

TOWN BOARD MEMBERS PRESENT:

Steven J. Walters	Supervisor
Michael Quinn	Councilman
Cheryl Potter-Juda	Councilwoman

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

Supervisor Walters calls the meeting to order at 6:00 pm

Drew Reilly reviews the handout for the public hearing. There is also an approval resolution for the wind energy law. At the last meeting they held a public hearing. The residents wanted the height addressed so they went from 150 feet to 155 feet because the standard is 153 feet. They took the advice to make noise standards the standards of the industry. They didn't want structural reports because they have to give them at the time of the building permit. The only thing they did not acquiesce to was that one owner wanted more than one wind turbine on a property. They consider that a wind farm and for now are restricting it to one per lot. He told the gentlemen involved that if he was truly an agricultural operation, as defined by the State of New York, that if he got a letter from Ag & Markets he would be exempt from some of the regulations.

Mr. Reilly reviews his report on the Planning Board items and then submits the report concerning the Engineering Department as per attached:

ARCHITECTURE ENGINEERING PLANNING ENERGY SERVICES CONSTRUCTION MANAGEMENT



MEMO

To: Hamburg Town Board
From: Drew Reilly - Planning
Date: July 13, 2015
RE: Planning: Town Board Items

The following is an update to the Town Board on outstanding items that relate to Planning projects:

- A. Wetzl rezoning (McKinley at Route 391): the project has been referred to the Planning Board and the Planning Board has been reviewing the project and suggesting revisions. The Town Board has established itself the Lead Agency through a SEQR coordinated review process. The Town Board is now awaiting the applicant to continue their work with the Planning Board, so that the Planning Board can make a SEQR and rezoning recommendation. We have not heard from the applicant in two months.
- B. The Town Board referred the rezoning application for the lands across from Howard Road on Route 20 to the Planning Board and they are still reviewing the project and formulating their recommendation to the Town Board. The Town Board established yourselves as SEQR Lead Agency at your June meeting. The Town Board is waiting for the Planning Board's input and recommendation prior to proceeding to a public hearing and ultimately a decision on this rezoning request.
- C. The Town Board is holding a public hearing tonight on the proposed revisions to the Overlay districts and site plan requirements, and a new conservation easement law. The public hearing on the signage law and other miscellaneous zoning revisions was held in May. The signage law is being proposed for adoption tonight. Also up for adoption tonight is the Residential Grade Wind Turbine (WECS) Law, which was amended to reflect some of the comments received at the public hearing (Code committee has recommended these changes).
- D. The Code Review committee is also working on the following code revisions: approval of barbed wire by the Planning Board (not ZBA), number of dogs per household (from 2 to 3), transient merchant law (adding background check), and e-cigarettes (adding to prohibition on smoking on Town property). See attached agenda from this month's meeting.

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

140 John James Audubon Pkwy, Suite 201, Buffalo, NY 14228 p 716.688.0766 f 716.625.6825 w wendelcompanies.com **groundbreaking**

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

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Hamburg Code Review Committee
 July 1, 2015
AGENDA-Work Items

I. Rezoning Issues

1. McKinley at Boston State Road- Applicant told to present PRD Plan (Got TB input on 6/9, referred to PB, PB reviewing, TB to start SEQR, SEQR Coordinated Review initiated 2-18-15, TB Lead Agency- April; **No action from applicant since then**).
2. Cutaia, 4816 Southwestern (old driving range): C-1 to R-3: recommended by committee, TB entertained, at PB, **PB working on recommendation on SEQR and rezoning.**
3. **New**; 3720 Lakeshore Road; M-2(restaurant) to M-3 (adult use)

II. Code Issues

Outstanding:

1. Conservation Area language- started- possible moratorium; on hold.

Issues from previous meetings:

1. Electronic signs: Direction- Create 1 new overall signage section. Draft law completed, reviewed at meeting, referred to PB, PH scheduled and held; **Kurt working on modifications.**
2. Overlay Districts; modifications/ removal, site plan updates: referred to PB, PB recommended, Kurt adding input from Village of Hamburg on Camp road, PH re-scheduled- 7/13.

Other/Newer issues:

1. Restriction of off-road vehicles/ATV's from Town Rec. land: **adopted**
2. Non-conforming grandfather clause; ZBA parking, variance time periods; **adopted**
3. Temporary SUP's; eliminate 280-310 B (1) and (2): missed-including with others
4. Signage requirements in WC district- dependent on sign law
5. Residential grade wind turbines; Drew drafted, PH set and held- **comments being presented to committee**
6. Barbed wire; section 280-277 A. 2. - PB approval instead of ZBA; including with others
7. **New (last meeting):** Number of dogs per household (**# needed**)
8. **New (last meeting):** Transient merchant's law revision; background check (**OK?**)
9. **New (last meeting):** e-cigarettes (**OK?**)



MEMO

To: Hamburg Town Board
From: Orest Ciolko, PE, Interim Town Engineer
Date: July 13, 2015
RE: Engineering Project Update

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

- A. Mt Vernon Sewer District – CIPP Lining:**
 - a. The Town has received copies of the United Survey's CCTV Inspection report and Videos
 - b. Awaiting receipt of summary report from United Survey detailing specifics of their proposed lining and repair program prior to beginning lining work.
 - c. Evaluating recently announced grant funding from the NYS Environmental Facilities Corporation Water Grants Program to offset capital project costs. Grant application due on 9/4/15.

- B. Mt Vernon Sewer District - Lakeshore Road/Mt Vernon Blvd Sewer Replacement –**
 - a. NCI is continuing to prepare design plans for the sewer / sanitary MH replacement project.
 - b. Evaluating recently announced grant funding from the NYS Environmental Facilities Corporation Water Grants Program to offset capital project costs. Grant application due on 9/4/15

- C. RR Quiet Zone –**
 - a. Erdmann Anthony (EA) is continuing to prepare preliminary design plans, Notice of Intent and Design Report.
 - b. EA is anticipating receipt of information regarding existing railroad signal equipment from CSX and Norfolk Southern to finalize cost estimates prior to submitting the draft Design Report for review and comment
 - c. Town Board resolution on TB meeting agenda to accept updated Memorandum of Understanding between Erie County and Town of Hamburg.
 - d. Project remains on track for award of construction contract in December 2015

If you have any questions, do not hesitate to contact me.

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

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Supervisor Walters questions if there is anything outstanding that they held a public hearing on and has not been approved.

Mr. Reilly responds that his understanding is no. Cindy Conlon does a great job in keeping track of the local laws and every month they review it. After the approvals in tonight's meeting they should be caught up.

Tom Best, Sr., Highway Superintendent, comments that he has an item on the agenda to purchase a Highlift. This is the workhorse of his Department and was very instrumental in the November storm. They only have two and the one he wants to trade in is almost seven years old. He has the money in his equipment account and this will close out that account and will be the last piece of equipment he will be ordering for Highway this year. This is the only piece of equipment they use year round.

He and Councilwoman Potter-Juda discuss the option of leasing the equipment or buying it.

Mr. Best comments that they have a major sanitation problem at Woodlawn Beach. He had a plumber down there all weekend. He doesn't know the extent of the damage yet. He has been told there is a major problem with the damage. When he has more information he will let them know. The Burke Road Playground parking lot needs to be addressed and the Town Board needs to make a decision on that soon if they want to do that this year. They have a major problem with the IDA Building. The front handicap accessibility is not to code and is falling apart. The Building Inspector has condemned it. That needs to be addressed. He has a verbal estimate to redo it in concrete and the total would be \$45,000. They could use wood which would be less expensive.

Kurt Allen, Supervising Code Enforcement Officer is present at 6:12 pm.

Mr. Allen comments that it is a major liability issue and should be shut down. The railing is in total disrepair and the building requires two means of egress and if you shut the main entrance it is a problem. It needs to be addressed immediately.

Mr. Best comments that he has no money for that in his budget. The Town experienced heavy flooding over the weekend. The Golf Course was closed one day due to flooding and the crews had to repair minor damage. Hamptonbrook Road washed away on Saturday. He has three quotes coming in tomorrow and estimates the cost between \$50,000 and \$100,000 to repair it. The road is almost completely gone. If they do it as emergency status it doesn't have to go out to bid. The only money he has available is in his bridge fund and is not sure he can use that to repair a road. To repair the road he wants to put a culvert in. This is not a bridge or culvert but he wants to make it a culvert. They have to increase the size of the pipe so that water can flow through there.

Supervisor Walters responds that he needs to find out if he can designate it as a culvert because the state law is very specific. It is based on distance and length.

Supervisor Walters questions how many roads have been completed.

Mr. Best responds that he has eleven more roads to complete. None are major except Hoover because that will be done with State HUD money. He also has to do South Creek Road. Some of the streets are in bad condition and he would rather not take money from this fund. A decision needs to be made as soon as possible.

Mr. Best then reports on the Quiet Zones. He and Councilman Quinn had a conference call with the County leaders and they changed the MOU again. It was back to the original distance of road that the Town has to take over. They wanted to split the cost of putting a pipe across Lakeview Road which is a \$25,000 to \$30,000 job and take over Pleasant to Heltz Road instead of stopping at Versailles Road which is a distance of approximately 500 feet. They finally had a mutual agreement that the County will pay for the piping at their expense and the Town will take over the extra 500 feet of Road. If this is passed tonight it will be sent out to bid next week and the County wants to pave all the way to Route 20 on both roads.

Mr. Best then reports that he needs \$4200 to seal the parking lot at the Senior Center.

Mr. Best reports that the Seaway Trail Center Beach was closed the Monday after the 4th of July. There is a railing that was washed out and they closed off the entrance to the beach. He has ordered the parts and they will hopefully be in soon. The building is still in use.

The Town Board and Mr. Best discuss the best way to handle the situation.

Supervisor Walters comments that he wants to discuss Hamptonbrook. The Highway Department has 11 roads left to complete and \$27,000 that he wants to spend on a Highlift. Looking at those three items Hamptonbrook seems to be the priority of those three items. If they prepare for the worst and assume it cannot be designated a culvert Mr. Best needs to find the money to complete this project. Whether it is not getting the highlift this year and cutting out some of the roads or getting the highlift and cutting out more roads. Until he gets a chance to dig into this he should look at tabling the highlift resolution and stop the paving until he figures out what to do on Hamptonbrook.

Mr. Best comments that there should be money in the Capital fund for emergencies. He shouldn't have to stop paving roads and deprive the residents of our Town. The roads that are scheduled to be paved are in bad condition. He gets complaints every day. He can't even pave all the roads that need paving and now they want to take away more roads.

Councilman Quinn comments that in the Bond resolutions they are spending money that doesn't need to be spent. He doesn't feel the Town needs a pool right now. He would also like to inquire as to the schedule on repayment of the Bonds.

Supervisor Walters and Councilman Quinn discuss the bond resolutions that are on the agenda.

Mr. Best, Highway Superintendent, comments that if they want to pull the resolution from the highlift for now and then he will re-submit it. Hopefully the bids to repair Hamptonbrook will come in around \$50,000 and once he finds that out he may have to eliminate a couple of the roads that are scheduled to be re-paved if that is the direction the Town Board wants to go in.

Councilwoman Potter-Juda responds that they don't want to go in that direction if the roads are in poor condition but they have to set priorities and a road that is washed out comes first.

The Town Board reviews the bond resolutions on the agenda one at a time.

Councilman Quinn questions if the Town built the pool at the Senior Center on Sowles Road.

Chris Hull comments that they spent \$250,000 because they did a big expansion. They put the pool in with all the fitness rooms and that was all under the Community Development Block Grant Program.

Councilwoman Potter-Juda questions how many years ago that was.

Mr. Hull responds around 12 years ago.

Supervisor Walters comments that he is in favor of the bond resolution for the Senior Pool.

Councilwoman Potter-Juda comments that she is in favor as well but if they don't have the money and it needs to be allocated in different places then they should rethink it.

Councilman Quinn comments that they are still using the old pool and aren't kicked out of there. He is against it.

Kurt Allen comments that he wants to introduce, in the sign code being adopted this evening, a one word change. It is under Temporary signs Section 280-238 sub-paragraph B. It currently uses the word erected and he wants to change that to displayed to close a loophole. The word is used twice in the paragraph and he wants both to be changed from erected to displayed.

He then discusses Section 280-236 - Prohibited signs, sub-paragraph H, stating that initially this was for enforcement on commercial trucks but it will affect political signs as well.

Councilman Quinn comments that some candidates have invested a lot of money for this type of advertisement. Could they put this off until after the election?

The Town Board and Tom Best Sr. discuss the impact of this proposed law.

1.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes 3	Walters, Quinn, Potter-Juda
	Noes 0	

RESOLVED, that the Town Board move into Executive Session at 6:50 pm on a personnel matter on a specific employee in a specific department, a litigation matter, and potential sale and/or lease of property matter.