

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; Joe Collins, Deputy Town Attorney; Drew Reilly, Planning Consultant

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

Supervisor Walters comments that the Town Board discussed that it would be beneficial to meet with Hanlon Investment Management concerning the LOSAP programs. A representative from Penflex was also supposed to come but he is sick and running late coming in from New Jersey. He will be available tomorrow if anyone wants to reach out to him or he will come to a subsequent Board meeting to meet with the Board. He then turns the meeting over to Mr. Flaherty and Mr. Hanlon.

Mark Flaherty and Andy Hanlon, Hanlon Investment Management, give a presentation on their LOSAP program.

Drew Reilly, Planning Consultant, comments that Lauren Glose will be doing a presentation on the Stormwater report at the beginning of the Town Board meeting. His report for tonight consists of two items on the agenda. The first is a revised Hanania rezoning resolution. They added additional conditions. The other item on the agenda is the Cleary rezoning. There is a condition on that as well.

Councilman Best asks for a history on this property.

Mr. Reilly comments that the land Mr. Cleary purchased was donated recreation land from a subdivision which meant the Town had to pursue alienation of the property. This process took over a year and a half and they got that approval then he made a contractual offer to purchase that property with the condition of it being rezoned. He has since waived that condition.

Councilman Best questions when Mr. Cleary purchased the property.

Walt Rooth responds that last year they signed a contract for the purchase of the property.

Councilman Best comments that the Fadales are contending that they did not know about this purchase.

Mr. Reilly gives the history on the Cleary rezoning stating that the Code Review Committee told Mr. Cleary it would be a long process and that they would have to go through the alienation process. They didn't see them for about 1 ½ years when they came back and said that the property was alienated and they had worked with the Town Attorney's Office to get a contract to purchase the property. The one issue that came up was that the Fadale's were concerned about what happened next door to them. He came up with the condition of restricting the property to only public mini storage, no other use allowed. Mr. Cleary wanted to expand his business and the only way he could do it was at that location. The Town has restricted public mini storage to only certain areas in the Town.

Councilman Best and Mr. Reilly discuss the current zoning of the property, the reason for the rezoning to M-2 and how this will affect surrounding properties.

Mr. Reilly states that the Town Board can approve or deny his rezoning however Mr. Cleary is going to purchase the property one way or the other.

Mr. Reilly now reviews the Planning Report and Engineering Project Update (attached):

ARCHITECTURE ENGINEERING PLANNING ENERGY SERVICES CONSTRUCTION MANAGEMENT



MEMO

To: Hamburg Town Board

From: Drew Reilly – Planning Department

Date: May 23, 2016

RE: Planning: Town Board Items- 5/23/16 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 recommended 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 will be on the Planning Board agenda in May and June (applicant asked for more time at the first PB meeting and will be meeting with neighbors).

Clery rezoning – public mini-storage Southwestern Boulevard; the public hearing (PB recommended) was held on 3/14/16. The Town Board authorized the Planning Department to prepare resolutions and we have **pre-filed a resolution on tonight's agenda.**

Hanania Rezoning – The project received a rezoning on 11/23/15 from the TB and the applicant is now appearing before the PB for site plan approval. An issue has arisen that the applicant believes affects the condition of the rezoning. The Town Board held a public hearing on 5/9/16 and received input. The Planning Department has **pre-filed a resolution for amendment of this rezoning approval. The applicant has met with the neighbors and has suggested additional conditions to the rezoning (copy of revised resolution is attached).**

- B. The Planning Board held their last meeting on 5/18/16. The following are the highlights of that meeting; a parking lot expansion at West Herr @ 4781 Camp Road, two small subdivisions on Heltz road and on the corner of North Creek and Burke roads, an ice cream business to operate out of a truck/trailer at 4904 Lakeshore road was discussed and tabled, an amendment of the approved Villas at Brierwood project and sidewalks for that project were discussed and a public hearing was held, a 14 lot subdivision on Niles avenue was tabled (ready for approval), and Mr. Jablonski's wind turbine was approved.

- 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 **groundbreaking**

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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 new, potentially looking at the issue of food trucks), 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, 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, and unsafe buildings and structures update.

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 Code Review meeting of 5/18/16 was cancelled. The next tentative meeting of the Code Review committee would be 6/15/16.

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

ARCHITECTURE ENGINEERING PLANNING ENERGY SERVICES CONSTRUCTION MANAGEMENT



MEMO

To: Hamburg Town Board
From: Wendel, Interim Town Engineer
Date: May 23, 2016
RE: Engineering Project Update

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 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 has received comments from the necessary agencies and is addressing the comments. The goal is to put the project out to bid next month.
- C. **RR Quiet Zone – Phase 2 – Bayview, Pleasant and Lakeview**
 - a. NYSDOT has completed the Environmental review and provided comments to Erdman Anthony. The environmental process changed at the end of April, so the report will need to be updated to meet the new requirements.
- D. **Lake Erie Watershed Protection Alliance**
 - a. The Erie County Water Quality Committee has recommended the Town of Hamburg beach grant application for approval at the full funding level of \$15,000. Final approval is still needed before the funding can be released.
- E. **Stormwater Annual Report**
 - a. The Stormwater Annual Report will be submitted prior to the June 1, 2016 deadline. Wendel will be presenting the report at tonight's Town Board meeting.

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

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

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Councilman Best and Mr. Reilly discuss the issue of the transient merchant permit for selling ice cream along Lakeshore, which is before the Planning Board. There is a Shoreline Revitalization Committee that needs to meet (that has not met in years) to discuss this issue. Cathy Rybczynski has asked that the Code Review Committee take a closer look at the transient merchant law. There is nothing in the law to address food trucks. The Code Enforcement Officer is the only one who can interpret the Code and it needs to be updated.

Don Wiess comments on the ice cream truck issue on Lakeshore Road.

Supervisor Walters comments that the Town needs to renew the B.A.N. for the 2016-2017 period.

The Town Board discusses the remainder of the money that has not been spent.

Mary Dosch comments that since the rates are down that, for any completed project, it should be transferred into a Bond.

Councilman Best comments that they have to make a decision on the pool as to whether to move forward or not.

The Town Board discusses redoing the Court Room as well.

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 6:25 pm on a contractual matter.