Development parking area (Old Milestrip Road) – On hold
13. Sharma Medical Complex (Pleasant Avenue) – Under review
14. Ralph Sardo BBQ facility (Gowanda State Road) – On hold
15. Armor Inn Tap Room (5365 Abbott Road) – On hold
16. Nidus Development (5793 South Park Avenue) – On hold
17. Villages at Mission Hills Apartments, Phase 2 – On hold
18. Jolie Mandell proposed physical therapy office (5401 Lakeshore Road) – Under review
19. Roger Duffett (Maelou Drive) – Approved a revised site plan

REZONINGS

1. Pleasant Creek Development Subdivision (R-A to R-2 and R-3) – Positive recommendation to Town Board
2. Lockwood's Greenhouses (4262 Clark Street from R-3 and M-1 to C-1) – Positive recommendation to Town Board
3. Dan Plesac (6595 Gowanda State Road from C-1 to NC) – Positive recommendation to Town Board
4. Shaw Properties – (vacant land north of 4819 South Park Avenue from C-1 to NC) – Positive recommendation to Town Board
5. Golf Car City (4856 Lake Avenue from M-1 to C-2) – Positive recommendation to Town Board

SUBDIVISIONS

1. Ainslee Two-Lot Subdivision (5781 Old Lakeshore Road) – Preliminary Approval granted
2. Sean Wall Two-Lot Subdivision (4241 Quinby Drive) – Preliminary Approval granted
3. Patricia DiChristopher Two-Lot Subdivision (vacant land, north side of North Creek Road) – Preliminary Approval granted
4. Elizabeth Fadale Two-Lot Subdivision (2571 Lakeview Road) – Preliminary Approval granted
5. Dan Howard Five-Lot Subdivision (northwest corner of Bayview Road and Big Tree Road) – Preliminary Approval granted
6. Brian Bates Two-Lot Subdivision (north side of North Creek Road) – Preliminary Approval granted
7. Dana Weller Three-Lot Subdivision (west side of Boston State Road) – Preliminary Approval granted

8. Georgianne Peluso (4515 East Highland Avenue) – Preliminary Approval granted
9. Willow Woods 49-Lot Subdivision (Taylor Road) – Findings to Approve issued and Preliminary Approval granted
10. Sgroi Two-Lot Subdivision (Woodland Drive) – On hold
11. Eddy & Lewin Homes 29-lot subdivision (south of Sowles Road) – Under review
12. Pleasant Development Subdivision (Pleasant Avenue) – Under review

Special Use Permits

1. Joe's Auto Service (3756 Pleasant Avenue) – On hold

MISC

1. Brooks Pharmacy (4481 Lakeshore Road) – Positive recommendation to Code Enforcement regarding a proposed Electronic Variable Message sign
2. Benderson Development (southwest corner of Southwestern Boulevard & McKinley Parkway) – Approved the design of the new building to be constructed in the Tops plaza
3. Review of proposed Code changes and zoning map revisions – Positive recommendation to Town Board

Local Law Adoption
 Zoning Code amendment Process
 (Assume Type I SEQR)

Project: _____

<u>DATE</u>			
_____	<input type="checkbox"/>	PD	1. Issue is brought to Code Review Committee and is placed on Agenda.
_____	<input type="checkbox"/>	PD	2. Code Review committee Meeting and recommendations made.
_____	<input type="checkbox"/>	PD	2a. Resolution pre-filed with Town Clerk no later than Thurs. before TB meeting.
_____	<input type="checkbox"/>	TB	3. Town Board entertains proposed law. <ul style="list-style-type: none"> • Refer to Planning Board • Begin SEQR Lead Agency process • Complete County 239-m Referral
_____	<input type="checkbox"/>	PD	4a. Planning Board reviews and recommendations.
_____	<input type="checkbox"/>	PD	4b. Planning Department completes Lead Agency and 239 referral.
_____	<input type="checkbox"/>	PD	4c. Reso. calling Public Hearing is pre-filed no later than Thurs. before TB meeting.
_____	<input type="checkbox"/>	TB	5. Town Board sets Public Hearing.
_____	<input type="checkbox"/>	Legal	6. Town publishes Public Hearing Notice; to appear in paper a minimum of _____ days prior to Public Hearing.
_____	<input type="checkbox"/>	Legal	7. Notification to adjoining property owners, if affecting specific property.
_____	<input type="checkbox"/>	TB	8. Public Hearing is held.
_____	<input type="checkbox"/>	PD	9. Review of all correspondence and Public input.
_____	<input type="checkbox"/>	Legal	-Any Petitions received?
_____	<input type="checkbox"/>	PD	10. Planning Department, when authorized, prepares SEQR resolution and approval resolution. Also prepares Draft Part 2 and if necessary Part 3 of EAF, and Negative Declaration.
_____	<input type="checkbox"/>	PD	11. Resolutions and support documentation are pre-filed with the Town Clerk no later than the Thursday (before 12:00) before the Town Board meeting (copy sent to sponsoring councilmember and Legal Department).
_____	<input type="checkbox"/>	TB	12. Town Board issues Neg. Dec. and approves Local Law (Filed with Town Clerk).
_____	<input type="checkbox"/>	Legal/PD	13. Supervisor signs and checks box on the EAF.
_____	<input type="checkbox"/>	Legal	14. Local Law is published in the paper, and filed with New York State.
_____	<input type="checkbox"/>	PD	15. Publish SEQR Negative Declaration notice in ENB.
_____	<input type="checkbox"/>	PD	16. Send "report" to County on 239 Action.
_____	<input type="checkbox"/>	TC	17. Put appropriate materials in the Town file.

PD = PLANNING DEPARTMENT

LEGAL - LEGAL DEPARTMENT

TC = TOWN CLERK

Pre-File Supervisor Walters
6/24/13 Town Board Meeting

Whereas, the Hamburg Town Code contains and specifies the local laws and ordinances of the Town of Hamburg, and the Town of Hamburg Zoning map represents the Zoning of land within the Town, and

Whereas, the Hamburg Code Review Committee evaluates issues and complaints made concerning the Town's codes and the Town's Zoning map, and assists with the implementation the Town's Comprehensive Plan, and

Whereas, the Hamburg Code Review Committee has prepared recommendations for amendments to the Town's Zoning map based on conformance to the Comprehensive Plan, implementing recommendations of the Comprehensive Plan, and resolving site specific issues and problems, and has recommended these amendments to the Town Board, and

Whereas, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law to be known as Proposed Local Law # 9, 2013, which proposes to amend the Town's Zoning Map as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Town Zoning map as follows:

1. Rezone 5768 South Park Avenue (SBL# 183.05-2-13) from M-1, Industrial Park-Research and Development District to NC, Neighborhood Commercial District.
2. Rezone 5661 Camp road (SBL# 183.09-3-16.22) from M-1 to C-2, and the rear portion of 5543 Scranton road currently zoned M-1 to R-3, and a portion of a vacant parcel (SBL# 183.09-3-17) from M-1 to R-3.

REZONE THE FOLLOWING PROPERTIES TO PR Park/ Recreation Lands DISTRICT:

3. Locksley Hamburg Town Park/Beach 4420 lakeshore Rd. (consisting of one parcel SBL #170.05-1-11): Existing Zoning R-1 Single Family Residence District.
4. Erie County Eighteen Mile Creek Parkland. consisting of parcels North Creek Rd. SBL # 194.00-5-7.1 and Hickox Rd. SBL # 195.00-1-64: Existing Zoning R-A Residential Agricultural District
5. Eighteen Mile Golf Course consisting of one parcel 6374 Boston State Rd. SBL # 196.00-1-17.11: Existing Zoning R-A Residential Agricultural District and R-3 Multifamily District
6. Taylor Road Recreation Facility 6765 Taylor Rd. (consisting of one parcel SBL #196.00-3-1): Existing Zoning R-A Residential Agricultural District
7. Town Ice Arena/Park (Nike Base) 2982 Lakeview Rd. (consisting five parcels, SBL # 194.00-4-13, SBL # 194.00-4-14, SBL # 194.00-4-15, SBL # 194.00-4-16 and SBL # 182.00-4-72): Existing Zoning R-A Residential Agricultural District

,and

Whereas, the Town would like to start the process of considering these zoning map amendments, and in accordance with SEQR regulations, the Town Board would like to establish itself as SEQR Lead Agency, and refer these proposed zoning map amendments to Erie County in accordance with General Municipal Law section 239-m and to appropriate surrounding communities under 239-nn.

Pre-File Supervisor Walters
6/24/13 Town Board Meeting

Whereas, the Hamburg Town Code contains and specifies the local laws, and ordinances of the Town of Hamburg; and

Whereas, the Hamburg Code Review Committee has evaluated these regulations based on questions raised by various entities, and

Whereas, the Hamburg Code Review Committee has prepared draft language for these proposed amendments and recommended them to the Town Board, and

Whereas, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law to be known as proposed Local Law # 8, 2013, as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Hamburg Town Code as follows (full copies attached):

Amend Article XLIV of the Zoning Code (Chapter 230) by adding a new section 280-307.2, entitled "Landscaping Installation Certification".

Amend Chapter 230, Subdivision of Land, under Article VI: Final Plan Requirements, by adding a new item, "G." under section 230-3 that addresses Landscaping certification.

Add a new Chapter entitled, "Plowing".

Amend Section 280-203 D. "Signage", by deleting paragraph (7), and renumbering the rest of the section.

Amend Section 280-258, "Signs permitted in the NC district", by changing the size of sign allowed in the district as follows, "... not exceeding 20 square feet in area..."

Amend Section 280-277, "Permitted obstructions in Required Open Space", by adding a new paragraph E., which is entitled, "Screening and Location Requirements for Dumpsters and Refuse Containers, Service and Parking Areas"

,and

Whereas, the Town would like to start the process of considering these zoning revisions, and in accordance with SEQR regulations, the Town Board would like to establish itself as SEQR Lead Agency, and refer these proposed code revisions to Erie County in accordance with General Municipal Law section 239-m and to surrounding communities under 239-nn.

Now, Therefore, Be It Resolved, that the Hamburg Town Board refers these proposed amendments to the Hamburg Planning Board for review and recommendation, and the Planning Department is authorized to conduct a coordinated SEQR process, and complete 239-m and 239-nn referrals to Erie County and surrounding communities.