

Meeting No. 10
June 27, 2005
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

Supervisor Hoak calls the meeting to order at 7:00 p.m.

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
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Engineer
	Drew Reilly	Planning Consultant
	James Connolly	Highway Superintendent
	Joseph Coggins	Police Chief
	Robert Hutchison	Town Assessor
	Marty Denecke	Director of Recreation
	Tim Ellis	Traffic Safety Consultant
	Kurt Allen	Supervising Code Enforcement Officer

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

I.

RESOLVED, that the Town Board approve the minutes of the following meetings:

June 13, 2005	Town Board Meeting
June 20, 2005	Work Session

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

II.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Building and Grounds Department as follows:

1. Bantle, Bob	P/T Laborer	07/14/2005	Terminate
2. Bantle, Bob	Seasonal Laborer	07/15/2005	\$9.39
3. LaRosa, Barbara	Seasonal P/T Clerk Typist	07/01/2005	Terminate
4. LaRosa, Barbara	P/T Clerk Typist	07/05/2005	\$10.30
5. Ersing, Mike	P/T Laborer	04/05/2005	Terminate
6. Ersing, Mike	Seasonal Laborer	04/06/2005	\$9.39
7. Gerken, John	P/T Laborer	06/28/2005	Terminate
8. Gerken, John	Seasonal Laborer	06/29/2005	\$9.39
9. Giacomini, Matt	P/T Laborer	06/28/2005	Terminate
10. Giacomini, Matt	Seasonal Laborer	06/29/2005	\$7.50
11. Grys, John	P/T Laborer	06/28/2005	Terminate
12. Grys, John	Seasonal Laborer	06/29/2005	\$9.09

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

V.

WHEREAS, the Town of Hamburg has received a rezoning petition from W. J. Milligan for the rezoning of 4888 Southwestern Blvd. From R-2, (Single family residence, attached district) to C-1, (Local Retail Business District), and

WHEREAS, the Hamburg zoning committee has reviewed this application, and finds it to be in general conformance with the Comprehensive Plan and is similar to a previous rezoning request that was processed by the Town.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board hereby entertains this rezoning request, finding merit in the application, and refers the application to the Planning Board for their review and recommendation, with the following concerns:

1. Protection of surrounding residential properties.
2. Traffic Safety
3. Aesthetics of the corridor

Moved: Cavalcoli

Seconded: Hochul

Roll Call: Ayes:
Noes:

Councilman Cavalcoli comments that this was submitted to the Town in 1999 and at that time it was under the ownership of a Mr. Wok. They were ready to adopt the rezoning, but just before approval the owner withdrew the request. This is now before them again and they are passing this onto the Planning Board. They feel it has merit, but there are some concerns as stated. According to Mr. Reilly there may be further concerns because things have changed since 1999.

Councilwoman Hochul questions what kind of properties are adjacent to this.

Mr. Reilly comments that this is across the street from Michael's Banquet Hall. There are some residential houses and businesses. The Master Plan called for consideration of commercial zoning on that side of the road up to Howard Road. They will look at the entire area and make an overall decision. They cannot just rezone one piece of property and leave everything else the same. They will be discussing this for months. The only reason they are entertaining this is because in the past they looked at it and the Master Plan said consideration of commercial up to Howard Road.

Councilman Cavalcoli comments that in the review of this they felt because it had been just about rezoned before, that certainly the applicant deserved merit for the Planning Board to consider this. However, because things have changed since 1999 the Board may take a different view, but in fairness to the applicant he didn't think it was proper to say it didn't have merit.

Councilwoman Hochul comments that the same Master Plan was in place in 1999. But they were considering it so seriously because Mr. Wok was very aggressive in putting it in front of them, it was not the Town that initiated it.

Councilman Cavalcoli comments that in fairness to the applicant, if they were considering it then they should consider it now.

Mr. Reilly comments that it is time to bring it up with the residents of that area because there will be a lot of different issues. The applicant will be using an existing house for a beauty salon. However, they need to look at the future because the existing building could be torn down and a different use could be put there. They need to look at the entire area, not just this piece of property.

Councilwoman Hochul comments that she didn't support this in 1999 and she doesn't support it now.

Councilman Cavalcoli comments that this is an issue that is before the Code Review Committee and the Planning Board for this entire area. They need to come to the Board to look at this entire area. Because this application has come in they need to deal with it and if their decision is to deny it then that is their responsibility, however at this time it is their responsibility to at least entertain it.

Mr. Reilly comments they had applicants come to him and ask for a C-2 rezoning and he responded that they had no chance of getting that property zoned to C-2 because there would not be a higher commercial zoning extension from Camp Road. The Master Plan is very clear about that. The purpose of entertaining this is for the Planning Board to gather as much information as they can before the public hearing. He has listed three items in the resolution, if there are other things they should ask the Planning Board to look into it. Traffic is a huge issue and the protection of the residential neighborhood is also an issue.

Councilwoman Hochul states that she has no interest in changing the character of Route 20. She has seen the accident reports and it is an area that she doesn't want to become higher density business.

Councilman Quatroche questions if the applicant has been approached about a different zoning such as Hamburg Commercial. Mr. Reilly comments that they talked about that.

Councilman Cavalcoli comments that his colleagues should go back and look at what they agreed on in the Master Plan for that section of Route 20 and if there is this strong of a feeling that they should not be entertaining these kinds of rezonings then they need to go back and look at the Master Plan and make those kinds of adjustments and changes. Otherwise, they will continue to get applicants in because the Master Plan states it should be commercial.

Councilwoman Hochul comments that it says they should consider commercial.

Councilman Cavalcoli responds that is right but if they are going to put their foot down every time then they need to adjust the Master Plan. Mr. Reilly comments that it is about time for that. It has been nine years since it was completed.

Councilwoman Kesner comments that the residents in that area have been receiving a lot of pressure from all the development that is going on down there. When you look at West Herr Ford and Chevrolet, Tim Hortons, etc. and to put more commercial in that area is not fair to those who have invested in their homes. She has a lot of concerns about this as well.

Councilwoman Hochul comments that maybe this should read H-C. Mr. Reilly comments that they should ask that the Planning Board consider a lower commercial zoning in their consideration.

Councilman Quatroche comments that he agrees. That is why he asked if they had been approached about a lower zoning. Mr. Reilly comments that the resolution can be amended. They can recommend the H-C zoning.

Councilman Cavalcoli comments that they need to stop the discussion on this. They have the right to vote no if they feel that strongly. Otherwise, they need to vote yes so that the applicant can move forward.

Councilman Quatroche comments that he feels there should be something in between. Councilwoman Hochul pointed out that they hate to see the applicant go through a six month process just because they entertain it and then they vote no. They need to go back to the applicant and find out if they would consider the H-C.

Councilman Cavalcoli comments that is why we have a Planning Board. It is the Planning Boards responsibility to go to the applicant and discuss that.

Supervisor Hoak wants to bring this to a conclusion. It took years to establish the Master Plan and he would like to do due diligence and proceed in what is to be offered for that strip of land. He doesn't know if he would support it or not, but the applicant has the right for them to at least look at it.

Councilman Quatroche makes a motion to table the resolution for further discussion with the applicant and the Planing Board regarding the density of the commercial zoning. By approving this resolution he doesn't want to send the message to the applicant or Planing Board that he is in favor of it. This looks very similar to the McKinley property with commercial in front of residential. They worked with the applicants and the residents to come up with the right type of zoning for that area.

Councilman Cavalcoli comments that this discussion does not get to the Planning Board if they don't approve referring it to them. If they are not going to pass this on, then they cannot discuss it, you can't have it both ways.

VI.

RESOLVED, that the Town Board table resolution V. At this time.

Moved: Quatroche Seconded: Kesner

Roll Call:	Supervisor Hoak	No
	Councilman Cavalcoli	No
	Councilwoman Hochul	No
	Councilwoman Kesner	Yes
	Councilman Quatroche	Yes

Supervisor Hoak notes that this action will not be tabled.

Joe Kilian questions what the applicant is proposing to put in there.

Mr. Reilly comments that his understanding is they want a beauty shop, but once it is rezoned to C-1 anything allowed under that zoning could go in there.

Councilwoman Hochul comments that there are less dense zonings that would allow for this use.

Supervisor Hoak goes back to the original resolution V. and asks for a Roll Call vote.

Roll Call:	Supervisor Hoak	Yes
	Councilman Cavalcoli	Yes
	Councilwoman Hochul	No
	Councilwoman Kesner	No
	Councilman Quatroche	No

Supervisor Hoak states the resolution is defeated three to two.

Mr. Reilly comments that he will schedule a meeting with Mr. Milligan. Councilman Cavalcoli states that he should notify him the resolution was defeated and there is ongoing discussion with the Board about the potential uses on Southwestern Boulevard, the zonings there and the Master Plan and if it should be modified. The Town has serious concerns about that whole area and at this time they will not entertain that zoning. Councilwoman Hochul questions if it is fair to let him know there are lesser zonings that would be allowed. Councilman Cavalcoli comments that as liaison to the Planning Board he is the Town Board member to discuss this with and he could suggest H-C or N-C zonings.

VI.

RESOLVED, that the Town Board approve the hiring of personnel for the Recreation Department as follows:

- | | | | |
|-----------------------|-------------|------------|-----------------|
| 1. Suchyna, Nathaniel | A7265(230) | 06/23/2005 | \$9.00 Seasonal |
| 2. DiOrio, M. Anthony | ER7251(225) | 06/23/2005 | \$9.75 Seasonal |

Moved: Quatroche Seconded: Kesner

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

XII.

RESOLVED, that the Town Board approve the hiring of personnel for the Recreation Department as follows:

1. McFeely, Elizabeth	ER725(225) B7310(320) Rec. Attendant	06/23/2005	\$7.40 Reg. Rate Seasonal \$9.00 Temp. Rate Seasonal
2. Ignatius, Christopher	ER725(225) Rec. Attendant	06/23/2005	\$7.25 Seasonal
3. McGahey, Brad	ER7251(225) “	06/23/2005	\$6.25 Reg. Rate Seasonal \$7.50 Temp. Rate Seasonal
4. Scharlock, Matthew	“	06/25/2005	\$6.65 Reg. Rate Seasonal \$7.50 Temp. Rate Seasonal
5. Cannan, Sean	“	06/25/2005	\$6.65 Reg. Rate Seasonal \$7.50 Temp. Rate Seasonal

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

XIII.

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board, that the following signs be erected and maintained by the Building and Grounds Department in compliance with the Manual of Traffic Control Devices:

1. R1-1 (STOP) at the intersection of Morgan Pkwy. and Kelsey Drive
2. TH-1 (Be a Good Neighbor...) at proscribed locations on the following streets:
Briercliffe, North Hamptonbrook, Hackberry, West and White Oak Way

Moved: Hochul

Seconded: Kesner

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

Noes: None

Carried

Correspondence

Letter #52 - Supervisor Hoak comments that this is from Mary Forney commenting on the Relay for Life and how it was disruptive to neighboring residents. There were quite a few communications in the local papers who were strongly in support of this and even though it might have been an inconvenience, the goodness that came out of that weekend was well warranted and he congratulates the volunteers who made our first Relay for Life a real success.

Letter #53 - Supervisor Hoak comments that this is from Mr. Brunelle, who was at our last Board Meeting, about the Garbage District Referendum making suggestions. Supervisor Hoak comments that, when it comes to voting, the Town has rules and regulations it must abide by. No one can observe the tabulation of the results from an election unless they have a poll watchers certificate which is issued by the Board of Elections. Catherine Rybczynski, Town Clerk, comments that there are certified Election Inspectors who will be working this election.

Letter #54 & 56 - Supervisor Hoak notes that these are from Fire Companies who are in support of the new Fire Dispatch Computer Aided Dispatch System.

Letter #55 - Supervisor Hoak comments Kudos to Mr. Denecke and Mr. Connolly for making the Breakers Softball tournament such a successful event.

Letter #51 - Councilwoman Hochul comments that this is from Elaine Granica and asks Mr. Reilly for an update on the auto repair garage proposal. Mr. Reilly responds that application is before the Planning Board for a site plan review and special use permit for a garage. The applicant asked for this to be tabled last week because of all the concerns related to the project. The Planning Board was recommending a positive declaration under SEQR for the project. The applicant has asked for time to re-evaluate. Councilman Cavalcoli comments that he has talked to Elaine Granica and that everything is proceeding with due diligence for both the applicant and the residents. She is very pleased that the Town Board and Planning Board are watching this and working on the concerns. Mr. Reilly comments that she will be approaching the Town Board to rezone the property with residences on them from C-2 to Neighborhood Commercial or Residential District.

Reports From Town Board Members and Department Heads

Councilman Cavalcoli reports on the Garbage and Refuse District that the date for the public information night will be July 12th from 7:00 - 8:30 p.m. in the auditorium of the Big Tree Elementary School on Bayview Road. All persons are welcome to attend. He will be attending along with Mr. Kapsiak, our attorney, Mr. Connolly and Nathan Neil. There is a fact sheet available in the Libraries, Town Clerk's Office, Planning Office and Engineering Department. They will be publishing an ad in the Official newspapers. They are available to all the taxpayers groups. He spoke to the United Taxpayers, will be attending the meeting of the Scranton Taxpayers and he is scheduled to meet next week with COLT. He will be speaking to the Hamburg Sunrise Rotary on July 7th. They are trying to get the word out and answer all questions so that people can make an informed decision on July 19th. The Town is not forming a refuse department, they are not hiring employees or buying trucks. They are only acting as a negotiator for the residents to save them money.

Councilwoman Kesner wants to publically thank our Volunteer Fire Companies and all of our citizens that helped raise money for the Franciscan Center. He serves the homeless boys throughout the entire County and he is the gentlemen who is there for our firefighters and police department when they are in need. It was amazing the number of people who came out from Hamburg to support him. The County slashed his budget and everyone came out to buy chicken dinners and participate in raffles. It was a proud moment for her as a representative of the Town and on that committee. She thanks everyone. She announces that July 2nd is the Freedom Fest in Blasdell and they are requiring the purchase of bracelets this year.

Councilwoman Hochul reports that July is a big month in the Town of Hamburg. The month starts off with the Freedom Fest in Blasdell and wraps up with the Blast on the Beach on July 30th from noon to 10:00 p.m. There are a lot of major sponsors and they will be holding three basketball tournaments. This year they will also hold the Hamburg Idol finals and they will have Polaris watercraft rides. They will open ceremonies at 5:00 and they will have a lot of family activities. The Dance on the Beach is great for teenagers. She feels they will have a dynamic turnout ending with a giant fireworks display.

Councilman Quatroche announces that the annual Dash and Splash will be held on July 30th at 8:00 a.m. This starts at the Frontier Middle School. They always have a great turnout and the proceeds go to the D.A.R.E program.

Supervisor Hoak comments that he wants to address what was in the Buffalo News on Sunday. There was a concern and a disappointment on what transpired over at the Hamburg Town Park. He was contacted on Saturday afternoon that a former Hamburg resident, Kevin Gaughan, took a group of people from the City of Buffalo into our Hamburg Town Park. As we all know, anyone who has lived in Hamburg for any period of time, in order to have access to that Park you must have a Beach Sticker. We have a lease, it is not our Beach. Through the gracious efforts of the Locksley Park Group they enable the Town to offer a service to the residents of the Village of Blasdell, the Village of Hamburg and the Town of Hamburg. We have in excess of 10,000 beach permits issued on an annual basis and parking for slightly over 100 cars. It is not in their hands to make that decision. He received a letter this morning requesting the Town Board to discuss this with Mr. Gaughan. It was mailed sometime Saturday. He knows that the Town Board isn't happy with this. It was improper, especially for a former Hamburg resident to take it upon himself and jeopardize the lease they have with the Locksley Park Association. They will stand behind their contract and lease that this is for Hamburg residents only, this is our gem. Although he does note in his letter about the collapse of City and County governments and the closing of City and County beaches, that has not been the case in the Town of Hamburg. There are still State Parks available for all State residents. There is Woodlawn Beach State Park and Evangola State Park. He would prefer he go down that avenue than come to the Town and expect all of the Hamburg Community to graciously support offering it to all residents when they have a full plate in just offering it to Town residents. Supervisor Hoak then comments that one of his pet peeves is underage drinking, but one law that is consistently being broken is cell phone use, unless its hands free, while driving a motor vehicle. He has spoken to the Chief of Police and they are going to have extended enforcement on this in the Town of Hamburg. When the State set up this law they set it up so they receive \$65.00 on a \$100.00 fine. The New England Journal of Medicine did a study on the safety of children and toddlers because of the use of cell phones in cars. This is about the safety, not the money. They will be enforcing this law in the Town of Hamburg.

Councilman Cavalcoli questions when this will go into effect.

Supervisor Hoak comments that this has already gone into effect and the Chief already has many citations. This will be a more intensive enforcement.

Catherine Rybczynski, Town Clerk, announces that July 16th is Burger Fest held in the Village of Hamburg and run by four of the service groups. If everyone could support this that would be great.

Business From the Floor

No comments received.

XIV.

RESOLVED, that the Town Board adjourn to Executive Session at 7:50 p.m.

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

Catherine Rybczynski, Town Clerk

Correspondence - June 27, 2005

51 - To the Hamburg Town Board from Elaine Granica, 4962 South Park Ave., stating that she is opposed to the auto repair garage proposed at South Park Avenue next to the Thruway and listing all of the reasons.

52 - To Supervisor Hoak from Mary Forney, 4170 Colonial Pl., commenting that the Relay for Life, that was held at Howe Field, was loud and disruptive to surrounding residents. Asking that in the future to be notified and that they be more respectful to the neighborhood.

53 - To the Town Board from Bill Brunelle, 4113 Tasseff Terrace, voicing concerns on the Garbage District Referendum Vote and stating that he would like to have volunteers to monitor each location so that voters cannot vote at both polling places. Also asking that an accounting firm be brought in to verify the votes.

54 - To the Hamburg Town Board from Christopher Zemrac, Boston Emergency Squad, stating that they want to go on record in support of the capital expense request for a new Fire Dispatch Computer Aided Dispatch System for the 2006 Town Budget.

55 - To Supervisor Hoak from David McDermott, President of Hamburg Breakers Softball, stating that they hosted their 2nd Annual Breakers Blast 12U Girls Softball at the Town diamonds at the Nike Base. Thanking the Recreation Department and Building and Grounds Department, including Rick Nowak and his crew, for the phenomenal job they did in getting the diamonds ready in spite of monsoon like rainfall and 90-degree temperatures. The compliments they received were too numerous to count.

56 - To the Hamburg Town Board from David Cole, Chief of Eden Fire Co., stating that they want to go on record in support of the capital expense request for a new Fire Dispatch Computer Aided Dispatch System for the 2006 Town Budget.