

Meeting No. 17  
November 21, 2005  
Hamburg Town Board Meeting  
S-6100 south Park Avenue  
Hamburg, N.Y. 14075

Supervisor Hoak calls the meeting to order at 700 p.m.

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman
Also Present:	Catherine Rybczynski	Town Clerk
	James Spute	Finance Director
	Robert Hutchison	Town Assessor
	Gerard Kapsiak	Town Engineer
	Richard Boehm	Deputy Town Attorney
	James Connolly	Highway Superintendent
	Carmen Kesner	Assistant Police Chief
	Tim Regan	Community Development Assistant
	Martin Denecke	Director of Recreation
	Tim Ellis	Traffic Safety Consultant
	Gerald Koenig	Planning Board Chairman
	Kurt Allen	Supervising Code Enforcement Officer

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

7:00 p.m. Public Hearing for the adoption of an amendment to said Zoning Code for property located at 4767 Southwestern Boulevard to be rezoned from R-2 to R-A

Catherine Rybczynski, Town Clerk, reads the following Legal Notice as published in the Hamburg Sun and the Front Page:

**LEGAL NOTICE**  
**TOWN OF HAMBURG**

PLEASE TAKE NOTICE that there has been presented to the Town Board on October 24, 2005, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #5, 2005; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property located at 4767 Southwestern Boulevard. The property is to be rezoned from R-2 (Single Family Residence - Attached District) to R-A (Residential Agricultural District) and further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 14, Township 9 and Range 8 of the Holland Land Company's Survey, being more particularly described as follows:

BEGINNING at a point in the intersection of the east line of Lot 14 and the south line of lands conveyed to Clara T. Burke by Liber 1007 of deeds at page 382; thence southerly along the

easterly line of Lot 14, a distance of 600.02 feet; thence westerly parallel with the south line of lands conveyed to Clara T. Burke by Liber 1007 of deeds at page 382, at an interior angle of 90°28'03", a distance of 395.58 feet; thence northerly measured at right angles, a distance of 600.00 feet to the south line of lands conveyed to Clara T. Burke by Liber 1007 of deeds at page 382; thence easterly along said Burke's south line, a distance of 400.48 feet to the point or place of beginning, containing 5.5 acres more or less.

THEREFORE, pursuant to the statues and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on November 21, 2005 at 7:00 p.m. (Local time), at which all interested persons may be heard.

Dated: October 24, 2005

Catherine Rybczynski  
Town Clerk  
Town of Hamburg

Catherine Rybczynski, Town Clerk, states that the following correspondence was received:

(1) From the Planning Board, a favorable recommendation for the following reasons:

1. This is a good use of the property and a logical expansion for the nursery business.
2. This proposal will be a more effective use with the growing of trees and horticultural products surrounding residential areas.
3. This will also match the commercial area.

(2) Letter from 8 residents stating that they have been visited by representatives from Gullo's and they have been advised of their development plans. They do not state whether they are in favor of or opposed to the plans.

Supervisor Hoak comments that they wait for at least two weeks for any action to be taken, but any input from the public will be addressed at this time and there is also the opportunity to submit correspondence.

Wendy, Planning Assistant from Wendell Duscherer, shows the proposed area on a map that is to be rezoned and the surrounding property. This property is part of property that is located at 3888 Sowles Road. This property has been purchased by the applicant to add onto the land he currently owns on Southwestern Blvd. The applicant is hoping to expand his gardening center and use the land he has acquired for the storage and display of horticultural products and trees, shrubs, etc. These lands are surrounded by the Sweet Spot driving range, then to the east is a large residential subdivision and the back portion of a long residential property that is all wooded and would provide a buffer between the residential neighborhood and the site the applicant will be developing. This actually constitutes a logical expansion of the nursery business and the requested Residential Agricultural District is consistent with the Master Plan in the sense that it would not allow for the expansion of C-1 zoning which is currently along Southwestern. This expansion would be compatible with the surrounding businesses. They do not anticipate that there would be significant impacts to the surrounding lands because of the type of uses and the buffers to residential properties, already in place.

Dave Derkacz, Gullos representative, comments that there is a strip of property that is C-1 now, that they are including in the rezoning application to be changed to R-A.

Councilwoman Hochul comments that she is pleased that they accepted this compromise. She is glad this fits in with their needs as well as the needs of the Town.

Councilman Cavalcoli comments that in the conditions and comments from Mr. Koenig from the Planning Board they talk about expanding and using that area for the storing of trees and horticultural products. It is the Boards intention that the storage items not include such things that will require heavy equipment, such as gravel, fill or topsoil. Is that a correct understanding.

Mr. Gullo responds that most of that area will have trees and shrubs. They do sell topsoil and gravel, but it is in a small area and goes in and out on a daily basis, it is not stored.

George Lee, Madison Avenue, questions if the land is landlocked. Mr. Gullo responds yes it is. Mr. Lee then states he thinks this is a good thing for the Town of Hamburg, because who else would want to use it.

John Burgenoff, Winterway Lane, comments that he is one of the residential properties within 500 feet of the perimeter of this land. His only question and concern is that a map he was shown had an outline of a 30 foot berm along his property and he is asking for some kind of planting on that berm to provide an additional buffer other than that 100 foot strip. Mr. Gullo comments that this is on the site plan and will definitely happen.

Councilwoman Kesner comments that she has seen their business grow from a little one room operation into quite an operation. Everything that she has seen with their expansion has been well thought out and aesthetically pleasing to the neighborhood and she congratulates him on his growing business and she is glad it is happening here in Hamburg.

**I.**

**RESOLVED**, that the Town Board close the public hearing at this time.

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

7:15 p.m. Public Hearing for the adoption of an amendment to said Zoning Code for property located at Bayview and Southwestern Boulevard to be rezoned from C-1 to C-2.

Catherine Rybczynski, Town Clerk, reads the following Legal Notice as published in the Hamburg Sun and the Front Page:

**LEGAL NOTICE**  
**TOWN OF HAMBURG**

PLEASE TAKE NOTICE that there has been presented to the Town Board on October 24, 2005, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #6, 2005; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-entitled Zoning, and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property located at Bayview and Southwestern Boulevard (Burke Business Park). The property is to be rezoned from C-1 (Local Retail Business District) to C-2 (General Commercial District) described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 6 & 7, Township 8 and Range 8 of the Holland Land Company's Survey, being more particularly described as follows:

BEGINNING at a point in the northwest corner of lands conveyed to Edmund F. Burke by deed recorded in Liber 9666 of deeds at page 639; thence S01°55'46"W, a distance of 162.00 feet to the southwest corner of Liber 9666 of deeds at page 639; thence S59°33'42"E, a distance of 150.00 feet to a point in the westerly line of South Park Avenue; thence S01°55'46"W, along the westerly line of South Park Avenue, a distance of 138.68 feet to a point in the northeast corner of Loretta A. Iafallo by deed recorded in Liber 10547 of deeds at page 409; thence N88°04'14"W, along the north line of Liber 10547 of deeds at page 409, a distance of 150.00 feet; thence S01°55'46"W, along the west line of Liber 10547 of deeds at page 409, a distance of 155.00 feet; thence S56°03'15"W along the northwesterly line of Southwestern Boulevard, said line also being the northwesterly line of a 10 foot wide strip of land to be acquired by the New York State Department of Transportation, a distance of 755.38 feet; thence N33°57'13"W, along the northeasterly line of the future Hamburg Central Federal Credit Union, a distance of 350.00 feet; thence S56°03'15"W, along the northwesterly line of the future Hamburg Central Federal Credit Union, a distance of 250.00 feet; S33°57'13"E, along the southwesterly line of the future Hamburg Central Federal Credit Union, a distance of 350.00 feet; thence S56°03'15"W along the northwesterly line of Southwestern Boulevard, said line also being the northwesterly line of a 10 foot wide strip of land to be acquired by the New York State Department of Transportation, a distance of 60.00 feet; thence N33°57'13"W, along the northeasterly line of lands conveyed to Frontier Central School by deed recorded in Liber 10976 of deeds at page 8590, a distance of 576.72 feet; thence N01°55'46"E, along the easterly line of lands conveyed to Frontier Central School by deed recorded in Liber 5244 of deeds at page 556, a distance of 1387.58 feet to a point in the southwesterly line of Bayview Road; thence S59°33'42"E, along the southwesterly line of Bayview Road, a distance of 17.76 feet; thence S01°55'46"W, along the westerly line of lands conveyed to Big Tree Volunteer Firemen's Co., Inc. by deed recorded in Liber 9666 of deeds at page 635, a distance of 350.00 feet; thence S88°04'14"E, along the southerly line of lands conveyed to Big Tree Volunteer Firemen's Co., Inc. by deed recorded in Liber 9666 of deeds at page 635, a distance of 219.69 feet; thence N01°55'46"E, along the easterly line of lands conveyed to Big Tree Volunteer Firemen's Co., Inc. by deed recorded in Liber 9666 of deeds at page 635, a distance of 230.68 feet to a point in the southwesterly line of Bayview Road; thence S59°33'42"E, along the southwesterly line of Bayview Road, a distance of 1064.59 feet to the point of beginning, containing 28.72 acres more or less.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on November 21, 2005 at 7:15 p.m. (Local time), at which time all interested persons may be heard. This hearing to be held in conjunction with the required SEQR DEIS hearing for this property.

Dated: October 24, 2005

Catherine Rybczynski  
Town Clerk  
Town of Hamburg

**LEGAL NOTICE**  
**TOWN OF HAMBURG**

**State Environmental Quality Review**  
**Notice of Completion of Draft EIS**  
**and**  
**Notice of Combined SEQR and Rezoning Public Hearing**

**Lead Agency:** Town of Hamburg Town Board

**Date:** October 24, 2005

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Draft Environmental Impact Statement (Draft EIS) has been completed and accepted for the proposed action described below. Comments on the Draft GEIS are requested and will be accepted by the contact person listed below until December 5, 2005. A public hearing on the Draft EIS and corresponding zoning amendment will be held on November 21, 2005 at 7:15 p.m.

at the Town of Hamburg Town Hall, S-6100 South Park Avenue, Hamburg N.Y. 14075

**Name of Action:** Burke Business Park

The rezoning of approximately 28 acres of land from C-1 (Local Retail Business District) to C-2 (General Commercial District) and the subsequent development of a business park, including roads, utilities and other site improvements.

### **Potential Environmental Impacts Evaluated in the DEIS**

#### **Impact on Land**

- a. The project is a large, multi-phased project on an approximately 30 acre property.

#### **Impact on Water**

- a. The project could require large quantities of water supply (unknown at this time).
- b. The proposed project will generate unknown quantities of waste waters in excess of 20,000 GPD that will be discharged to a system that has problems associated with it.
- c. Changes in drainage patterns at the site could negatively impact the drainage system in the area.

#### **Impact on Aesthetic Resources**

- a. The project may have an impact on the aesthetics of Southwestern Boulevard and South Park Avenue (both have zoning overlays that focus on aesthetics), and the residential housing in the area.

#### **Impact on Transportation**

- a. The project's impact on the transportation system in the area is potentially significant.

#### **Noise Impacts**

- a. The project may have noise and odor impacts from the uses and from construction.

#### **Impact on Growth and Character of Community or Neighborhood**

- a. The rezoning of this property and subsequent development may result in a significant impact to the character of this region of the Town and to its support services.

### **A Copy of the Draft EIS may be obtained from:**

Contact Person: Mr. Drew Reilly, PE, AICP  
Town of Hamburg Planning Department  
S-6100 South Park Avenue  
Hamburg, N.Y. 14075

telephone Number: (716) 649-2023

### **A Copy of this Notice and the Draft EIS Sent to:**

Department of Environmental Conservation, Division of Environmental Permits Region 9, 270  
Michigan Avenue, Buffalo, New York 14320-2999  
Environmental Notice Bulletin, NYSDEC 4<sup>th</sup> Floor, 625 Broadway, Albany, NY 12233-1750

NYSDOT, 125 Main Street, Buffalo, NY 14203  
ECDEP, 95 Franklin Street, Buffalo, NY 14202

Applicant - E.F. Burke, 6455 Lake Avenue, Orchard Park, N.Y. 14127

Dated: 10-27-2005

Catherine Rybczynski  
Town Clerk  
Town of Hamburg

Catherine Rybczynski, Town Clerk, states that the following correspondence was received:

(1) A letter from Big Tree Volunteer Firemen's Co., Inc. stating that they want to go on record in regards to the rezoning of the Burke Business Park. They are aware of restrictions that have been recommended by the Town of Hamburg Planning Board for this property and feel further restrictions should be reviewed prior to rezoning. Due to the immediate proximity of the Frontier High School, Elementary School and Education Center and the number of students which attend these schools they are requesting the Hamburg Town Board further review the restrictions which may be placed on the parcel of land. Allowing facilities, such as a laundry or dry cleaning plant, allowed under C-2 zoning, could be detrimental to the health and safety of the students in the event of a fire or chemical release in such a facility. The Big Tree Fire Company is not opposed to the progress and growth in this business park, but would also like the Town Board to consider the installation of a new traffic light where this new public road will meet Route 20. This proposed light would greatly reduce the dangers of traffic turning both into and out of this new complex. Please consider that, this road will most likely be used by both Frontier middle and high schools as well as Big Tree Fire Company. The installation of this new road will greatly reduce the time it will take their members to respond to the station, thus cutting down on response time. With larger vehicles entering and exiting this complex they feel it is imperative to install a light at this new intersection for the safety of the general public as well as the students.

(2) A letter from the Planning Board to the Town Board forwarding a favorable recommendation (based on traffic management) for the rezoning request of Edmund Burke for Burke Business Park to be located on Southwestern Blvd from C-1 to C-2 for the following reasons:

1. The rezoning is warranted because of the size of the proposed tenant (Tractor Supply) and the necessity of this tenant to have outdoor storage.
2. A traffic light is imperative, and based on the Traffic Study, the threshold indicates that a signal is warranted.
3. There will be a limitation of uses due to the proximity of the school.
4. A secondary driveway with right in, right out, should be properly designed to prohibit left turns.
5. The proposed rezoning will not have a negative impact on the character of the character of the neighborhood, wildlife, noise, utilities, storm water runoff or other considerations.
6. Future parcels need to be evaluated on an individual basis by the Planning Board as they are presented.
7. The rezoning with an additional road and a light will greatly help the Frontier School.

Wendy, Wendel Duscherer, gives an overview of the property and surrounding properties. She states that it should be noted that this is also a public meeting on the SEQR review of this action. When the rezoning was first presented to the Town Board it was determined that this action could potentially have negative environmental impacts. Therefore the applicant was required to prepare the Environmental Impact Statement. This statement has been prepared and presented to the Town and the purpose of this hearing is to allow the public to comment on that statement.

This rezoning from C-1 to C-2 is for approximately 28 acres of land to be used as a business park. The surrounding land consists of the Frontier School, Educational Building and land on the other side of Bayview is Berkley Square and other lands along Southwestern and to the east are zoned C-2 commercial. The C-2 zoning District allows a great number of uses, and the

applicant has agreed that certain of those uses may not be appropriate for this property. Some of the uses allowed would be boat and marine sales and service, warehouses, dairies for bottling of beverages, wholesale sales and distribution, theaters, golf driving ranges, and also uses allowed by special use permit. These would include new or used motor vehicle sales & service, truck terminals, carwashes, gas stations and public garages. It should be noted that the applicant does acknowledge that some of those uses may not be appropriate and is amenable to the Town Board placing conditions on the rezoning that would prohibit those uses. The comment period for public comment is through December 6<sup>th</sup>. He has agreed to restrictions for boat, marine sales, warehouse, dairies, theaters, golf driving ranges and automotive uses.

Councilwoman Hochul questions what about the issue raised by Big tree Fire Company in respect to laundry and dry cleaning services. Wendy responds that they will need to add that to the list.

Mr. Burke comments that he will be happy to answer any questions. Meridia Savings is being built there now and Tractor Supply will be going in next to them.

Bob Guiffreda, Frontier School Board, comments that they have had a long history with Mr. Burke, he donated the land for the Frontier Community Learning Center. He reads a letter from Frontier School District to the Town Board stating that they would like to this opportunity to share their concerns regarding the proposed Hamburg Business Park. They recognize the value to the community and the opportunity for continued growth. However, they would like to stress the importance of making sure that there are adequate visual as well as noise buffers along the backside of the said development coming into proximity of the Frontier Central District's property areas. These property areas include any and all athletic fields as well as Big Tree Elementary. The second concern is the public road that will pass and bisect through the Hamburg Business Park. District school buses would need to use this public access road to minimize congestion and traffic issues at the intersection of Big Tree and Route 20. They look forward to continually communicating and collaborating with both the Town and Hamburg Business Park to ensure success for all those involved. He then states that the buffer areas are very important.

Paul Pellican, Frontier School Board, comments that he is happy to see buildings going up that will add to the tax base.

Mr. Burke comments both the Fire Company and the Frontier Schools have put emphasis on the traffic light. He has agreed, at the last Planning Board, to pay for the traffic signal. It certainly seems necessary and the Town has requested that as well. They are at a criteria that will warrant it.

Bob Miller, traffic consultant for Burke, comments that if all the parcels are developed it would certainly warrant a traffic signal. Councilwoman Hochul comments that they have been asking for a traffic signal there for years for the school buses as well as for the opportunity for residents of the Nottingham neighborhood to get out onto Southwestern. She then questions if this signal will go in simultaneous to the project. Mr. Miller responds that they prepared an impact study based on the guidelines and procedures of NYSDOT and based on full development of the project, all five parcels, a traffic signal will be installed, if warranted. Drew Reilly requested that they look at a threshold level and right now, with just one parcel developed it might not warrant a traffic signal, but with other parcels being developed it may warrant a signal. This also would be reviewed by the NYSDOT and submitted by them and they would then make a determination. Councilwoman Hochul comments given that it is not technically warranted right now, but that the school and Town want it irrespective of whether it meets the threshold because they have a better handle on what is safe for our residents. She questions Mr. Burke whether he could agree to put in the traffic signal with the first phase of the project, instead of having to wait. They have had this happen in other areas, Commerce Park, and this would enhance the safety of the project. Mr. Burke responds that you need a certain criteria level in order to warrant a traffic light. If the NYSDOT allows him to put up a traffic light, he will. Councilwoman Hochul comments that she knows they are bound by the NYSDOT rules if they are the ones paying for the signal, but if the developer is paying for it is he still bound by the strict guidelines. They may look at it differently if they are not paying for it. Mr. Burke states that if they will allow him to put one up he will. She just asks that he talk to the DOT.

Mr. Miller comments that they are dealing with estimated traffic volumes and they are right on the edge. The Meridian Bank plus any other parcel should warrant a traffic signal.

Councilwoman Hochul questions the right in and right out scenario for the driveway. Mr. Burke

comments that at the Planning Board meeting they discussed having a right out only as a matter of egress and for ingress they would have a right and a left. They need an ingress from both east and west on Southwestern Boulevard. He was told that with the new design of Southwestern there would be no problem with the left turn, coming out however it would be right only.

Joe Gargano, 4885 Southwestern, wants to say that it is nice to see this part of Southwestern being developed. It will bring more people into the area, especially for a business like his. He is in favor of this.

Gary, Blasdell Pizza, comments that he agrees with Joe, he is in favor of this.

William Janik, Janik Paving, comments that he has been doing business with Mr. Burke since 1967 and all of his projects have been first class. As a taxpayer he also welcomes this.

Scott Biehler, West Herr, comments that this is an ideal project for that area.

David Eade, Developer for Tractor Supply Co., comments that Tractor Supply Company is the only company in the country that does what they do on a national basis. Currently they have 600 stores. Last year there was a book written about four outstanding companies in the United States that have no peers or equals in what they do. Tractor Supply was one of the four. Fifty percent of the customers that come to Tractor Supply are women. They do not sell tractors. The common bond with customers are animals and land. They sell equestrian products, carhart clothing, electrical and seasonal products such as lawnmowers and snowblowers and trailers. They just opened a store in Springville and this will be a carbon copy of that store. The average new store will have between 15 and 20 new employees, 9 full-time. The store hours would be 8:00 am to 8:00 pm Monday through Saturday and 10:00 am to 5:00 pm on Sundays. One thing that is important is that it is not a typical discount store, the average annual customer count would be between 150 to 250 on weekdays and 300 to 450 people on weekends.

Councilwoman Hochul asks Wendy to look into the outdoor area fitting into the Southwestern Overlay. Councilman Quatroche questions what they typically have on display in the front of the store. Mr. Eade shows some photos of a typical store. They would have trailers and seasonal items. Councilwoman Kesner questions if they would store flammable chemicals on site. Mr. Eade comments that any of those type of products would be properly packaged. Councilwoman Hochul comments that she sees a chainlink fence on the plans. What can be done about that. Mr. Eade comments it is a green vinyl chainlink fence. Mr. Burke comments that it makes a world of difference. Councilman Cavalcoli comments that the way it is landscaped could make a difference as well, they will look at that in the Planning phase.

Mr. Eade comments that typically they build on 3 to 4 acres, but in Hamburg they chose 6 acres so that they can accommodate more green space.

Elaine Granica, comments that one of her main concerns would be traffic. She lives on South Park adjacent to Route 20 and has seen traffic increase tremendously and is wondering how this will affect the traffic on BayView as well. She has a concern about the rezoning, if it is changed to C-2 there are certain things that would be allowed that she is concerned about. Supervisor Hoak comments that they will be placing restrictions on what would be allowed. Another issue is the bus jam on BayView and the new road will be helpful with the signalization at Southwestern and the Family Support Center. This should be a major improvement. With the redesigning of Southwestern there will be increased traffic and the signalization and access in and out should help that.

Ron Klimowicz, Big Tree Fire Company, comments that they are very pleased to see this being developed it will give them better access and help their fire response time, will eliminate a lot of the bus traffic and will help with accidents on South Park and BayView. Their major concern is with the DOT they need to get the project done on Route 20 and allow for the traffic signal to be put in.

## **II.**

**RESOLVED**, that the Town Board close the public hearing on the rezoning at this time.





1. McDonnell, Pamela	B7310(320) Rec. Attendant	11/09/2005	\$9.50 P/T
2. Clendening, Robert	B7310(320)	11/13/2005	Terminate
3. Clendening, Robert	B7310(320) Rec. Attendant	11/14/2005	\$9.50 P/T
4. Motz, Lisa	B7310(320)	11/20/2005	Terminate
5. Motz, Amy	“ ”	”	Terminate
6. Motz, Lisa	B7310(320) Rec. Attendant	11/21/2005	\$9.75 P/T
7. Motz, Amy	“ ”	”	\$8.30 P/T
8. Henry, Kelly	B7310(320)	11/27/2005	Terminate
9. Henry, Kelly	B7310(320) Rec. Attendant	11/28/2005	\$8.30 P/T
10. Taylor, Patrick	B7310(320)	11/20/2005	Terminate
11. Taylor, Patrick	A7265(230)	11/21/2005	\$6.25 P/T
12. Kull, Joseph	B7310(320)	11/20/2005	Terminate
13. Kull, Joseph	B7310(320) Rec. Attendant	11/21/2005	\$7.50 P/T
14. Biellak, Paul	B7310(320)	11/20/2005	Terminate
15. Biellak, Paul	A7265(230)	11/21/2005	\$6.50 P/t
16. Wenzel, John	ER7251(225)	11/13/2005	Terminate
17. Wenzel, John	B7310(320) Rec. Attendant	11/14/2005	\$7.25 P/T
18. Reynolds	A7270(238)	11/13/2005	Terminate
19. Reynolds	A7265(230)	11/14/2005	\$8.60 P/T
20. King, Gilbert	ER7251(225)	11/13/2005	Terminate
21. King, Gilbert	B7310(320) Rec. Attendant	11/14/2005	\$6.50 P/T
22. Robb, James	ER7251(225)	11/13/2005	Terminate
23. Robb, James	B7310(320) Rec. Attendant	11/14/2005	\$7.30 P/T
24. Steger, Joseph	B7310(320) Rec. Attendant	11/14/2005	\$9.75 P/T
25. Hochul, William	A7270(238)	11/13/2005	Terminate
26. Hochul, William	B7310(320) Rec. Attendant	11/14/2005	\$6.50 P/T
27. Evert, Christopher	A7270(238)	11/14/2005	Terminate
28. Sadowski	ER7251(225)	11/13/2005	Terminate
29. Sadowski	B7310(320) Rec. Attendant	11/14/2005	\$6.50 P/T
30. Scharlock	ER7251(225)	11/13/2005	Terminate
31. Scharlock	B7310(320)	11/14/2005	\$6.65 P/T
32. Wozniak	ER7251(225)	11/13/2005	Terminate
33. Cannan, Sean	B7310(320)	11/14/2005	\$6.65 P/T
34. Cannan, Sean	ER7251(225)	11/13/2005	Terminate
35. Drew, Adam	ER7251(225)	11/13/2005	Terminate
36. Drew, Adam	B7310(320) Rec. Attendant	11/14/2005	\$7.75 P/T
37. Sigeti, Andrew	ER7251(225)	11/13/2005	Terminate
38. Sigeti, Andrew	B7310(320)	11/14/2005	\$7.00 P/T
39. McDonnell, Mary	B7310(320)	11/09/2005	\$9.50 P/T
40. Bermingham, James	A7180(215) Reg. A7265(225) Temp.	11/14/2005 11/14/2005	\$9.50 Reg. Rate P/T \$9.50 Temp.Rate P/T
41. Felice, Matthew	A7180(215) Reg. A7265(225) Temp.	11/14/2005 11/14/2005	\$9.25 Reg.rate P/T \$9.25 Temp.rate P/T
42. Duggan, Kathleen	A7180(215) Reg. B7310(320) Temp.	11/14/2005 11/14/2005	\$9.75 Reg. Rate \$9.75 Temp. Rate
43. Mindell, William	A7180(215) Reg B7310(320) Temp.	11/14/2005 11/14/2005	\$7.10 Reg. Rate P/T \$7.10 Temp. Rate P/T
44. Greenauer, Joshua	B7310(320)	11/14/2005	\$6.60 P/T











Letter #101 - Supervisor Hoak commends the Police Department for dealing with the situation at the Penn Dixie site.

Letter #102 - Supervisor Hoak comments that the month of November is the month to request that agricultural land be included in a certified agricultural district. Forms available in the Town Clerks Office.

### **Reports From Town Board Members and Department Heads**

Councilman Cavalcoli comments that there was quite a bit in the news about the most recent storm and problems with the plowing of streets. He wants to go on record complementing the crews of the Highway Department in their effort to keep traffic moving.

Councilwoman Hochul reports that she attended a meeting downtown Buffalo on Thursday on wind energy. The State afforded a grant to the County of Erie to study the use of wind as an alternative energy use in Western New York. They selected four or five sites and one of them is in Hamburg. They studied the Southtowns sewage treatment facility to determine whether or not it would be sustainable for wind energy and the conclusion was that it would be. The wind speed and other numbers they looked at showed it would sustain wind energy as an alternative source. She asks the Code Review Committee to look at model legislation from across the State. The Town of Benner, outside Syracuse, has adopted a plan that they could look at. She wants to make sure that the Town is protected, similar to the way they handled the cell tower ordinance. She also wants to look into how it would benefit the host community, for example, low cost electricity available to our industrial park and to our residents.

Councilman Quatroche comments that the Recreation Department received another grant for a nature trail at the Nike Base. He commends Mr. Denecke for going out and getting alternative sources of funding.

Supervisor Hoak comments on Veterans Day at the VFW Post. There were five young men that signed up for the War in Iraq. Five young men who couldn't be prouder of their country dressed in uniform and it sent chills up and down the spine. Kudos to them and the Veterans who honored them.

Mr. Connolly, Highway Superintendent, comments that because of the storm leaf pick-up is delayed. They will get back to it as soon as they can. The same with the brush pick-up.

### **Business From the Floor**

Elaine Granica, 4962 South Park Avenue, in regards to the auto repair garage that is proposed for South Park near the thruway. She understands that the Town Board cannot dictate to the Planning Board, they are two separate entities, but the neighbors are very frustrated that this project is still being considered. She feels that zoning was a mistake. Even back in 1986 those residential homes were there. This needs to be looked at.

Councilman Cavalcoli comments that the late resolution he passed deals with the remaining properties and they are directing the Planning Board to look at protecting them further. His understanding, from the research that was done, is that in the 1970's it was zoned residential businesses. This zoning is no longer used. That equates to what they now call neighborhood commercial. However, at some point in the early 1980's that was made commercial. They have done everything they can to identify that as residential property. They do not have any documentation that supports that. They cannot go back and retroactively correct that mistake. What they have to do is keep working with the Planning Board to try and reduce the impact of that business or not allow the permits to go ahead. They cannot dictate to them what to do. As liaison to the Planning Board, he will continue on their behalf, to urge them to look at that as a residential area. He will urge the Planning Board to give serious consideration as to how that will impact the residents in that area and at the same time pursue the protection of the remaining properties. They are doing everything they can, but they have rules and regulations they have to follow.

### **XXV.**

**RESOLVED**, that the Town Board adjourn to Executive Session at 8:23 p.m.

