

XVII.

WHEREAS, the Town of Hamburg received a petition from five households located on South Park Avenue and Howard Road to investigate the rezoning of their properties from C-2 General Commercial to NC, Neighborhood Commercial, and

WHEREAS, the Hamburg Planning Department researched this issue and presented a report that identified the following properties to be rezoned to NC: 4962 South Park, 4954 South Park, 4950 South Park, 4215 Howard Road, 4227 Howard Road, and the Town owned lands presently containing the Town water storage tank structure (abandoned), and

WHEREAS, the Hamburg Planning Board recommended this rezoning to the Town Board, and

WHEREAS, the Hamburg Town Board held the required Public Hearing on February 13, 2006, and received no adverse comments, and

WHEREAS, in compliance with Park 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law, the Hamburg Town Board has issued a SEQR Negative Declaration, and

WHEREAS, the Town of Hamburg wishes to rezone these parcels from C-2 to NC for the following reasons:

1. The rezoning is in conformance with the Comprehensive Plan.
2. The rezoning will help to maintain the residential character of this neighborhood.
3. The downzoning will make the homes conforming uses, but allow small commercial businesses to be established also.

THEREFORE BE IT RESOLVED, that the zoning code of the Town of Hamburg be amended as follows:

To amend Local Law #10 of the year 1986 of the code of the Town of Hamburg entitled “Zoning” to provide for a change in the boundary of the zoning map whereby the zoning is changed from C-2, General Commercial to NC, Neighborhood Commercial for the properties described as follows:

All That Tract of Parcel of Land situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot 54, Township 9, and Range 7 of the Holland Land Company’s Survey, and being more particularly described as follows:

Beginning at the point of intersection of the east line of South Park Avenue and the south line of Howard Road, thence southerly along the east line of South Park Avenue, a distance of 280.37 feet to the south line of Tax Parcel No. 171.06-1-10; thence easterly along the south line of Tax Parcel No. 171.06-1-10, a distance of 264 feet to the northwest line of the New York State Thruway, thence northeasterly along the northwest line of the Thruway, a distance of 350 feet to the west line of Tax Parcel No. 171.06-1-24-1; thence northeasterly along the west line of Tax Parcel Nos. 171.06-1-24-1 and 171.06-1-15, a distance of 304.97 feet to the south line of Howard Road; thence westerly along the south line of Howard Road, a distance of 395.1 feet to the point or place of beginning.

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried

XVIII.

WHEREAS, Malcolm Pirnie, Inc. has previously been retained by the Town of Hamburg to provide engineering services associated with sewer system studies in the Bayview and Steelton areas of the Hamburg Master Sanitary Sewer District, as mandated by the New York State Dept. of Environmental Conservation; and

WHEREAS, as a result of the study activities, various sewer system improvements and sewer rehabilitation work has been identified as necessary to be undertaken, as was discussed at the February 13, 2006 Public Hearing regarding this matter, having an estimated total cost of \$1,342,000; and

WHEREAS, Malcolm Pirnie, Inc. has submitted a proposal for providing engineering services associated with the planning, design, and construction of the proposed work, at a total fee of \$82,300. Their proposal has been reviewed by the Town Engineer, who has determined it to be reasonable and acceptable for the services to be provided,

THEREFORE BE IT RESOLVED, that Malcolm Pirnie's contract is amended to include these additional services, and that the Supervisor is authorized to sign their December 20, 2005 proposal/letter agreement in this regard. Funding for these services is to be from the issuance of bonds, as authorized by the bond resolution for this project which was adopted by the Town Board on February 13, 2006.

Moved: Cavalcoli

Seconded: Kesner

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

Noes: None

Carried

Mr. Connolly, Highway Superintendent, comments on the bid that was accepted for the garbage and wants to note that this is a reduction in service to the residents. In previous years the collection was for nine months and now it will only be seven months. Even having reduced that service level it is still over budget by \$6,000. If the Garbage District was accepted, they would be having large trash pick-up weekly for 52 weeks as opposed to seven times a year. As the Administrator of the contract he wants to note that this will be a cause for concern. He wants to make sure that this is advertised so that residents realize that the pickup will stop in September where normally it would end in November. So they need to be diligent in getting that information out and he is disappointed that they had to reduce the level of service but they certainly have to reflect the need to control cost.

Supervisor Walters comments that he is right it is an unfortunate situation that they have to cut back two months, unfortunately the budget dictates that they cannot do it, under the proposal, for the nine month period.

Business From the Floor

Sean Garr, 4128 Harwood Ave., comments that as they are speaking the Town of Hamburg is pumping sewage into his back yard. He questions how long the proposed sewer project will take.

Supervisor Walters comments that they will have someone look into that and asks Mr. Kapsiak to give a timeline on the project.

Mr. Kapsiak comments that the contract was awarded to Malcolm Pirnie tonight which is to alleviate situations including the one he mentioned. It is to be designed this year and then go into construction next year. He knows that he has contacted his Department regarding that concern and they directed the Building and Grounds to cleanup downstream when a pumping situation like that occurs. Sean comments that there is a residual problem with a black muck that lays in the bottom of the stream and is occasionally disturbed by the wildlife and large fluctuations in the stream volume and is sewer related.

Supervisor Walters asks Mr. Connolly to have someone take a look and see if there is anything the Town can do to alleviate that situation. Unfortunately, until the sewer work is completed, there will be some overflow problems, which is why the bond was passed and why they are going ahead with the project. He apologizes for the inconvenience and asks him to have a little more patience as they are working on resolving the problem.

Councilman Cavalcoli comments he appreciates his patience and states he will work with Mr. Kapsiak on this.

Bob Reynolds, Erie County Legislator - 12th District, wants to thank Cathy Rybczynski for coming down to their open meeting which was a public hearing on voting and speaking to the Legislature. They still haven't gotten back to the Towns as to the final numbers on how much Election Inspectors will be paid. He also wants to applaud the Town concerning tolls. It is a great stand for the Town Board and they have been working on this jointly, if he can be of any more help let him know.

Councilwoman Hochul comments that the Erie County Legislature is considering a resolution concerning the tolls at their next meeting and she asks for his support. This would certainly add to the clout they are looking for and she thanks him for his support as well.

Bob Reynolds also announces that on March 31st HEAP will be coming to the Town of Boston. This is close enough to Hamburg for residents to take advantage of. He is really proud of the Town of Hamburg for offering to have a DMV satellite. This is a great step forward. He is working right now with the State Assemblyman and Senators concerning the sales tax. He is also working with the NFTA on expanding the bus route into Gowanda. If there are any questions from resident he would be happy to answer them.

Councilwoman Hochul comments that she cannot believe what a hard working Legislator we have. She was coming out of the Palace movie theater on Saturday at 9:00 p.m and he was in his District Office working hard on his computer.

Bob Reynolds comments that his Office is located at 3 Buffalo Street and he is there usually in the afternoons and on Saturday and Sunday. If you see him there stop in.

Ray Scott, 2750 Pleasant Ave., comments on the Foit's project. On February 9th he hand delivered 15 questions to the Town Board members. He has yet to receive a response. He also petitioned the Town Board to hold a public hearing on the project and received no answer on that. At last months meeting the only question that was answered to his satisfaction was how much in arrears the Foit's property was and that was \$300,000. His friend Mr. Pearl asked where did the \$50,000 go. The response was that it was complicated and he didn't want to talk about it. He feels that was disingenuous. Another question was concerning the wall that is falling down. He has five photographs showing that the wall is just as solid today as when it was put up. The overwhelming majority of people who have talked to him about the project are against the project. He has additional copies of the questions he submitted. He refers to some articles in the Buffalo News concerning secrecy in the government. There is still a question about the \$50,000 and how it was spent. He has come to the Town Board previously on three different occasions and his problems were always addressed and resolved. However, in this case he feels there is a cloak of secrecy. He is not opposed to the building being torn down, it is unsafe. He doesn't agree with the mechanisms used to acquire it. Why has there not been a public hearing. They need to have dialog on this project so they can come to some resolution.

Councilman Quatroche apologizes. After the discussion at the last Board Meeting he thought that his questions had been answered. Secondly, the plans for the project have been submitted for a grant. It has never been their intention to spend Town dollars on that project. The \$900,000 that was quoted in the news was submitted for plans under a grant. They applied for both State and Federal money to do the project and that was the intention of the plan. That has been the plan since the taxpayers groups brought this to the Town. They have mentioned it at a dozen or more meetings since and it has been in the newspaper a few times. They have received nothing but positive input until now. They have three choices. One is to move forward with the project, with State or Federal money. Two would be to give back the money they have received in the amount of \$300,000 and third would be to leave the property as it is in it's continued state. They have chosen number one to accept the grant money and apply for future grant money. They will be holding a public information meeting, it just hasn't happened yet because they haven't moved forward with it yet. He apologizes that the comments seemed disingenuous that was not intended, it has just been a very convoluted legal process. If they need them to describe it in writing they can do that or they can do it in private conversations. He will address the questions in writing, but was under the impression that at the last meeting they had answered the questions to his satisfaction. Obviously they had not. He has heard loud and clear in regards to public input. This was brought to the table from taxpayer groups years prior. He doesn't feel there has been any secrecy as this has been discussed many times in the past at public meetings. Again, the number they put out was a number they were using to apply for grant money. Will they do all that? Probably not, but it allows them to secure funding so they can make the project the best it can be. They can not use this for the Town Park because it is for Town residents only and he has researched that with Locksley Park Taxpayers and they said no.

Supervisor Walters comments that as soon as they have the meeting scheduled, hopefully they can come up with a date this week, they will notify him.

Councilman Cavalcoli comments that he agrees that the Town Board has been responsive in the past and this has not been a secretive process. However, the communications to him and the people who have been specifically interested in those questions has not been dealt with properly but they will move in that direction and take care of it.

Laura Hahn, President of Locksley Park Taxpayers Association and a member of the Shoreline Revitalization Committee, comments for the record that they are for the acquiring of the Foit's property and she doesn't feel there has been any secrecy, it has been very open.

Councilman Kesner wants to add that she has been researching ways to add bike trails to the Town and they have been very public about the Foit's project. The Town has very little waterfront access. Most of it is private. As Councilman Quatroche pointed out, our beach is restricted so they can't bring in any grant money to improve that so when they see any opportunity to grab something like the Foit's property they would be remiss if they didn't. When she walks through the Town many people have expressed their support on acquiring it and making it into an overlook site. She doesn't feel there should be vehicles going to it. They would rather have it like Niagara On the Lake where you can ride your bike to it by providing a bike path or recreation path to it. It is all to be announced, it is still under legal review which is very temperamental at this point and discussion should be kept to a minimum. She would be happy to sit down and talk to him further about this.

Joe Kilian, United Council of Hamburg Taxpayers, comments the reason why they are so opposed to any grant or Town, State or Federal money being put into the Town beach is that it would have to be opened up to the public. Right now it is limited to Hamburg residents and once you open up pandoras box everyone will be able to use Hamburg's beach.

William Pearl, Hidden Hollow, comments that during the last snow storm he went down to the Town beach and they had plowed all the parking lots and would like to know why the Town is spending money plowing parking lots that they are not using.

Mr. Connolly, Highway Superintendent responds that one of the reasons they plow the parking lot is that if there is a large snow storm and they need to remove snow from a subdivision, they put it in a dump truck and take it down there. There is also a boat house that is used for water rescue and if they don't keep that clear, and there was a fire it would be a problem. Councilman Quatroche comments that the Fitness Center is also there which is open all year round.

XXVIII.

RESOLVED, that the Town Board adjourn to Executive Session at 8:10 p.m.

Moved: Walters

Seconded: Kesner

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

Noes: None

Carried

Catherine Rybczynski, Town Clerk

Correspondence - March 13, 2006

16 - To Supervisor Walters from the Town Clerk, the monthly report for February 2006 with receipts totaling \$27,795.17.

17 - To the Town Board from Philip Best, Concerned Citizens' of Hamburg, requesting information in regards to the Town of Hamburg landfill and the Hamburg Sledding Hill as stated.

18 - To the Town Court from Karen, SS Peter & Paul Parish Outreach, thanking everyone for donating food items for the Christmas holidays.

- 19 - To the Town Board from Joe Kilian, Coalition of Lakeshore Taxpayers, requesting the steel fire escape from FOIT'S when it is demolished for the beach access that they are working on.
- 20 - a Verizon News Release announcing that Orchard Park and Hamburg are the first in Western New York in which they are building a fiber-optic network that will deliver faster data speeds, crystal-clear voice and also has the capability to offer a full suite of video services in the future.
- 21 - To Cathy Rybczynski, Town Clerk, from Philip Kumiega, Election Chairman Local 897 UAW, requesting 10 voting machines for their Constitutional Convention Election scheduled for April 20th and 21st with a run-off election, if needed, April 27th and 28th.(prefiled)
- 22 - To the Hamburg Town Clerk from Hamburg Legion Post #527 requesting the use of one voting machine for their post elections to be held May 6, 2006.(prefiled)
- 23 - To Supervisor Walters a copy of a letter sent by Senator Stachowski to Alan Taylor, NYS Dept. Of Transportation, regarding the US Route 20 reconstruction with a recommendation that Alternate I be built as this choice would retain the existing configuration with additional lanes.
- 24 - To Cathy Rybczynski, Town Clerk, from Richard Binner, Frontier Central School District stating that they need 7 voting machines on May 16, 2006 to hold their annual school election.(prefiled)
- 25 - Fact Sheet from the NYS Department of Environmental Conservation seeking public input for a voluntary clean-up program to take place at addresses 1-15 Buffalo Street in Hamburg.
- 26 - To the Town Board from Gullo's Garden Center, LLC, stating that a video message board is necessary as their primary business sign. Asking for help from the Town with their design and implementation of a professionally done sign for their business.
- 27 - To Cathy Rybczynski, Town Clerk from Alan Taylor, NYS Department of Transportation, advising that the completed work on the Milling and resurfacing of NY Route 5 from Old Lakeshore Rd and Old Big Tree Road was officially accepted by the New York State Department of Transportation on March 1, 2006.
- 28 - To the Town of Hamburg from NYS Department of Environmental Conservation regarding grant funding opportunities to support environmental projects.