

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; Marty Denecke, Director of Youth, Recreation and Senior Services; Drew Reilly, Planning Consultant; Kurt Allen, Supervising Code Enforcement Officer, Chuck Naughton, Human Resource Consultant; Jerry Giglio, Safety Committee

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

The Town Board reviews the 4th Quarter Town Board meeting schedule.

1.

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

ADOPTED	Ayes 3	Walters, Best, Quinn
	Noes 0	

RESOLVED, that the Town Board move into Executive Session at 5:40 pm on a personnel matter.

2.

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 adjourn Executive Session at 5:55 pm and move back into the Work Session.

Judge Morgan comments that one of their Court Officers is having surgery and he was hoping they would consider putting on a replacement, John Hilliard.

Supervisor Walters suggests that they do an emergency hire and put it on the agenda for the next Town Board meeting.

Mr. Stockman passes out booklets concerning the new Sports Complex. He then reviews the information contained in it. He asks for the Town Board's input and then explains that he would like to open it up to the public.

Councilman Best asks that they hold a public forum with the Hamburg Hawks and other groups that would be directly involved before they purchase the land. The Hamburg Hawks have a lot of questions that he cannot answer. One subject that kept coming up was that they needed more ice.

Supervisor Walters comments that typically with projects like this the purchase of the land is contingent on the project moving forward.

Councilman Best conveys some of the concerns he has heard and again stresses the need for a public forum.

Mr. Denecke responds that whatever venue he wants, for the public forum, he will make the arrangements.

Mr. Stockman and the Town Board review the handout.

Supervisor Walters comments that the Town Board should review this further and then they can coordinate the public meeting.

Mr. Denecke comments that one of the misconceptions is that the Town is funding the project. The Town Board should make it clear that it is Sports Star Capital that is putting the money up.

Supervisor Walters comments that the information will be cleared up when they hold the public hearing.

The Town Board agrees to choose the place and date for a public hearing next week.

Drew Reilly, Planning Consultant, reports that there is nothing on the agenda from his department. But at the next meeting there will be a public hearing on the Zak rezoning and he explained the process for that in his memo (attached). He then reviews the memo. For Code Review, attached are various recommended amendments that will be processed in the future. He was also approached by the Highway Superintendent to look into a Town Code that deals with sidewalks. Superintendent Best has had numerous calls on aging sidewalks that are in disrepair. The present Code does not provide any direction on how to deal with sidewalk repairs. They want to put into law that the property owner is responsible for the maintenance of the sidewalks.

Joe Collins, Deputy Town Attorney, comments that Tom Best Sr. gave him the language that was used in Orchard Park that he was comfortable with.

Mr. Collins, Mr. Reilly and the Town Board review and discuss the proposed sidewalk ordinance.

Mr. Reilly comments that they can submit these code amendments for the next Town Board meeting, to hold a public hearing, if the Town Board agrees.

ARCHITECTURE ENGINEERING PLANNING ENERGY SERVICES CONSTRUCTION MANAGEMENT



MEMO

To: Hamburg Town Board

From: Drew Reilly and Sarah desJardins – Planning Department

Date: September 12, 2016

RE: Planning: Town Board Items- 9/12/16 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 was on the Planning Board agenda in May and was to be on the June agenda but they were unable to appear. They did appear at the 7/6/16 Planning Board meeting and at that meeting stated that they would be submitting an amended rezoning application (rezone a portion of the property to PR). They also attended the Zoning Code Review Committee meeting in June to discuss other zoning options and were also present at the 7/6/16 Code meeting to discuss the amended application. An amended application was then made and this amended application was referred to the Planning Board at the 7/18/16 Town Board meeting. In general, the amended application solves some issues for the applicant (no variance needed and their proposed use is specifically allowed in that district), but the “issues” of the rezoning (the concerns of the public) still remain. It was noted in previous memos that the new rezoning invalidates the petitions received against the project (no longer meet criteria). The Planning Board reviewed this amended application at their 7/20/16 and their 8/3/16 meetings. On 8/3/16, the Planning Board recommended this rezoning but with conditions. The Town Board, at your 8/15/16 meeting, set a public hearing for 9/26/16.

Applicants for the rezoning of the former “Sisters” property at South Park and Sowles road have made application to the Town (copy of plan given to the TB at a previous meeting), The Code Review Committee has made a formal recommendation on this request and this item was referred to the Planning Board by the Town Board. It is still at the Planning Board as the Town is completing a coordinated SEQR (waiting for information from the applicant).

- B. The Planning Board held their last meeting on 9/7/16. The following are the highlights of that meeting; two minor subdivisions (both 2 lot subdivisions) on Scranton road and Lakeview road, West Herr proposing a parking lot expansion of their auction facility located on Camp road, Mr.

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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Cleary's site plan for an expansion of his public mini storage facility at 5525 Southwestern Boulevard (previously rezoned by the Town Board and a variance received from the ZBA) and Waterford Lines Subdivision Plan amendment. I have attached the agenda for the 9/21/16 Planning Board meeting.

- C. The Code Review committee has made their recommendations on numerous code revisions that they have been working on this year. I am providing another copy of a summary of those code revisions for your use. At your meeting in July you referred the first set of code revisions to the Planning Board and they have recommended approval of these code revisions. We will have a resolution for your next Town Board meeting (9/26/16) to set a public hearing on these revisions. We held off setting the public hearing until your meeting dates were set for October and to possibly include another proposed revision:

Based on concerns of the Highway Superintendent, representatives of the Planning, Legal, Code Enforcement and Highway departments and the Planning Board chair and Town Engineer met to discuss the issue of sidewalk maintenance and repair. Currently the Town Code does not specifically address who is responsible for the repair of sidewalks. The Town Attorney's office has provided a draft law that would address this issue, which is being presented tonight. If found acceptable, this can be added to the Code Revisions that will be considered for adoption (public hearing to be set).

Legal Notice
Town of Hamburg
Meeting – September 21, 2016

The Town of Hamburg Planning Board will meet for a Regular Meeting at 7:00 P.M. on Wednesday, September 21, 2016 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue, to discuss and/or approve the following:

REGULAR MEETING

1. Public Hearing - 7:00 P.M., Jim Cleary – Requesting Site Plan Approval of additional mini-storage space at 5525 Southwestern Boulevard
2. West Herr Auction – Requesting Site Plan Approval of a parking lot expansion on property located at 4789, 4795 and 4803 Camp Road
3. Colley's Pools (4953 Camp Road) – Requesting Site Plan Approval of a 17,600 sq.ft. retail/restaurant building and related parking
4. Waterford Pines, LLC – Requesting Preliminary Approval of the previously approved Waterford Pines Cluster Subdivision, Phase II (vacant land as an extension of Waterford Lane)
5. Villas at Brierwood – Requesting Planning Board approval of an amended landscaping plan

Daniel O'Connell, Chairman
Douglas Schawel, Secretary
Planning Board

Dated: September 8, 2016

4. Amend Chapter 100 (Dogs), under Section 100-13 Redemption; impoundment fees, by adding a new paragraph B. as follows:

If the Dog Control Officer of Police Officer finds a dog that has been reported to be running at large, and the owner is found by the DCO or Police Officer, and the owner can show proof that the dog is duly licensed and has a current rabies shot, the dog may be returned to the owner and sections 100-13, A (1)-(3) are waived by the Town of Hamburg.

The remainder of the section shall be “re-lettered”, C. through F.

This revision is required under State law and was requested by the Town Clerk.

5. Amend Chapter 191. Peddling and Soliciting, Article II. Transient Retail Merchants to require a background check:

Amend Chapter 191, Peddling and Soliciting, Article II Transient Retail Merchants

Amend §191-20. License Application

Add the following:

The police officer designated by the Police Chief to order and review criminal records (“Criminal Records Officer”) may cause the fingerprints of any applicant for a Transient Retail Merchant license and any applicable fee to be forwarded to the Division of Criminal Justice Services (DCJS) in the form and manner as prescribed by DCJS for a complete criminal background and investigation upon receipt of the appropriate fee from the applicant.

The Criminal Records Officer, the Town Clerk, and the Town Attorney shall review the criminal history record information (CHRI) disseminated by DCJS in connection with the applicant’s criminal background and investigation.

In making the determination of the applicant’s fitness for the requested permit, based upon the information provided by DCJS, New York State Correction Law §§701 through 703b and §§751 through 753 shall be given due consideration.

This revision was requested by the police department

6. Amend Chapter 213. Smoking, Section 213-2. Definitions, by adding to the definition “e-cigarettes”, as follows:

Amend §213.2. Definitions to add the following under **Smoking**:

...tobacco substitute, electronic cigarette or e-cigarette, or smokeless tobacco...

Amend §213.2 Definitions to add the following term

Electronic Cigarette or E-Cigarette

A battery operated device that contains a cartridge and/or liquids consisting of chemicals, nicotine and/or flavoring that are turned into vapor which may be inhaled by a user.

Smokeless Tobacco

Any product that consists of cut, ground, powdered or leaf tobacco that is intended to be placed by the consumer in an oral cavity.

This revision addresses a loop hole in the current Town law which prohibits smoking on Town property, but does not include e-cigarettes in the definition of smoking.

7. Amend Chapter 34. Mandatory Training, Article I. Planning Board and Zoning Board of Appeals as follows: Section 34-4. Acceptable providers- amend to read: **Acceptable providers of training shall include the Town Planner or other approved planning consultant; regional planning counsels; County Planning Agencies; a New York State agency; a New York State association, e.g. the Association of Towns, Conference of Mayors or New York Planning Federation; and an accredited college, or any other provider approved by the Town Board in advance of a member's attendance at such training.**

This revision was first brought up by the Legal Department and the Town Clerk has also provided input. The Code Review committee at their April meeting voted to allow "on-line" training programs of up to two hours per year. Like other training, it will require approval of the Town Board prior if using this type of training. To accomplish this the following additional revisions would be necessary:

Amend Section 34.3. Acceptable/nonacceptable forms of training. to read: **Acceptable forms of training shall include traditional classroom-style training and up to two (2) hours per year of approved on-line training. In accordance with Section 34-5. and 34-6. of this Chapter, on-line training will require a methodology to receive "certificates of completion" and will require Town Board approval of any on-line training program or course.**

Kurt Allen reports that there is a pre-filed resolution for another Town Board ordered demolition. The address is 5837 Lakeview Terrace which is an abandoned cottage. He has reached out to the homeowner and received no response. The cost will be assessed against the property and the Town will be reimbursed for the total cost from the County. They received bids to demolish two other properties that were under Town ordered demolitions. The cost of demolition, because of Department of Labor Asbestos Abatement regulations, has gone way up. They only received one bid for both projects and he rebid to try to drive the numbers down. The cost of the two demolitions, combined, is \$41,000. He will not award the contracts without Town Board approval because of the budget consequences.

3.

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 6:40 pm on three personnel matters, specific people, specific departments, a sale of property and a legal matter.