

TOWN BOARD MEMBERS PRESENT:

Steven J. Walters	Supervisor
Michael Quinn	Councilman
Thomas Best, Jr.	Councilman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk  
Mary Dosch, Sr. Account Clerk; Walter Rooth, III, Town Attorney; Christopher Hull, Director of Community Development; Tom Best, Sr., Highway Superintendent; Drew Reilly, Planning Consultant (arrives late)

Supervisor Walters calls the meeting to order at 5:30 pm.

Christopher Hull, Director of Community Development, and Scott Gehl, H.O.M.E. are present to answer any questions or comments on the amendments to the Hamburg Town Code, Chapter 109; Fair Housing.

Councilman Best comments that they held a public hearing on April 25<sup>th</sup> and there was no opposition to it. He feels it should have been on the agenda for approval this evening.

Councilman Quinn agrees stating that they have so many new housing units coming into the town and this would help those that could otherwise not afford it.

Supervisor Walters comments that the one section he has a question on Section 109-11: Affirmatively furthering fair housing (B) The Town shall offer a density bonus which allows the developer to increase the number of market-rate units permitted to be built on a site at a rate of one additional market-rate unit for each affordable unit. Could this be in conflict with the present density requirements and would this automatically trump the current density requirements that the town has on record for R-3 zoning with respect to multi-unit housing? Would the town have to amend the R-3 Zoning Code to make the two consistent?

Mr. Hull responds that as far as he knows it would. This never came up at the Code Review Committee and the Planning Consultants never contacted him with any concerns or questions on that.

The Town Board, Walt Rooth and Mr. Hull discuss the issue.

Supervisor Walters comments that the Town Board received a letter from the Village of Hamburg concerning consolidating the DPW facility. Then today he received a letter from the NYSDOT saying that they are in favor.

Tom Best, Sr., responds that this is in the early stages. He has had several meetings with the County, the State and the Village. The Village is looking for property and he doesn't think what they are asking is going to be feasible. They are trying to extend their tax base. When he gets closer to a decision he will inform the Town Board.

Drew Reilly enters the meeting.

Supervisor Walters comments that a question came up regarding the proposed Fair Housing Law, specifically concerning density.

Mr. Reilly responds that this is calling for the Town Board to amend the Zoning Laws to incorporate the affordable housing units in every multi-family project proposed in the Town in the future, of a certain size. This is a great idea from the stand point of affordable housing but it can be a controversial issue. It is stating that the Town is going to do that. This would have to be adopted into the Zoning Ordinance but they do have a reasonable time period to do that, it does not take effect immediately.

Councilman Best comments that they have not heard anything negative from any developers.

Mr. Reilly comments that they tend not to comment on the proposed law they comment when an affected project is proposed. This is an incentive zoning clause that says that the Town requires that extra affordable housing units be put in and in return they get greater density.

The Town Board and Mr. Reilly discuss this issue and other future Code Review changes.

Mr. Reilly reviews his Planning Department report (see attached) and also the Engineering Project Update (see attached):

ARCHITECTURE ENGINEERING PLANNING ENERGY SERVICES CONSTRUCTION MANAGEMENT



## MEMO

**To:** Hamburg Town Board

**From:** Drew Reilly – Planning Department

**Date:** May 9, 2016

**RE:** Planning: Town Board Items- 5/9/16 meeting

The following is an update to the Town Board on Planning Department/ Town Planning projects:

- A. Rezoning Items: Zak Management - Jeffrey Boulevard Rezoning:** PB forwarded a positive recommendation and public hearing was held on 3/28/16. Several issues arose at that hearing, including the issue of a bar to be located at the site. Based on these issues, the Town Board referred the rezoning back to the Planning Board. This was discussed at the May 4, 2016 Planning Board meeting, and review will continue at its June 15, 2016 meeting.

**Clery rezoning** – public mini-storage Southwestern Boulevard; the public hearing (PB recommended) was held on 3/14/16. No action was to be taken until the Town Attorney's office resolved questions concerning sale of the property. The Town Board authorized the Planning Department to prepare resolutions but we are working with the Town Attorney for the proper language.

**Hanania Rezoning** – The project received a rezoning on 11/23/15 from the TB. An issue has arisen that the applicant believes affects the condition of the rezoning. The Town Board is holding a public hearing tonight to potentially change the rezoning condition. The Planning Board at its 4/20 meeting recommended this amendment and conditionally approved the site plan.

- B.** The Planning Board held their last meeting on 5/4/16. Following are highlights of that meeting: an ice cream business to operate out of a truck at 4904 Lakeshore road was discussed, an amendment of the approved Villas at Brierwood project and sidewalks for that project were discussed and a public hearing was scheduled, a 12-lot subdivision on Niles avenue was tabled (ready for approval), Mr. Jablonski's wind turbine was reviewed and scheduled for approval at the next meeting, and a pole barn was approved at 5407 Maelou drive. See the attached document for the 5/18 PB agenda.

- C.** The Code Review committee is working on the following code revisions: elimination of

140 John James Audubon Pkwy, Suite 201, Buffalo, NY 14228 p 716.688.0766 f 716.625.6825 w [wendelcompanies.com](http://wendelcompanies.com) **groundbreaking**

BUFFALO, NY MINNEAPOLIS, MN, NEW YORK METRO PHOENIX, AZ RICHMOND, VA WASHINGTON, DC

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temporary SUP's, approval of barbed wire by the Planning Board (not ZBA), dogs allowed to not be leashed (additional revision also recently provided by the Town Clerk, including a new definition of kennels), transient merchant law (adding background check), and e-cigarettes (adding to prohibition on smoking on Town property). Other small revisions have also been added; sign law updates, size of attached garages, amendments to the Town's "Training" requirements law, solar law, allowing B&B's in the R-1 district, setbacks from the Lake top of bank, and some law updates to the building code.

Other Code issues being investigated include; a solar law, above grade pools (to match NYS Code), Plumbing licensing law update, unsafe buildings and structures update, and review of the Transient merchant law (concern about ice cream truck issue on PB agenda).

It is the Planning Department's recommendation that these revisions be broken up into zoning code revisions and non-zoning code revisions (Town Attorney's office recommended) for processing purposes. We will probably move forward on those codes that are presently ready and then shortly after that do the next set of revisions. If done close enough together, we can keep Town costs down by having Code Publishers amend the Code only once. The next Code Review meeting is on 5/18/16 at 3:45 pm.

In the meantime, if you have any questions, do not hesitate to contact me or Sarah.

Legal Notice  
Town of Hamburg  
Meeting – May 18, 2016

The Town of Hamburg Planning Board will meet for a Work Session at 6:30 P.M., followed by a Regular Meeting at 7:00 P.M. on Wednesday, May 18, 2016 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue, to discuss and/or approve the following:

WORK SESSION

1. West Herr Ford – Requesting Site Plan Approval of a proposed parking lot expansion at 4781 Camp Road
2. Elizabeth Fadale – Requesting Preliminary Approval of a three-lot subdivision at 6150 Heltz Road
3. Patricia DiChristopher – Requesting Preliminary Approval of a two-lot subdivision on the northwest corner of North Creek Road and Burke Road

REGULAR MEETING

1. Public Hearing – 7:00 P.M., William Barrett – Requesting Site Plan Approval of an ice cream business at 4904 Lakeshore Road
2. Public Hearing – 7:00 P.M., David Homes – Requesting an amendment to the approved Site Plan for the Villas at Brierwood (Southwestern Boulevard)
3. Frank Russo – Requesting Preliminary Approval of a 12-lot subdivision as an extension of Niles Avenue
4. Michael Jablonski – Requesting a Special Use Permit to erect a residential wind energy conversion system on property located at 3134 Old Lakeview Road

Daniel O'Connell, Chairman  
William Clark, Secretary  
Planning Board

Dated: May 6, 2016

ARCHITECTURE ENGINEERING PLANNING ENERGY SERVICES CONSTRUCTION MANAGEMENT



**MEMO**

**To:** Hamburg Town Board  
**From:** Wendel, Interim Town Engineer  
**Date:** May 09, 2016  
**RE:** Engineering Project Update

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The following is an update to the Town Board on Engineering Department projects and activities:

- A. Mt Vernon Sewer District – CIPP Lining**
  - a. There is approximately 1,900 linear feet of pipe remaining to be lined under the current work order. USI cannot begin this work until multiple spot repairs are completed. The spot repairs are to be completed as part of the Lakeshore Road/Mt Vernon Blvd Sewer Replacement project.
- B. Mt Vernon Sewer District - Lakeshore Road/Mt Vernon Blvd Sewer Replacement**
  - a. NCI submitted their final design report, design plans and specifications to ECDEP and all necessary agencies for design approval. NCI is continuing to receive comments from the various agencies. Once NCI receives approval from all agencies the project will go out to bid.
- C. RR Quiet Zone – Phase 2 – Bayview, Pleasant and Lakeview**
  - a. NYSDOT has completed the Section 106 clearance review on 5/4. NYSDOT has had a reorganization in the Environmental Unit over the past few weeks, so the DDR environmental review is not yet complete. NYSDOT will get back to Erdmann Anthony with the anticipated schedule for completion of the Environmental review. NYSDOT did confirm that they don't anticipate any other non-environmental comments, so the project should be close to Design Approval.
- D. Lake Erie Watershed Protection Alliance**
  - a. Wendel has submitted a proposal on behalf of the Town. We are currently waiting for a decision.
- E. Stormwater Annual Report**
  - a. The Stormwater Annual Report is due June 1, 2016. Wendel is finalizing the draft report and will be posting the draft report on the Town's website for public review. Wendel will be presenting the report at the Town Board meeting on 5/23.

If you have any questions, do not hesitate to contact Wendel (Drew Reilly or Shawn Dailey).

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The Town Board and Mr. Reilly discuss the petitions in regards to the Zak Management – Jeffrey Boulevard Rezoning. Mr. Reilly submits resolutions for approval of the Hanania rezoning and the Cleary rezoning for the Town Board to review (not for approval tonight).

Tom Best Sr., Highway Superintendent, comments that every year the DEC gives them a window of opportunity to get into Lake Erie. They can only have their equipment in the water for a week. Last week was the week they had the permit. The dredging usually takes 2 days, this year it took 4 days because of the amount of sand. When they went to put the docks in Friday they discovered one was vandalized and the other was broken from exposure to the elements. The docks were not in Saturday, the start of Walleye season, and he did receive several complaints. The docks were put in today. His budget for dredging is \$30,000 and they spent around \$25,000 for one dredging. When the contractor dug up the sand he also caught some rebar. There are about 6 to 10 rods sticking up anywhere from 4 inches to 2 feet out of the water. He called Buffalo Industrial divers and they are coming tomorrow morning at 7:00 am. They will cut the rebar which will cost an additional \$3500. That is the full explanation of why the boat launch was not open. Even though they use the operating engineers he has to contract with Union Concrete for the equipment. Last year he submitted a grant to Senator Panepinto's Office for \$95,000 for dredging. He brought OSEA on board to help fill out the paperwork and the last report he received is that we are close to getting that money. He put in for two years of dredging and siding for the Town Park building.

Superintendent Best comments that he has several issues to be discussed. First is the Court Room. He had an asbestos abatement company come in on Friday. The tiles are 11% asbestos and need to be removed. Fortunately there is nothing else. The cost is \$9800.00 for removal of the tiles. The chairs will have to be removed in order to remove the tile. This is the perfect opportunity to re-do the Courtroom. However, where will the money come from?

Supervisor Walters comments that they still have the drawings for the new courtroom where dispatch used to be. With the questions that they have received regarding metal detectors for the courtroom this might be the time to revisit this project.

The Town Board and Superintendent Best discuss the courtroom issue.

Superintendent Best comments that issue number two is Carnegie Playground. He personally went there and it is a mess. He has received complaints from the Carnegie Scranton Association. He received two bids, one for the basketball court and one for the tennis court. The roof is caving in, however, the B & G Department will be able to repair that along with the storage shed. He checked in the Trust and Agency money and there is over \$300,000 in there and he thinks they should take some of that money out. Also with that money he has drainage and sewage problems out at the NIKE Base. He had an Engineer come out and do an evaluation and they can get by for a few more years spending approximately \$25,000 to upgrade some of the piping and then down the line they will need new septic tanks. This would be another \$40,000. This being a recreational center it could probably also fall under the Trust and Agency money.

He proposes to transfer \$100,000 from the Trust and Agency fund in order to complete all the necessary work at Carnegie Playground and the NIKE Base.

Superintendent Best and the Town Board discuss this issue.

The Town Board agrees to fix Carnegie Playground and spend \$25,000 at the NIKE Base.

Superintendent Best comments that the third item is a roof for the Town Park, the Lakeshore Library and the Little Loop Football roof. There are five buildings in the Town that have major water problems. The three he just mentioned along with the little league concession stand and the D.A.R. E. building. The Town Board approved BOND money for infrastructure.

Supervisor Walters responds that, to date, the Town Board has not authorized any of the \$500,000 to be spent. It is still sitting in an account.

Superintendent Best responds that the five roofs will not cost more than \$200,000 to put steel roofs on them.

The Town Board authorizes Superintendent Best to fix the roof on all five buildings.

Superintendent Best comments that the fourth item is FEMA. The Town Board applied for FEMA money for the November storm of 2014. He also put in a second request for curbing and landscaping, grass seed, topsoil, etc. He just got notified by the State that it is possible that he is going to get \$397,000 from FEMA. He is looking to buy a plow with this. He has gone three years without a plow. The cycle was to buy one per year and now with all the new subdivisions there is more wear and tear on the plows. He needs to get back into the cycle.

The Town Board and Superintendent Best discuss this issue.

Superintendent Best comments that he will report back when the FEMA money comes in.

Superintendent Best comments that the fifth item is the Adult Day Care. He has no maintenance budget for new the Senior Adult Day Care. Compared to last year the budget amount was reduced by \$8,000. Town Hall is budgeted at \$70,000 per year for maintenance, which is needed. Woodlawn, which is only open 6 months per year, is budgeted at \$30,000 for maintenance. The Senior Center is only budgeted \$6,000 per year. That is not enough money to last a full year.

Superintendent Best comments on the sixth item, Woodlawn Beach. Every morning and in the spring the Town cleans debris from the Beach. They put it in a pile and the piles can only be kept so long without the Town being fined. This debris is contaminated with E.coli and cannot be dumped just anywhere. The DEC gave him a permit to dump the debris at Bethlehem Steel at a cost. He did not get the bill yet, however he has no money in his budget for this item.

The Town Board and Superintendent Best discuss this item.

Supervisor Walters comments that there are two sewer pumps that had to be replaced at Woodlawn Beach. They did have a repair and maintenance line for Woodlawn and this would use about 90% of the money in that account. He would like to use the General Capital Fund. This is a capital project and would fall in that category.

Superintendent Best recommends that highly.

Superintendent Best comments that when he works on the Town Park he would like to put air conditioning on the roof. The present air conditioning system is fifteen years old and it is shot. He will come back to the Town Board when he gets an estimate on that.

Councilman Best comments that they need to make a facilities management plan.

The Town Board and Superintendent Best discuss this issue.

Supervisor Walters questions Don Wiess concerning the Engineering RFP's and which firm he would recommend.

Mr. Wiess responds number 1 and number 5. Number one is GHD and number 5 is GPI.

**1.**

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

**RESOLVED**, that the Town Board move into Executive Session at 6:45 pm on a legal matter and a personnel matter.