

Work Session  
March 7, 2005  
S-6100 South Park Avenue  
Hamburg, N.Y. 14075

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman

Also Present:	Catherine Rybczynski	Town Clerk
	James Spute	Finance Director
	Christopher Hull	Director of Community Development
	Kurt Allen	Supervising Building Inspector

WORK SESSION

6:00 P.M. - 6:10 P.M. RESOLUTIONS

6:10 P.M. - 8:00 P.M. EXECUTIVE SESSION  
(PERSONNEL & LEGAL MATTERS)

Supervisor Hoak asks for a moment of silence in memory of Donald Cook who served on the Planning Board in the 1970's.

**I.**

**BE IT RESOLVED**, that the Town Board accept the high bid of \$14,000 per year from Mary Nosky for the golf course concession or the 2005, 2006 and 2007 seasons. The only other bid received was for \$9,000 from Faye Hilibrand.

Moved: Quatroche                      Seconded: Kesner  
Roll Call:    Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
                  Noes: None  
                  Carried

Councilman Cavalcoli comments that the following resolution is a referral to the Planning Board.

He has discussed this with the Town Board, it has been before the Code Review Committee and as usual they look at it very carefully before they make a recommendation to the Planning Board.

## **II.**

**WHEREAS**, the Town of Hamburg has received a rezoning application from Edmund F. Burke of E. F. Burke Co. for the rezoning of approximately 28 acres of property located near Bayview Road/Southwestern Boulevard and South Park Avenue, from C-1 (Local Retail Business District) to C-2 (General Commercial District), and

**WHEREAS**, the Town's Zoning Code Review Committee and the Town's Planning Board have reviewed the project site and proposed plan, and

**WHEREAS**, the Town's adopted Comprehensive Plan depicts this site in the business (Regional/Local) area, and restricts commercial area expansion along South Park Avenue north of Quniby. It does not though discuss the rezoning of existing commercially zoned properties, and

**WHEREAS**, the Zoning Code Committee and Planning Board have concerns over the development of the site and would recommend a General Environmental Impact Statement, they would recommend that the Town explore a conditional rezoning.

**THEREFORE BE IT RESOLVED**, that the Town Board has determined that the application has merit and therefore entertains this rezoning request and refers it to the Planning Board with the following areas of concern that need to be addressed:

1. Traffic and access issues.
2. The character of the existing area, including the impacts to the school and neighborhood, and to the visual character of South Park Avenue and Southwestern Boulevard.
3. The types of uses and size of structures that would be appropriate for this area.
4. Public utilities.
5. Other issues that may need resolution in the GEIS: Drainage, energy, noise, odor, and phasing of the project, etc.

**BE IT FURTHER RESOLVED**, that the Town Board seeks Lead Agency status under the State Environmental Quality Review Act, SEQRA, and anticipates, at this time, the need for a General Environmental Impact Statement (GEIS) for the rezoning of the property and subsequent development of the site into a Business Park.

Moved: Cavalcoli

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Councilman Cavalcoli comments that in the past month he has met with members of the Planning Board on this, he has met with the Frontier School District and met with the Superintendent and two members of the School Board. They have looked at issues of a possible public road through there. This was looked at by the Traffic Safety Board in terms of considering this. Mr. Burke was in attendance when they talked to the School and he indicated at that time that, both to Mr. Burke and the School, that there are serious concerns with this rezoning, the Board needs a lot of consideration for this. In looking at this and having the school involved, they have no problems with it. They have worked out the sewer issues and they are on board with the possible public road and/or connections to the school district. They have done the homework to pass it on to the Planning Board. He still has strong reservations, along with his colleagues on the Board, as to what goes there and how it goes there and that is why they identified the concerns. But, in all fairness to the applicant, it has merit, it is in the Master Plan for a commercial area. It is a prime area for commercial development, but it does have to have restrictions and limitations. He appreciates the input in the past month and it is time to move forward so that the applicant has the opportunity to do the Environmental impact statement.

Councilwoman Hochul questions what rights the Town would have, if we proceed with this, if they determine that there is a particular business that requires the C-2, but other ones that would go there, the existing zoning would be suitable for them, can they then say that only part will be rezoned.

Councilman Cavalcoli comments that is why they put the one restriction for types of uses and size structures. In a C-2 you could have a big box type store there with 60,000 to 100,000 sq. ft. building. However, if they put the conditions on it then he would have to live with those conditions or not go forward with the rezoning.

Councilwoman Hochul comments they can specify that it cannot be over so many feet.

Councilman Cavalcoli responds correct. They can also limit the type of use. His feeling is that they could specifically say there will be no automotive uses. This is a prime site, it has important merits to that whole area in terms of the school and traffic, etc. they will limit it with a condition rezoning.

Councilman Kesner questions as they go into the review process is it possible to get a letter from the School District that they except it or don't. She would like that in the record.

Councilman Cavalcoli responds that they will give the Town, in writing, their input and conditions as well.

Councilman Quatroche verifies that they will be communicating with them during the process.

Councilman Cavalcoli responds that they will be involved in the ongoing process. They will be an integral part of this whole planning process.

Councilwoman Hochul questions if the applicant is looking for spec buildings or if they have a business in mind.

Councilman Cavalcoli responds that they have one business in mind for one of the sites, but the rest would be spec. That is why they need to put the conditions in. When the Traffic Safety Board and the Planning Board reviewed this they said they should put an access road from Bayview through this property and come out onto Southwestern and would be a dedicated public road. That means that the Town would have responsibility for the road. There are some important traffic safety issues to be addressed. He did notify the applicant that there are concerns and he suggested that once this is referred to the Planning Board that there be a meeting, at a Work Session, where there would be discussion with the Town Board members.



able to provide all the things that we need, at that price.

Christopher Hull, Director of Community Development, responds that this will be the third two year contract with Belmont. It started at about \$12,000, went up to about \$14,000 and now it is up to \$17,400.00. They have done an excellent job for us and have provided above and beyond the services needed. Affordable Homes wanted to have two full time people, with office space, and have the Town pay for that, benefits and everything. That is why their bid is so high. This is the first time anyone ever submitted a bid, other than Belmont. They did not even read the scope of services.

Councilwoman Hochul questions if we are required to have this contract.

Mr. Hull responds that this came about as part of a lawsuit against HUD.

Councilwoman Kesner comments that they have had cases that different tactics have been challenged and it is mandatory.

**V.**

**WHEREAS**, the provisions as set forth in Article IV of the Town's Local Law No. 3-1993 (Coastal Erosion Hazard Area Law) allows for variances from standards and restrictions as established and,

**WHEREAS**, in accordance with Section 85-22 of said Local Law, the Town Board must appoint a minimum of three members to function as the Coastal Erosion Board of Review whose authority it is to hear and decide on appeals for variances or other forms of relief from the requirements of the Coastal Erosion Hazard Area Law and,

**WHEREAS**, the Town Board has determined that the following three individuals have sufficient expertise relative to the shoreline area, and would make first-rate candidates as required for the positions and also as they are all members of the Shoreline Revitalization Committee.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board appoint the following to the Coastal Erosion Hazard Board of Review:

Thomas Bender

Larry Cobado

Gerard Kapsiak

**BE IT FURTHER RESOLVED**, the Town Board approve the appropriation of \$ 9,851.04 from revenue account B 3090 and encumber said funds in account B 3620.440 (Contracted Personal Services).

Moved : Quatroche

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

**VI.**

**BE IT RESOLVED**, that the Town Board approve the travel request of Robert Hutchison, Town Assessor, to attend a one day seminar, at Holiday Valley in Ellicottville, New York, on March 8, 2005, to obtain appraisal re-certification credits. The seminar is being sponsored by the Western New York Ontario Chapter of the Appraisal Institute. The cost is \$140.00

**BE IT FURTHER RESOLVED**, that the Town board authorize the Finance Department to transfer \$140.00 from Contingency account A1990.419 to Assessing Seminars account A1355.492.

Moved: Hoak

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried



**X.**

**RESOLVED**, that the Town Board adjourn to Executive Session at 6:25 p.m.

Moved: Hoak

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

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Catherine Rybczynski, Town Clerk