TOWN BOARD MEMBERS PRESENT:

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| Steven J. Walters | Supervisor |
| Michael Quinn | Councilman |
| Thomas Best, Jr. | Councilman |

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk
Mary Dosch, Sr. Account Clerk; Luke Malecki, Financial Consultant; Walter Rooth III, Town Attorney; Joe Collins, Deputy Town Attorney; Drew Reilly, Planning Consultant, Michael Quinn, Engineering Consultant; Tom Best, Sr., Highway Superintendent; Gerald Gorman, Town Justice; Carl Morgan, Town Justice

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

Supervisor Walters comments that the first thing on the agenda is the discussion of a new Court Administrator position.

Judge Gorman comments that this position is civil service non-competitive. The current Administrator is retiring and the position needs to be filled. He is unsure as to how to go about it.

Judge Morgan comments that he made a request from the County Magistrates Association for the qualifications necessary. This would address the minimum qualifications necessary for a Clerk in the Justice Court and would be a good starting point.

Supervisor Walters comments that the Judges would work off a list from Civil Service and add any additional qualifications and then Civil Service would tell them the title based on the duties. There may be a few titles and then they would have to select from that.

The Town Board and Judges discuss the process, with the hopes of hiring someone by the first of the year.

Luke Malecki submits the proposed amendments to the 2017 Tentative Budget. He submits two proposals for the Fire Companies, one keeps the increase at the tax levy amount and the other reflects the contract amounts submitted by the fire companies.

Mr. Malecki and the Town Board discuss the budgets for the fire companies.

The Town Board decides that all fire companies will get their requested amount except for Amor Volunteer Fire Company because the percentage requested was higher.

The Town Board now discusses other amendments to the 2017 tentative budget.

Supervisor Walters comments that there is an increase of $75,000 from the Tentative to the final Budget, which brings the total up to $425,000, for Highway improvements as discussed. He asks Highway Superintendent Best if they could keep the amount at $400,000 which was the budgeted amount in 2016.

Superintendent Best responds that he would not recommend it. He has been in charge of the Highway Department for the last eight years and the budget has not increased over that period of time. It costs more and more money to pave and they are not accomplishing what they should be. With the budgeted amount he is given, instead of paving more roads they are paving less. The cost of paving is around $100,000 per mile of road. There are 150 miles of road. It would take him 30 years to pave them all. He has tried to cut corners and over the last couple of years he has done oil and stone for certain roads. That would last about four years. A well paved road would last around eight to ten years. Taking away $25,000 will be moving in the wrong direction.

Councilman Best comments that if they don't start increasing the budget amount the infrastructure of the roads will disintegrate.

Supervisor Walters questions if he needs $60,000 for dredging at the boat launch.

Superintendent Best responds that he is way over budget this year on dredging. He cannot even go out to bid because no one wants to bid on it. He used to pay around $9,000 to dredge it but this year he paid $18,000. Next year they will have to pay for a pylon that needs repair. Their consultant with the OSEA is looking into the Corps of Engineers putting in some break walls around Hoak's on the Lake and they are trying to piggyback on that by putting break walls at the Town Park.

Councilman Best comments that they are not making enough money from the boat launch permits. However, if they closed the launch our Water Rescue Unit, the walleye fisherman and local residents would have to go all the way down to the Small Boat Harbor.

Superintendent Best comments that there isn't much of a choice, they have to come up with the money or close the boat launch.

The Town Board and Superintendent Best discuss the issue further.

Drew Reilly reviews his handouts as follows:

Hamburg Town Board Special Meeting
**November 7, 2016**
**Zak Rezoning**
## AGENDA-Work Items

I. Application History

II. Input Received
1. Planning Board Recommendation and Meeting Minutes
2. First Public Hearing
3. Correspondence from residents, neighbors, etc.
4. First petition
5. Second Petition
6. Second Public Hearing
7. Additional correspondence received
8. Comments from agencies

III. Questions on Comments Received; Listing of Issues

IV. Decisions to be made
1. SEQR: Review SEQR Findings from original GEIS.
2. SEQR Process: 1 of 4 actions: In conformance with SEQR Findings, Amended Findings, Negative Declaration, and Positive Declaration- Supplemental EIS.
3. SEQR: Project does not appear to be properly addressed in the original SEQR Findings. Therefore, also review part 1 of the submitted EAF and other information received from the applicant and look at part 2 of the EAF. Determine if have enough information needed to make SEQR decision.
4. SEQR: If need additional information can request of applicant or of Town staff, committees or Advisory Boards.
5. SEQR: My recommendation is that you will either determine that the project will not have a significant impact on the environment and issue supported (part 3) Negative Declaration, or issue a positive declaration- requesting a SGEIS.
6. Rezoning: Once the Town Board believes that SEQR has been addressed, and it is looking like a Negative Declaration, then the Town Board needs to construct an approval resolution for the application. If moving in this direction, it would most probably be a Conditioned Rezoning, and conditions would need to be discussed.

V. Next Meeting and Assignments

ARCHITECTURE ENGINEERING PLANNING ENERGY SERVICES CONSTRUCTION MANAGEMENT

wendel

MEMO

**To:** Hamburg Town Board

**From:** Drew Reilly – Planning Department
**Date:** November 7, 2016
**RE:** Zak rezoning- SEQR

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The following is an update and input to the Town Board on Zak rezoning project, as it relates to SEQR:

A. Ravenwood North Industrial Park GEIS and Findings

In reviewing the Ravenwood North Industrial Park SEQR documents, I would offer the following:

1. The Findings are based on the development of the Park into Industrial projects, but many of the thresholds and conditions are just based on impacts:
    a. No blasting
    b. No wetlands impacts (avoidance).
    c. Runoff will be controlled (no increases)
    d. A minimum of 20 % greenspace is required. Greenspace along Rush creek.
    e. Shared driveway and berm requirements for specific sites (not part of this project)
    f. Sewer capacities
    g. Water capacities
    h. Traffic generation
    i. Setback and height limitations
    j. Use restrictions
    k. Construction working hours, controlling dust and erosion control
    l. Preservation of mature tree clusters
2. It is my recommendation that the Town Board either issue a Negative Declaration or a Positive Declaration- requiring a SGEIS. This is based on the fact that the GEIS and its Findings are not based on a project like this, some of the data is outdated and some of the issues of this project are unique to this type of project (would be difficult to state that the project is in full conformance, or that an Amended Findings document could address the unique issues of this project).

3. Therefore, utilizing Part 2 of the full EAF, the following comments from the public and other

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

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interested parties are relevant to the SEQR decision:

a. *Impact on Land*; no specific issues.
b. *Impact on Geological Features*: no specific issues.
c. *Impact on surface water*; no specific issues raised, but would want the Town Engineer to comment on stormwater and wastewater facilities.
d. *Impact on groundwater*; no specific issues
e. *Impact on Flooding*; one resident complained about drainage in the area.
f. *Impact on Air*; no specific issues
g. *Impact on Plants and Animals*; one resident did bring up concern of displacing wildlife.
h. *Impact on Agriculture*; not an issue.
i. *Impact on Aesthetic resources*; no specific scenic resources thought to be impacted, but neighbors concerned about views and needing to screen.
j. *Impact on Historic and Archaeological*; not a specific concern or issue.
k. *Impact on Open Space and Recreation*; does not eliminate a resource, but "argument" between applicant and residents about whether this additional private recreational resource is needed.
l. *Impact on CEA*; this area is not in a CEA or near one.
m. *Impact on Transportation*; one of the bigger concerns of the area residents. Applicant provided some information (generated by him). From a pure number of vehicles standpoint, this project does not generate the number of vehicles that an Industrial business would generate and is within the thresholds of the GEIS. It does not generate the truck traffic that Industrial users generate. One of the bigger issues the public raises is the time of the day the traffic would be generated (many trips generated on the weekend and late at night- early morning and the potential for drunk drivers).
n. *Impact on Energy*; not an issue.
o. *Impact on Noise, Odor and Light;* Another big issue raised by the residents of the area. Noise and light impacts are especially of concern due to the late hours and the weekends. The residents would not enjoy the quiet and safety of their homes.
p. *Impact on Human Health*; does not relate to the standard SEQR issues such as a remediated site, solid waste, landfill, storage of hazardous materials, etc. Public is concerned about safety of the children in the area- drunk drivers, etc.
q. *Consistency with Community Plans*; different from surrounding land use patterns and inconsistent with current zoning. Arguments/difference of opinions on the consistency with the Town's adopted Comprehensive Plan.

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r. *Consistency with Community Character*; from the standard SEQR standpoint, it does not impact historic importance, low income housing, designated public resources, architectural scale and character or natural landscape. Residents though believe that the project will negatively impact the character of their community.

One issue raised by the public that is not a SEQR issue is the concern over the impact to property values. This issue cannot be discussed under SEQR, but can be considered under the actual rezoning decision (would need solid data and information). The serving of alcohol is indirectly a SEQR issue, due to the potential perceived problems.

For the meeting on 11/7/16, the Town Board should decide as to whether they have enough information on file to make a rational decision on SEQR and also on the rezoning application. Do you need more information from the applicant, do you need the Planning Department or other Town departments, advisory boards or others to provide you information, etc.?

Drew Reilly questions if the Town Board needs any additional information to make a decision on the Zak rezoning.

Supervisor Walters comments that he would like more specification on the type of outdoor lighting they will be using, on the type of activities they will have in regards to noise pollution, when they hold an event where are they putting all the vehicles (parking), and with respect to visual screening do they have any plans for that.

Councilman Best questions if they made a decision that there was no environmental impact could they turn down the rezoning.

Mr. Reilly responds that if they made a decision that there would be no environmental impact they could approve or they could rule against the rezoning. If they made the decision that there would be environment impact they could not move forward with the rezoning.

Supervisor Walters comments that he brought up a handful of issues and is presuming that the developer will adequately address the other issues that were brought up at the public hearing.

Mr. Reilly and the Town Board discuss the SEQRA and the rezoning approval or denial process.

Mr. Reilly then states that there is a resolution on the agenda pertaining to amendments to the Town Code. Is the resolution worded correctly so that the Town Board can move forward with it?

Supervisor Walters responds that the mandatory training for Planning and Zoning Boards was not ready for approval. That has been removed from the resolution.

The Town Board and Mr. Reilly discuss the mandatory training.

The Town Board decides to move forward with approving the resolution on the agenda amending certain chapters to the Town Code.

Tom Best, Sr., Highway Superintendent, comments that the Safety Officer recently received a raise. Why is the money coming out of his budget?

Supervisor Walters comments that is a mistake, the money should not be coming out of his budget.

Superintendent Best reports that two of his plows have to be taken out of commission. The dumps in the back are so rotted out they are unsafe to use. He will be down two plows this winter which means that clearing the roads will take longer. Even if he ordered new plows they would not be available until next year. In order to replace the dumps that are rotted it will cost $28,000 and will take four to six weeks. The plows are H-6 and H-7. He does not have the money in his budget.

The Town Board discusses options as to where the money will come from.

Michael Quinn, Engineering Consultant, comments that, pertaining to the Quiet Zones, because it is Federal money and involving CSX and Norfolk Southern they have to follow a number of different rules. In following those rules there are certain steps they have to go through. They cannot risk the Federal money, with no local match, which is as good as you can get. There have been some communication issues with CSX, with people retiring on both sides. They sent CSX all the information they should need to do their review. Once they do the review they asked them to give the Town the go ahead. The Town is responsible for the delineators and some paving at Bayview. CSX is responsible for some controls work on their signals and if that work isn't done Quiet Zones can have delineators for fifteen miles and it doesn't matter. Until that control work is done by CSX staff those Quiet Zones cannot go into operation. They are in the process of giving the Town the go ahead and the Town has to give them a deposit for their work which is in the works. The goal is to bid that this fall, so that Lake View and Pleasant will be done this fall and Bayview will be done in the spring.

Councilman Best comments that it doesn't make sense to go forward with Bayview if they are going to close the road.

Mr. Quinn responds that it doesn't make sense to go forward with the paving. It could be a couple of years process to get the closing complete. Therefore they may want to do the Quiet Zone and not worry about the paving. They talked to the DOT rep that handles the Federal money and he said to get it bid and they will deal with other issues later on. The hope is to use some of the extra Quiet Zone money towards the closure. They are doing everything they can to get CSX moving. The goal is to get Lake View and Pleasant done this fall. If the Town wants to move forward with the closure they did get a proposal from Wendel. He would prefer to get a proposal to do the study. This can be done through his contract and part will be for grant applications as well.

The Town Board agrees to get the proposal to do the study.

**1.**
On a motion of Supervisor Walters, seconded by Councilman Quinn, the following resolution was

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| ADOPTED | Ayes | 3 | Walters, Best, Quinn |
| | Noes | 0 | |

**RESOLVED,** that the Town Board move into Executive Session at 6:46 pm on two legal matters, one contractual and two personnel matters.