

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 there is a public hearing on the agenda for amendments to the Town Code and Mr. Reilly is present to answer any questions.

Drew Reilly reviews the Code modifications on the agenda.

Mr. Reilly then comments that the Town Board needs to schedule time at a Work Session to discuss the Jeffrey Boulevard rezoning.

Councilman Quinn states that he cannot make the November 14th Town Board meeting.

The Town Board decides to change the November 14th meeting to November 7th.

Mr. Reilly comments that the first thing they need to do, concerning the Jeffrey Blvd rezoning, is make a SEQRA decision. He explains the process and asks for a timeframe.

Supervisor Walters comments that they should put aside 30 minutes at the November 7th Work Session to discuss the issue at 5:30 pm.

Mr. Reilly then states that there have been several complaints concerning open burning. Open Burning is governed by the DEC. If there is ever an open burning issue the DEC will be called in to handle it. Other Town's do have a local law where they assign someone from the Town to go out for specific complaints. The problem is they have to identify a person to handle it and most complaints are at night or on the weekends.

Councilman Best questions what would be allowed under the open burning law.

Mr. Reilly responds that if you have a fire pit and it is a contained burn, it is allowed. But if you start a bonfire you could be fined.

Mr. Reilly reviews his Planning report dated October 17, 2016 as attached:

ARCHITECTURE ENGINEERING PLANNING ENERGY SERVICES CONSTRUCTION MANAGEMENT



MEMO

To: Hamburg Town Board

From: Drew Reilly and Sarah desJardins – Planning Department

Date: October 17, 2016

RE: Planning: Town Board Items- 10/17/16 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), *but it should be noted that new petitions have been received.* 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, which was held on 9/26/16 (and it was stated that we would accept comments for 10 days after the meeting – which was up on 10/10/16). *After the Public Hearing the project was tabled. Per the Town Board’s request, I have put a summary of the public hearing together, which is attached. Once the Town Board has reviewed the information submitted, we will need a work session with the Town Board to discuss SEQR (need to make a decision- four potential actions with a site that was the subject of a GEIS) and the rezoning (give direction on the application for resolutions). The new petitions submitted meet the State criteria and therefore the rezoning requires a super majority and will require all three votes.*

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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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 10/5/16. The following are the highlights of that meeting: Mr. 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) was discussed and conditionally approved, Colley's pools expansion project was discussed and tabled, Waterford Pines Subdivision Plan Phase II Preliminary Plat amendment was Conditionally approved (controversial with existing neighbors), and Villas at Brierwood amended landscape plan (controversial) was discussed and tabled. A new application (sketch plan) for a five lot subdivision on Taylor road (right at the Town boundary) was discussed and tabled. I have attached the agenda for the 10/19/16 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. The Town Board set a public hearing on these revisions, which now include a revision to the sidewalk law. 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 was discussed at your last meeting. It is being included with the other draft zoning code revisions, which a public hearing is being held tonight.
- D. We are working with the Legal department on a request to place towers within the Town road ROW (claiming that they are a utility).

Legal Notice
Town of Hamburg
Meeting – October 19, 2016

The Town of Hamburg Planning Board will meet for a Regular Meeting at 7:00 P.M. on Wednesday, October 19, 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., West Herr Auction – Requesting Site Plan Approval of a parking lot expansion on property located at 4789, 4795 and 4803 Camp Road
2. Andy Romanowski – Requesting Preliminary Approval of a five-lot subdivision to be located on the west side of Taylor Road, just north of the Town of Boston boundary line
3. Colley's Pools (4953 Camp Road) – Requesting Site Plan Approval of a 17,600 sq.ft. retail/restaurant building and related parking
4. Villas at Brierwood – Requesting Planning Board approval of an amended landscaping plan

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

Dated: October 6, 2016

Councilman Best comments on the large lots throughout the Town that are being used to store new cars. What is legal in the Town?

Mr. Reilly comments that they have two West Herr projects before the Town right now and the Building Inspector has asked the Planning Board to ask West Herr to stop storing vehicles throughout the Town without approval.

Supervisor Walters comments that 2018 will be the 150th Anniversary for the hamlet of Lake View. They are putting a committee together to plan events and are asking if the Town Board would like a spot on the committee.

Councilman Best comments that he will volunteer to be on the committee.

Walt Rooth comments that he has a late resolution concerning employee leave for Breast Cancer and Prostrate Screening.

Supervisor Walters comments that Ms. Engler called his office looking for a date for the meeting with the residents that was discussed concerning the two creeks at Woodlawn.

Councilman Best comments that they were waiting for the DEC and the NYS Parks to meet to get an amendment to allow more sediment to be put on the north end of the beach. He hasn't heard back. He will contact her. The State is considering a short term plan which includes a bridge. He sent a letter to Joe Coniglio as per his request so that he could put something together to start a study on the flow of the creeks.

Supervisor Walters reports that they received a grant, for Woodlawn Beach, about three years ago for \$75,000 to convert the water pump station to a bathroom. The next step is the engineering design. Michael Quinn, Engineering Consultant, submitted a bid of not to exceed \$41,500 for the design and \$3500 for the contract documents and bidding documents. Part of the reason for the expense is that they have to follow all of State Park and State DEC regulations because it is State property. This does not include the conversion. The total project including construction and engineering work will exceed the \$75,000. It will probably be around \$125,000. The questions is, do they except that bid as professional services or put it out to bid.

Councilman Best questions, every year, if there is a surplus from Woodlawn Beach, do they put the money back into the park? When will they know the results of the summer of 2016?

Supervisor Walters responds that the books close January 1st. He then states that the Town has a 10 year contract with the State with a 10 year renewal if the Town chooses to. The Town took over in 2011.

Councilman Best states that worst case scenario they would have to come up with \$40,000 or \$50,000 to complete the bathroom.

Supervisor Walters responds that would be a capital expense. The biggest expense in the conversion is a lift station to get the sewage from the grove up to the pavilion.

It will be a poured concrete building and will be built so that if you had to, you could go in and clean it with a fire hose. There will be no drywall.

Councilman Best comments that he feels they have to do it. People hold weddings in the grove and they have to use a port-a-potty. This would encourage more people to have events there.

Councilman Best comments that they need to talk about a new shuttle. If you want the beach to be a success you have to make it attractive for people to want to come.

The Town Board decides to move forward with the conversion of the pump station.

Councilman Best comments that a resident had a concern about how many people in the Town recycle or don't recycle.

Catherine Rybczynski, Town Clerk, responds that the Town recycles paper, has a bin in the lobby for recycling cans and bottles and when shredding documents at the archives they call for 2 to 3 pick-ups to recycle that paper.

The Town Board discusses recycling options for the Town of Hamburg.

Councilman Best comments that he would like a log of all the Town vehicles including age and mileage. He would like to put together a plan so they could predict, at budget time, when a new vehicle would be necessary and put together a schedule for replacing vehicles.

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 6:16 pm on three active personnel matters and one contractual matter.