

**Legal Notice**  
**Town of Hamburg Planning Board**  
**Meeting - January 18, 2006**

The Town of Hamburg Planning Board will meet for a regular session on Wednesday, January 18th, 2006 at 7:30 p.m. in Room 7B of Hamburg Town Hall to discuss/or approve the following site plans:

1. Debo 2 lot Subdivision and Special Use Permit and Site Plan - Quinby Drive
2. South Park Garage - South Park near the Thruway - SEQR and Special Use Permit
3. First Niagara Bank - Lake Shore Road
4. Hamburg Village Line Subdivision
5. Strawski Development - Lakeview Road
6. Burke Medical Building #2 - Southwestern and Amsdell Road

**Gerard Koenig, Chairman**  
**Paul Eustace, Secretary**  
**Planning Board**

**Dated: Jan. 5, 2006**

**Town of Hamburg  
Planning Board Meeting  
January 18, 2006**

**Debo Day Care Center  
2 lot Subdivision  
Special Use Permit  
Site Plan - Quinby Drive**

**Tabled to Work Session 2-1-06**

**South Park Garage  
SEQR Determination  
Special Use Permit  
South Park Avenue**

**To proceed to Positive Declaration**

**First Niagara Bank  
Lake Shore Rd.**

**To be referred to Zoning Bd. Of Appeals  
On Section 280-267-A**

**Hamburg Village Line Sub.  
Lakeview Road**

**No action taken**

**Highland Landscaping  
Strawski Development  
Lakeview Road**

**Lakeview Site has too many wetlands**

**Burke Medical Bldg.  
Amsdell & Southwestern**

**No action taken**

**March 1st Meeting**

**Changed to March 8, 2006**

**Town of Hamburg  
Planning Board Meeting  
January 18, 2006**

The Town of Hamburg Planning Board met for a regular session on Wednesday, January 18, 2006 at 7:30 p.m. in Room 7B of Hamburg Town Hall. Those attending include: Chairman Gerard Koenig, Secretary Paul Eustace, Karen Rogers, Sasha Yerkovich, Steve McCabe, Richard Taber. Others attending included: Councilman Cavalcoli, Attorney Michael Fruth, Attorney Don McKenna, Drew Reilly, Rick Lardo, and Terry Dubey, Stenographer.

Excused: David Phillips

Councilman Cavalcoli congratulated the renewed and new appointments, namely, Gerard Koenig as Chairman, Steve McCabe, Don McKenna, Michael Fruth, and new member, Richard Taber.

**Debo Day Care Center, 2 lot Subdivision, Special Use Permit, and site plan approval.**

The Debo's and Andy Gow, Engineer, appeared before the Planning Board on a continued review of their project on Quinby Drive. A vacant parcel has been split to accommodate a day care center. Mr. Reilly explained that three actions need to be taken, the approval of the 2 lot subdivision, the Special Use Permit for a day care center, and site plan approval. Over-riding this fact, the board must complete the SEQR and determine if this is a sound project. The applicant has been given direction and they are very close to finalizing the required engineering plans. The remaining issues are the conservation of trees, the entrance, and the size of the detention basin.

A memo was received from the Conservation Board noting that a walk thru was done with the applicant and it was determined that 11 trees will be saved in the front and are so marked. As for the pond, the applicant is to continue working with Rick Lardo to minimize and reconfigure the size. The board would like the basin moved further away from the rear lot line. Mr. Gow explained that this is a dry pond, and only a depression that is mowable. Also, the playground will be fenced. It was determined that Engineering and Planning will work with the applicant on this issue.

Chairman Koenig noted that he would like to see everything completed before approval is granted. Also, the Building Inspection Department is to be notified before any clearing of land is done.

Motion was made by Mrs. Yerkovich, seconded by Mr. McCabe to advertise the project for the February 1st work session and table. Carried.

Engineering comments are attached.

**South Park Garage - South Park near the Thruway**

Mr. Reilly explained that a revised drawing has been submitted to Engineering responding to some changes that have been requested. This project has been before the Planning Board many times. A new engineer was hired to draw up a new site plan. The actions that need to be taken is the determination on SEQR, the Special Use Permit, and site plan approval. At the last work session, Mr. Reilly was asked to prepare a Negative Declaration, and after reviewing all files and issues, he has drawn up a Conditional Negative Declaration. There are conditions attached that must be addressed as to whether impacts are small or moderate.

Part II of the Environmental Assessment form discusses the impacts to be reviewed. My memo to the board discusses the information submitted and whether there is to be a Negative Declaration, or a conditioned Negative Declaration. Then there is a 30 day period whereby further mitigation is needed to reduce impacts and if the board is not satisfied, can issue a positive declaration which means the applicant would be required to do an environmental impact statement.

**Impact on Land:** There will be a small impact on slopes of 15% or greater, or where the general slopes in the project area exceed 10%. A large impact on the construction on land where the depth to the water table is less than 3 feet. We know that the water sits on this property most of the time. There will be a large impact on the land where bedrock is exposed or generally within 3 feet of existing ground surface. There is shale or fractured shale on the property. There will be a small impact on construction that will continue for one year. There is a small impact as the land is in a designated floodway.

**Impact on Water:** Though no Federal or State wetlands have been identified, this property is classed as "MAB" as a high perc water table. There are no streams identified on the parcel. Will proposed action affect surface or groundwater quality? Yes, that is why a discharge permit will be required. There is a large impact on the affect of groundwater. There will be a septic system near residential units. The proposed action will use water less than 20,000 gallons per day. There will be a small impact on discharge. There will be a large impact on waste treatment and/or storage facilities.

On flood water flows, there will be a small to moderate impact. The project may cause erosion--small to moderate impact. There will be a large impact on existing drainage patterns. The proposed action will have a small to moderate impact on the floodway.

**Impact on Air:** The applicant has stated that there will be no spray painting done on premise, or diesel operations. Work to be done will be on mufflers, brakes, etc. The proposed action requires removal of trees--small to moderate impact.

**Impact on Aesthetic Resources:** The proposed action will affect aesthetic resources, namely on residential properties next door and a potentially large visual impact. The project will have a large impact on the screening of scenic views that are important to the area.

**Impact on Open Space & Recreation**—Sometimes the back portion is used as a snowmobile trailway. Mr. Kazmierczak responded that this is private property and snowmobiles should not be allowed on the parcel.

**Impact on Transportation**—There will be an effect to existing transportation. Though the project will be a low traffic generator, the Dept. Of Transportation will be granting a curb cut.

**Noise & Odor Impacts**—With auto repair, there is odor, and noise. There will be a large impact on noise should the operation run late.

**Impact on Public Health**—There will be a small to moderate impact on use of automotive products, waste, flammable liquids, etc. There will be a large impact on traffic.

**Impact on Growth & Character of Community or Neighborhood**—There will be a small to moderate impact on the population. The proposed action will conflict with plans and goals; will cause a change in density of land use; will replace existing woodlands; will set an important precedent. The Overlay district requirements focus on aesthetics, which will have a large impact to the neighborhood. There will be controversy related to potential adverse environmental impacts.

Chairman Koenig then polled the board as to their concept of the project. Mrs. Rogers responded that it will be difficult getting in and out of the facility, and difficult to make left turns in and out of the project. Also, there is a safety concern, noise and odor levels, late operation (impact wrenches). Can these be mitigated especially during summer months with garage doors open next to a residential area. The neighbors will be adversely impacted. The proposed use will not be compatible with the character of the neighborhood. This building will not fit in with the rest of the neighborhood.

Letter addressed to the Planning Board was read by Elaine Granica.  
(See attachment).

The applicants responded that this will be a franchise that have certain regulations. However, they have not been contacted as yet as local approval is required first. They also explained that this will be similar to a muffler and brake operation. There will be no transmission or collision work done.

Chairman Koenig then referred to the Conditioned Negative Declaration that was drawn up. Mr. Reilly noted that there should be a replacement area for the septic system. More work is needed on the aesthetics of the property. This will be a metal building that will be viewed from 3 sides towards the Thruway and the residents. More trees could be saved if the facility were made smaller, namely reduction of at least one bay. It will also reduce some of the noise. In viewing the history of automotive garages, parking will be hard to control at the site. The only way this can be accomplished is to legislate by good design. The question of hours of operation was raised.

706-1102

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522  
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Town Attorney  
VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 1/18/06

SUBJ : 1/18/06 PLANNING BOARD MEETING AGENDA  
Proposed Auto Shop - South Park Avenue at NYS Thruway

The following are review comments on a site plan dated 12/19/05:

- (1) The site is located in the South Park Overlay District.
- (2) Note on the plan that a New York State Dept. of Transportation (NYSDOT) permit is required for work within the South Park Avenue highway right-of-way. We are unable to approve these plans prior to NYSDOT review and approval of work on their right-of-way.
- (3) The site Landscape Plan is to be approved by the Planning Board.
- (4) The septic system is to be approved by the Erie County Health Department (ECHD). We are unable to approve these plans prior to ECHD review.
- (5) Note that the proposed new fire hydrant is to be installed under a Town of Hamburg Public Improvement Permit.
- (6) Site Drainage and Utility Plan - Sheet SP-2
  - The proposed drainage swale along the north property line conflicts with the proposed trees as shown on the Landscape Plan. Revise as necessary and include design elevations for the swales.
  - The storm sewer pipe between catch basins is to have a minimum diameter of ten (10") inches and a minimum of two (2') feet of cover on top of the pipe. Revise as necessary.
  - Provide design elevations for the storm water detention pipe and French drain. Revise pipe size to 36" as required per drainage calculations.

(7) Site Details - Sheet SP-3

- Provide a minimum of ten (10") inches of stone foundation course for standard duty pavement.

(8) Show the waterline service size and the details for the RPZ backflow preventer, as required by the Eric County Water Authority.

All comments are to be satisfactorily addressed for approval.



Gerard M. Kapsiak, P.E.  
Town Engineer



Richard J. Lardo  
Principal Engineer

(South Park Garage Continued)

Will it be operating from 7 a.m. to 11:00 p.m. Response: This will depend on the franchise. Hours will probably be from 8:00 a.m. and no later than 9:00 p.m. The size of the building is 4700 s.f.

Mr. Reilly asked if the applicants could accept a Conditioned Negative Declaration? Applicants responded that they need 5 bays as most Monroe Muffler shops have 6 bays.

Mrs. Yerkovich responded that she has a problem with setting so many conditions. She is concerned about the size and character of the building. The applicant says he needs 5 bays, that's it. I don't believe the proposal meets the criteria of the Special Use Permit. I am opposed to a Negative Declaration as well as a Conditioned Negative Declaration. The conditions cannot mitigate the size of the project. This proposal will have an impact on the character of the neighborhood and the area will never be the same again. The building is just too large for the size of the lot. It makes no sense to grant a conditional Negative Declaration.

Mr. McCabe stated that the stack of conditions attached fall under the category of a Positive Declaration, because of the ground water depth and soil conditions. We are still missing a great deal of information, and the burden of proof for mitigation has not been met.

Mr. Eustace noted that the size and appearance of the building does not fit the character of the neighborhood.

Mr. Taber stated that he is new to this board and must abstain from voting. However, he noted that in listening to the presentation feels it is not consistent.

Mrs. Irene Granica inquired about the fencing. Initially, a 7' fence was proposed. Now, only a length of 124', 6' in height is being discussed. She feels the applicant is backing off the original intent. The size of the building, 60' x 83' is not acceptable and is not in keeping with the flavor of the residential area. It will stick out like a sore thumb. I have lived in this area for 45 years and the parcel is wet all the time.

Mr. David Kazmierczak, Architect, responded that they will be 40' from the road and the drainage will be handled by engineering. He has submitted drainage calculations to the Town Engineer. On the fencing, if 7' is required, they will have to go to the Zoning Board for a variance.

Ms. Betty Drozd noted that the building is not appropriate for the type of business it is. There will be noise, and traffic in this area is a concern. I think the Planning Board needs to consider the entire neighborhood and protect the environment for all concerned. The neighbors are just too close to this building. Any additional traffic will just add to the congestion near the intersection. The proposal does not fit in with the rest of the neighborhood.

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

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Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 1/18/06

SUBJ: 1/18/06 PLANNING BOARD MEETING AGENDA  
Quinby Drive Day Care Facility  
Minor Subdivision & Site Plan Review

The following are review comments on a site plan and construction drawings last revised on 11/11/05:

### Site

- Provide curbing around the entrance/exit landscape island. Terminate the curbing five (5) feet off the edge of pavement on both sides of the driveways.
- Delinate all clearing limits. The clearing limit along the west property line is to be 15' off the building.
- Note that prior to performing any site work, all clearing limits and trees to be preserved shall be marked and approved by the Building Inspector.
- Note that the fire hydrant relocation work is to be performed under a Town of Hamburg Public Improvement Permit.
- Relocate the stormwater detention basin further from the rear property line, as directed by the Planning Board.
- Provide drainage calculations for our review.
- The sanitary sewer lateral is to be approved by the Erie County Dept. of Environment and Planning (ECDEP). We are unable to approve the site plan prior to approval by ECDEP.
- Show the location of the RPZ backflow preventer, as required by the ECWA. We are unable to approve the site plan prior to approval by the ECWA.

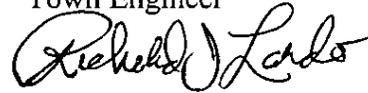
Minor Subdivision

- The legal description is acceptable.
- There are no public sidewalks in the area. We have no objection to waiving the sidewalk requirement.
- We have no objection to waiving the map cover requirement.

All comments are to be satisfactorily addressed for approval.



Gerard M. Kapsiak, P.E.  
Town Engineer



Richard J. Lardo  
Principal Engineer

Mrs. Rogers then cited the conditions based on Article XXXIV, Section 280-200B of the Special Use Permit: No special permit shall be authorized by the town unless, in addition to other requirements specified in this chapter, it finds that such special permit: (1) will be in harmony with the general purposes and intent of this chapter. (2) will not create a hazard to health, safety or the general welfare. (3) will not alter the essential character of the neighborhood nor be detrimental to the residents thereof, (4) will not otherwise be detrimental to the public convenience and welfare. Valuable trees will be cut down and the residential properties will be devalued. The landscaping is not enough, and lighting will be obtrusive

Mr. Eustace stated that this is a difficult matter which will greatly alter the neighborhood and be detrimental to health, safety, and welfare.

In closing, there are still many issues to be resolved and in good conscience cannot be done with a Negative Declaration. The Positive Declaration is to be drawn up listing the issues that have not been satisfied

Motion was made by Mrs. Yerkovich, seconded by Mr. McCabe to issue a Positive Declaration on the proposed facility on South Park Avenue. Carried. Richard Taber, abstained.

#### **First Niagara Bank - Lake Shore Road**

Mr. Frank Brzezinski, Architect, and Mr. Ed Nixon appeared before the Planning Board on a proposed First Niagara Bank (1848 s.f.) To be located on the Lakeshore Road. An alternate plan showing a 25' extension for parking in the N-C zone was presented. The deed for the Wanakah Pharmacy was also submitted. The driveway to Orchard Avenue has been eliminated. The grassed area once housed mobile homes but is vacant now. One portion of the parcel will be leased, and the other owned. An existing building will be torn down. The pharmacy is on a separate piece and should be subdivided. There is sufficient parking without going for a rezoning since the district is split and R-2 is located on the back portion. The new drawing shows a narrowing of the main entrance in the center and exit on the side.

A discussion centered around section 280-267A of the code. Lots divided by district boundaries. (A) where a lot is divided by any zoning district boundary so as to be in more than one zoning district and where such lot was an existing lot when such district boundary was established, a conforming use, occupying 50% or more of the area of said lot and having street frontage in the district where permitted, may be extended on such lot not more than 25 feet, measured perpendicular to the district boundary, into any district where such use is not permitted.

It was noted that an interpretation of the code should be forwarded to the Zoning Board of Appeals. A public hearing for Special Use permit will also be needed.

Motion was made by Mr. McCabe, seconded by Mrs. Yerkovich to forward the issue to the Zoning Board of Appeals for an interpretation on the 25' setback in the N-C zone. Carried. Motion was made by Mrs. Yerkovich, seconded by Mr. Eustace to set a public hearing for a Special Use Permit for February 15th at 7:30 p.m. Carried.

Amendments to the plan are to be presented at the next work session on February 1, 2006.

### **Hamburg Village Line Subdivision - Lakeview Road**

A delineation of the property is required. No action can be taken at this time. Motion was made by Mrs. Yerkovich, seconded by Mr. Eustace to Table. Carried.

### **Highland Landscaping - Strawski Development - Lakeview Road**

This proposal affects the applicant of Highland Landscaping for a contractor's site. Since the applicant was going to locate on Lakeview Road, a partial delineation shows that there are more wetlands on the parcel than originally thought. This will encompass most of the land that was to be used by Highland Landscaping.

In the meantime, the applicant has been looking at a 4 acre parcel on Southwestern Blvd. for his business. The property is zoned R-A. However, it was discovered that the parcel belongs to Daryl Clark that was reviewed for a subdivision back on 4-6-05. A wetlands consultant must determine if the property is buildable due to the fact that there is hydric soil that encumbers the front of the site. No further action can be taken at this time.

Motion was made by Mrs. Yerkovich, seconded by Mr. Eustace to Table. Carried..

### **Burke Medical Building #2 - Southwestern Blvd.**

Item to remain tabled as applicant is not ready with further drawings.

Motion was made by Mr. McCabe, seconded by Mr. Eustace to approve minutes of the Work Session held on December 7<sup>th</sup>, 2005. Carried. (Abstained: R. Taber)

Motion was made by Mr. McCabe, seconded by Mr. Eustace to approve the minutes of December 21, 2005. Carried. (Abstained: R. Taber).

Motion was made by Mr. Eustace, seconded by Mrs. Yerkovich to adjourn the meeting. Carried. Meeting adjourned at 10:15 p.m. Carried.

Respectfully submitted,

Paul Eustace, Secretary

4962 South Park Ave.  
Hamburg, New York 14075  
January 13, 2006

Hamburg Town Planning Board  
S6100 South Park Ave.  
Hamburg, New York 14075

Dear Board Member,

I am writing to voice my opposition to the proposed auto repair garage on South Park Ave. I am opposed to the construction of this repair garage for the following reasons:

- First it will adversely affect and change the character and aesthetics of the neighborhood. Both the special use permit and the SEQR address the question of the character and aesthetics of the neighborhood. This is a residential area and the home owners would be adversely affected by a large auto repair garage.
- The proposed building is much too large for this small area of land. It would dwarf the surrounding homes and stand out like a sore thumb. It would not fit into the character of the neighborhood.
- There are already numerous auto repair garages in the area; one just around the corner on Howard Road and others including Steve's, S&S, West Herr and Gregory's.
- The drainage of the area would be adversely affected. The lot is a wetland and has standing water on it the majority of the year. This water does not perk off because under the 2-4' of soil is shale. Shale, as you know, is impermeable. The water is essentially held in the wetland by the large number of trees, bushes and ground plants and slowly evaporated, used by the plants or transpired into the air by the large number of trees. The land would collect the same amount of water if it were covered by asphalt and a building. Without the vegetation to transpire and use the water it will just sit in the underground collection drains or move horizontally along the shale layers into the neighboring yard or out the cliff face into the Thruway. All this water sitting underground near the cliff could destabilize the slope. It also sits right next to the septic and sand beds and could overload that system.
- With 5 bays in this large building the owner obviously intends to do quite a bit of business. The large number of customers would increase traffic at the base of the bridge and could prove unsafe. There would also be an increase in noise and fumes. The lighting would be intrusive to the neighbors. We would also lose a portion of our privacy.

I hope you will take all of these concerns into account when considering the application for the special use permit. Thank you for your time and consideration.

Sincerely,

  
Elaine E. Granica

DRAFT

**State Environmental Quality Review  
CONDITIONED NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

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

The Hamburg Planning Board has determined that the proposed action described below will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** South Park Garage

**SEQR Status:** Unlisted Action

**Description of Action:** The construction of an automotive repair garage including parking, signage, lighting, drainage facilities, septic system, etc.

**Location:** South Park Avenue (east side, just north of the NYS Thruway)

**Reasons Supporting This Determination:** During review of this project, the Hamburg Planning Board identified the relevant areas of environmental concern which are analyzed below:

1. **Impact on Land:** The project will be constructed on soils where the seasonal water table is less than three feet. This cannot be avoided, but the building will not have a basement and will not be adversely affected by this condition.
2. **Impact on Water:** The proposed action does not affect any protected or non-protected body of water. It may require a discharge permit for its septic system, and a replacement area will assure that the system will not affect the surrounding areas. Drainage design will meet State, Town and NYSTA standards.
3. **Impact on Air:** The project will not have an air discharge permit (no paint spray), and will not significantly generate traffic.
4. **Impact on Plants and Animals:** No threatened or endangered species have been identified on the site. The project will result in impacts to local wildlife and vegetation. Reduction in the size of the building may reduce this impact.
5. **Impact on Agricultural, Historic and Archaeological Resources:** There are no agricultural or reported historic or archaeological resources on this site.
6. **Impact on Aesthetic Resources:** Due to the nature of the area, its location on South Park Ave., adjacent to the NYS Thruway, and adjoining residential uses, this project could have a significant impact on aesthetic resources. The applicant will construct their project in accordance with the South Park Overlay, and will reduce the size of the building to provide better setbacks to the Thruway and to the adjoining houses.
7. **Impact on Open Space and Recreation:** There is an unofficial snowmobile trail through this site that will most probably be eliminated unless the building is reduced to allow more room on the Thruway side.

8. Impact on Critical Environment Area: There are no CEA's on or near this site.
9. Impact on Transportation: The project is not a large generator of traffic, but the applicant will need to work with the NYSDOT to site the driveway at its best location.
10. Impact on Energy: This project will not create a large demand for energy.
11. Noise and Odor Impacts: This project could generate noise and odors that could affect the adjoining residential area. Increased setbacks and screening will help to reduce this impact.
12. Impact on Public Health: The project will not involve hazardous or explosive materials. The project will require proper siting of the driveway to ensure the least problems with safety regarding entering into South Park Ave. A new hydrant will improve the fire-fighting capabilities in the area.
13. Impact on Growth and Character of Community or Neighborhood: The project will not have a significant impact on the growth and character of the Community, as a whole, due to its size and location. It does have the likelihood of significantly affecting the growth and character of this neighborhood. Although the area is zoned commercial, the neighborhood includes residential housing, including houses right adjacent to the proposed use. Other automotive uses in the area (car wash and gas station) are located at the major intersection of South Park and Southwestern, and off the side street, Howard Rd. (car repair). To reduce the potentially large impacts to the character of this neighborhood, conditions are being proposed on the project. These conditions include aesthetics of the building, size and location of the building, landscaping, etc.

The Hamburg Planning Board, therefore, concludes that the project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic consideration with the following conditions. In reaching this decision, the Hamburg Planning Board carefully considered all "Criteria" for Determination of Significance listed in the SEQR Regulations (6 NYCRR 617.7).

**Condition(s) of the SEQR Negative Declaration:**

1. The applicant should provide a replacement area for the septic system or tie into the public sewer system.
2. The applicant will continue to work with the Town in improving the aesthetics of the building in accordance with the South Park Overlay.
3. The driveway will be sited with the assistance of the NYSDOT, to provide the safest entrance onto South Park Avenue.
4. To further mitigate potential impacts to the adjoining residential property from noise, light and to aesthetics, to allow for the saving of additional trees on the site, to reduce runoff from the site and allow for a septic system expansion area, and give a greater setback to the NYSTA property, the applicant should further reduce the size of the proposed building (at least one bay removed).
5. The Special Use Permit will also contain conditions that will help to control parking on the site, and noise generating activities between the hours of 11:00 p.m. and 7:00 a.m., and restrict painting of vehicles (no paint spray booth).

**For Further Information:**

Contact Person: Gerard Koenig, Planning Board Chairman

Or: Drew Reilly, Planning Consultant  
(716) 649-2023 (Hamburg Planning Office)

January 18, 2006

To: Hamburg Planning Board

From: Planning Department - Andrew Reilly

Re: 1-18-06 Agenda Items

The following are the summarized general comments from the Planning Department concerning the Agenda items on the 1-18-06 Planning Board meeting agenda:

1. Debo 2 lot subdivision, SUP and site plan approval for the Day Care Center on Quinby Drive.

The Planning Board has been reviewing this application for several months. Sketch plan direction was given, and public hearings were held on the 2 lot subdivision and on the Special Use Permit. The applicant has been working on the final site plan for the project and drafts of this final plan have been submitted. Other than technical issues, it appears that the only Planning issue involves the saving of trees on the site and buffering of the residential properties at the rear of the site.

You could approve the Minor Subdivision at the 1-18-06 meeting, but my recommendation is to do all three approvals at the same time (after making a SEQR decision). We are not ready to issue a Negative Declaration, so we should not approve the Minor subdivision.

2. South Park Garage - SEQR decision, SUP and Site Plan

This project has been before the Planning Board for many months. In the last few months, the applicant hired a new professional to complete a new site plan. At this time, the applicant has supplied requested materials and brought his application up to the present proposal (updated Full EAF to be submitted at the meeting).

The Planning Board at this time should be able to make a SEQR decision on this action. At the work session meeting on 1-4-06, the Planning Board authorized the Planning Department to prepare a draft Negative Declaration with their continued input.

Based on the Planning Department's review of the file, input from the Planning Board, and draft completion of Part 2 and 3 of the EAF, we have completed a draft conditioned Negative Declaration. The Planning Department was authorized to put a draft Negative Declaration together

and based on our Work this turned out to be a conditioned Negative Declaration. The Planning Board will need to review the Part 2 and 3 information and the draft Negative, and make a decision on SEQR. Actions could include passing the conditioned Negative Declaration as is, amending the conditional Negative Declaration, issuing a regular Negative Declaration, or issuing a Positive Declaration.

If a Negative Declaration or conditioned Negative Declaration is issued, the Planning Board could also act on the Special Use Permit. The SUP would need to contain any required conditions.

3. First Niagara Bank - site plan sketch plan

The applicant has submitted a site plan that was confusing, and we asked for a better drawing. We are awaiting this submittal. Issues include extension of business onto residential, zoned properly, entrance on to side street, long term plans for lot, screening for residential area. Applicant looking for further input, not ready for any approvals.

4. Hamburg Village Line Subdivision - preliminary plat. We have received no additional information on this proposed industrial subdivision. It may be drastically affected by the new wetlands delineation.

5. Strawski Development - site plan - It is our understanding (not official) that this application will be withdrawn since the new wetland delineation drastically affects this plan.

6. Burke Medical Bldg. 2 - sketch site plan

We have received no additional information on this plan and are awaiting new sketch plans or a full site plan. Recommend tabling.

## SEQR

### State Environmental Quality Review

### POSITIVE DECLARATION

Notice of Intent to Prepare a Draft EIS  
Determination of Significance

Date January 18,

2006

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).

The Town of Hamburg Planning Board, as lead agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Environmental Impact Statement will be prepared.

**Name of Action:** South Park Garage

**SEQR Status:** Type 1  
Unlisted

**Description of Action:**

The construction of a 4700 square foot 5-bay automotive repair garage, including associated parking, septic system, drainage system, lighting and other appurtenances.

**Location:** South Park Avenue, east side of the highway, south of Southwestern Blvd., adjacent to the NYS Thruway.

**Reasons Supporting this Determination:**

1. Aesthetic impacts to the neighborhood, including South Park Ave. and the NYS Thruway (aesthetics of building and parking area).
2. Character of the neighborhood impacts, taking into consideration the adjoining residential homes and the Overlay Zoning District.
3. Potential impacts from constructing a new building, parking lot, septic system and drainage system in a poor soils area.
4. Potential noise impacts due to the garages location adjacent to residential homes.
5. Potential public safety issues due to the need for a new curb cut on South Park Avenue at a poor location.

**For Further Information:**

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**A Copy of this Notice Sent to:**

NYSDEC  
NYSDOH  
NYSDOT  
ECDEP  
EC Dept. of Health