

Legal Notice
Town of Hamburg
Planning Board Agenda for
February 1, 2006

The Town of Hamburg Planning Board will meet for a Work Session on Wednesday, February 1, 2006 at 7:30 p.m. in the Conference Room at S-6122 South Park Avenue to review the following applications:

Site Plan approval for Debo 2 lot subdivision, Special Use Permit & site plan - Quinby Drive

Old Projects:

1. Ridgefield Subdivison - Tom Tasseff
2. Stone Bridge - Newton & McKinley
3. First Niagara Bank - Lake Shore Rd.

New Projects:

1. Bohem 2 lot subdivision - Lakeshore Road
2. Tim Horton's Kiosk ATM machine - 4066 Lakeshore Rd.
3. Advanced Auto Electronics sketch plan 4536 Big Tree
4. Egan 2 lot Subdivision - Heltz Road

G. Koenig, Chairman
Paul Eustace, Secretary
Planning Board

Dated: 1-19-06

**Town of Hamburg Planning Board
Meeting - February 1, 2006**

**Dennis Debo 2 Lot Subdivision
Quinby Drive**

**Seqr. Determination - Approved Negative
Declaration. Approved 2 lot Subdivision**

**Special Use Permit - Day Care
Center - Quinby Drive**

**Meets intent of the Special Use Permit
Conditions. Approved**

**Site Plan for Quinby Day Care
Center**

Approved

**Waterford Estates
Abbott Road**

**Setback on garages to be no less than 30'.
Recreation fee of \$1,000 per dwelling unit
Required. Issue of side yard to be determined
By Building Inspector & Fire Department**

**Pizza Hut - removal of fence
between Pizza Hut & Subway
Patrick Development**

Approved

**Town of Hamburg
Planning Board Meeting
February 1, 2006**

The Town of Hamburg Planning Board met for a Work Session in the Conference Room on Wednesday, February 1, 2006 at 7:30 p.m. at S-6122 South Park Avenue to review site plan applications. Those attending included: Chairman Gerard Koenig, Secretary Paul Eustace, Steve McCabe, Richard Taber, Karen Rogers. Others attending include Councilman Mark Cavalcoli, Don McKenna, Attorney, Michael Fruth, Drew Reilly, and Terry Dubey, Stenographer, Doug Nichols, Conservation Board. Excused: Sasha Yerkovich, David Phillips

Dennis Debo 2 lot subdivision (Quinby Subdivision) Special Use Permit for a Day Care Center, and SEQR Determination for site plan approval.

Mr. Mike Borowiak appeared before the Planning Board on the Debo Day Care Center on Quinby Drive. Four actions will be required; namely, a SEQR determination, the approval of the 2 lot subdivision, approval for the Special Use permit and site plan approval. Outstanding issues included the preservation of 11 trees, which have been marked by the Conservation Board and the detention basin pushed away from the adjacent subdivision, and changing the silt fence by pulling it back from the property line.

As for the parcel, one lot is being split for the day care center. With regard to the Special Use Permit, the conditions must be followed. A New York State license is required, fencing is to be provided for the play area, height and type can be chain link or stockade. Criteria for the Special Use Permit entails: Will the proposal be in harmony and intent of the chapter in the code, that the proposal will not create a safety hazard for general welfare and safety of the children; the proposal will not alter the essential character of the neighborhood nor be detrimental to public convenience and welfare. There will be a sidewalk at the drop off area and the Engineering Department has no objection to the waiving of the sidewalk requirement around the perimeter of the subdivision. Two Public Hearings have been heard on this matter.

Motion was made by Steve McCabe, seconded by Paul Eustace, to issue a Negative Declaration for the Day Care Center. Carried.

On the 2 lot subdivision, motion was made by Mr. Eustace, seconded by Steve McCabe to approve the 2 lot subdivision on Quinby Drive, waiving the sidewalk requirement and the filing of a map cover. Carried.

Motion was made to approve the Special Use Permit as it meets the criteria of the law; that the pond is to remain dry, and that the center be licensed by the State of New York, by Karen Rogers, seconded by Mr. Eustace. Carried.

On the site plan, the 11 trees will be preserved, that the fence is to be 5' in height of a stockade or chain link type to provide for the safety of the children, that the plan be amended to reflect the relocation of the silt fence so that there is no disturbance near the property line; that Building Inspection be notified when clearing is to begin, that sidewalks and Map Cover are to

TOWN OF HAMBURG

ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522
Email: engineering@townofhamburgny.com



Supervisor
STEVEN J. WALTERS

Councilmen
D. MARK CAVALCOLI
KATHLEEN COURTNEY HOCHUL
JOAN A. KESNER
THOMAS J. QUATROCHE, JR.

Town Engineer
GERARD M. KAPSIK, P.E.

Town Attorney
VINCENT J. SORRENTINO

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CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 2/1/06

SUBJ: 2/1/06 PLANNING BOARD WORK SESSION 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 1/26/06:

Site

- 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

Richard J. Lardo

Principal Engineer

(Debo Continued)

be waived, and that the proposal meet all Engineering requirements. Carried.

Ridgefield Subdivision - Off East Eden Road

Messrs. Bob Runge and Tom Tasseff appeared before the Planning Board on the proposed Ridgefield Subdivision off East Eden Road. This subdivision has been under review for the past 1-1/2 years. The applicant felt he was close to approval, but the DEC still had an issue with the wetlands. The DEC feels the problem will be solved by the delineation. However, another problem has been brought up on the sewers. It appears that the County will not allow the pump station for 5-6 sub-lots. Sand filters are not allowed on subdivisions that are near a creek. They want a replacement system. The other issue is the size of the detention area. It is very big and will be 18" to 2' in depth. Therefore, the applicant is considering keeping lots 10, 9, 8, 7, and 11 as vacant land. Item is to be on February 15th agenda.

Stone Bridge Cluster Development - Sketch Plan - Newton Road

Mr. Mark Alianello appeared before the Planning Board on a proposed sketch for a 38 sub-lot cluster development to be located on Newton Road near McKinley Parkway. The Planning Board has concerns on constructing a roadway through a wetland area, mainly running north and south between lots 33 and 34. Correspondence has been submitted to the Army Corps of Engineers and they will require complete plans. The Conservation Board is concerned about the high pressure gas line along the property.

Board members noted that they would like to see the complete delineation of the wetlands. As for the gas line, Mr. Alianello will contact National Fuel Gas to verify that the line can support a road. It is the intention of the applicant to bridge this issue in a certain way as other subdivisions have been built near gas lines. The board is willing to accept the 38 lot cluster provided that the wetlands can be avoided. Applicant will work towards a preliminary plat and to continue solving outstanding issue.

Bohen 2 Lot Subdivision - Milford Terrace and Lake Shore

The request is for a 2 lot subdivision in the Locksley Park area. There is one lot between Milford and the Lake Shore. The existing property on the Lake Shore has two means of egress. The applicant is disabled and would like to split off one home that is more handicapped accessible. Variances will be required. The proposal does not meet zoning. On one lot, there is not enough area. The code requires 15,000 s.f. and 10,000 s.f. is available. On lot width, the code requires 90', the actual is 71', therefore requiring a variance of 19'. The existing lot is non conforming. There are many lots of this size in the neighborhood.

Mr. Eustace has been assigned to do a land investigation for the proposal.

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Councilmen
D. MARK CAVALCOLI
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GERARD M. KAPSIK, P.E.

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JAMES F. CONNOLLY

TO : Planning Board
FROM : Engineering Dept.
DATE : 2/1/06
SUBJ : 2/1/06 PLANNING BOARD WORK SESSION AGENDA
Ridgefield Subdivision Part 3
Site Plan Review

The following are review comments on a site plan dated Nov. 16, 2005:

- (1) The site is not located in an existing Town water district. A water district extension and NYSDEC Water Supply Permit will be required to service the site.
- (2) The property lines for Sublot Nos. 1, 2, 22, and 23 are to be extended to the west property line.
- (3) Label the stormwater detention area on the plan.

All comments are to be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.
Town Engineer


Richard J. Lardo
Principal Engineer



Mark D. Alianello, P.E.

Consulting Engineer

Telephone (716) 699-4650
Fax (716) 699-4682

P.O. Box 604
One Washington St.
Ellicottville, New York 14731

January 18, 2006

Town of Hamburg
Planning Department
S-6100 South Park Avenue
Hamburg, NY 14075

Re: Stone Bridge Patio Homes
McKinley Parkway and Newton Road

Dear Planning Board Members:

I am submitting this correspondence to you to address questions regarding the feasibility of constructing a roadway through a wetland area, as indicated on the R-1 Zoning Study Layout previously submitted to you by my office, associated with the above referenced project.

I would first like to recap my understanding of the Boards concerns with the above referenced issue. As the Board generously granted acceptance of a cluster development on these parcels, per Town Code, we were required to submit a proposed R-1 layout to be used in determination of the number of allowable lots to be incorporated into a proposed cluster development. As required, we submitted an R-1 layout showing 38 proposed lots. On this layout, we indicated potential wetland areas (potential federally jurisdictional waters of the United States) identified during our wetland assessments of the parcels associated with this proposed development. During your review of this R-1 layout, some questions were raised regarding the feasibility of constructing a roadway through the potential wetland area indicated running north and south between lots 33 and 34, and whether lots 34-38 could actually be accessed as we had shown.

In an effort to provide the Board with an answer to this question, we submitted correspondence to, and had several phone conversations with, the US Army Corps of Engineers (ACOE), who is the lead governing agency regarding filling of any waterways, or wetlands in the United States. They informed us that they could not provide any type of approval for any proposed action without a full submittal. A full submittal would require that a full wetland assessment and delineation of the involved properties be performed, and a full development design be submitted. At that point, they would make a determination as to what permit would be required to be applied for, and then a full permit application process be carried out to try and obtain said permit. As we have established this R-1 layout to you only for the purpose of lot determination, as our proposed cluster design will not incorporate this area, we can not provide the ACOE the information they require to give us a determination on the feasibility of this proposed action. Therefore, as we are unable to provide you with a definitive determination of whether the

*Town of Hamburg, Planning Department
Stone Bridge Patio Homes, McKinley Parkway & Newton Rd.
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proposed roadway crossing would be an approved action, using our best professional assessment of this situation, and our past experiences and knowledge in dealing with waterways and wetlands, we would like to offer the Board the following explanation of the probable outcome, should we have submitted a formal application to the ACOE.

Any proposal to discharge dredged or fill material into the waters of the United States (i.e. wetlands) is regulated under Section 404 of the Clean Water Act. The Section 404 program allows for the issuance of permits for the placement of fill material within waters of the United States. Furthermore, Part 330 – Nationwide Permit Program, has been established to provide permits for a variety of typically proposed actions within the waters of the United States. Attached at the end of this letter, I have included a list of some of these Nationwide Permits, and in particular, I have included the requirements for obtaining a Nation Wide Permit (NWP) number 14 – Linear Transportation Crossings, which would be the permit associated with the proposed roadway.

Under the requirements of NWP 14, notification to the ACOE is required for disturbances greater than 0.10 acres. In review of the R-1 layout, we have shown a 28' roadway, spanning approximately 80', across a potential waterway/wetland. Should this roadway be constructed, we have approximated a total impact area of 40' x 80', or 0.07 acres. In addition, if we account for disturbances associated with utility trenches, approximated to include an area of 4' x 80' x 2, or 0.01 acres, we would bring the total impact area to 0.08 acres. As this is less than 0.10 acres, we can presume that no notification to the ACOE is required, no permits are required, and the proposed action is permissible.

Since we recognize that further wetland assessment and delineation, and further design would be required to more accurately determine the true size of the jurisdictional area, and any resulting impact on this area should we actually propose to build this roadway, we would notify the ACOE, and request a formal determination from them. We would then proceed with the permitting process as they directed. In any event, we do not feel that any proposed disturbance would be in excess of the 1/3 acre threshold, and would be less than 200 linear feet in length, thus, qualifying this action for a NWP 14. Should this permit be issued, the roadway could then be constructed. Should any proposed action exceed an impact area of 0.5 acres, we could apply for an Individual Permit.

To conclude, we again can not provide you with a definitive answer as to whether the road crossing in question would be permissible unless we actually requested a determination by the ACOE. We can state though that the Section 404 program does provide for the means to obtain permission by the ACOE for this type of action, and furthermore, that we appear to qualify directly for a NWP 14.

*Town of Hamburg, Planning Department
Stone Bridge Patio Homes, McKinley Parkway & Newton Rd.
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Page 3*

We therefore ask the Board to consider this action a permissible action, and to provide acceptance of all 38 lots shown on the R-1 layout to be used in determination of the number of allowable lots within a cluster development, which in turn would be 38 lots. As we are aware that the Board does have other immediate concerns with the proposed development of this site, to include handling of the existing National Fuel transmission main, and various water and sewer issues, we would first like to resolve the issue of lot determination. Once the Board has provided us approval on the number of lots allowed within the cluster development, we can proceed with various cluster layouts, which in turn, will allow us to make better determinations of what will be proposed for the design of this development.

I would like to thank the Board for its continued consideration and direction of this project, and we look forward to the opportunity to discuss this concern, or any others, with you at your next work session on 2/1/06. As always, please do not hesitate to contact me with any questions or concerns.

Very truly yours,



Carl R. Calarco
Project Engineer

Attachment

cc: Glenn Wetzal, Boston Home Builders
File 04120

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6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522
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Supervisor
STEVEN J. WALTERS

Councilmen
D. MARK CAVALCOLI
KATHLEEN COURTNEY HOCHUL
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Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM: Engineering Dept.

DATE: 2/1/06

SUBJ: 2/1/06 PLANNING BOARD WORK SESSION AGENDA
Stone Bridge Subdivision - McKinley Pkwy. at Newton Rd.

The following are review comments on a cluster concept plan dated 2/2/04 and last revised on 11/16/05:

- (1) The site is located within Erie County Sewer District No. 3 (ECSD No. 3). ECSD No. 3 should be contacted to determine if there is currently sufficient capacity in the sanitary sewer system for the anticipated sewage flows.
- (2) The site is not located in an existing water district. A Town water district extension or an Out of District Agreement with the Village of Hamburg will be required to service the site. The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.
- (3) The Erie County Highway Department should be contacted to determine if the proposed road connection to McKinley Parkway is acceptable.
- (4) The proposed roadway does not meet the Town code requirements regarding maximum dead end street length of 500 feet.
- (5) The roadway is to be labeled as a "Private Drive".
- (6) The proposed building setback line is to be dimensioned.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 2/1/06

SUBJ: 2/1/06 PLANNING BOARD WORK SESSION AGENDA
Bohen Minor Subdivision - 4417 Lake Shore Rd.

The following are review comments on a survey dated 12/21/05:

- (1) The legal description is acceptable.
- (2) Public sanitary sewer and water service are available to the site. The location of existing utilities should be shown.
- (3) There are no public sidewalks along Milford Road. We have no objection to waiving sidewalks for this subdivision.
- (4) We have no objection to waiving the map cover requirement.
- (5) The Zoning Code requires a minimum lot area of 15,000 square feet (10,085.6 sf shown) and lot width of 90 feet (71 feet shown) for R-1 zoning.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.

Town Engineer

Richard J. Lardo

Richard J. Lardo

Principal Engineer

Strawski (Hamburg Village Line Development) Site Plan - Lakeview Road for a contracting business.

Mr. Gronski appeared before the Planning Board on a proposed contracting business that he would like to locate on Lakeview Road. This is part of the Hamburg Village Line Development of which a larger wetland area has been delineated. Mr. Gronski has looked at other properties and is back to this parcel. The proposed office which was 60' x 117', now 60' x 81' has been moved further back to avoid wetland disturbance. This will now be a two lot subdivision as opposed to the original 6. This is a heavily wooded area and will not be seen from the road. Item is to be advertised for Public Hearing on February 15th, 2006.

Advanced Auto Electronics - Seven Corners

Messrs. Glenn Christener, and Peter Duchmann appeared before the Planning Board on a sketch plan for the relocation of the Advanced Auto Electronics operation currently located on Big Tree and Southwestern Blvd. The proposal is to move his operation further back with a new building for his operation as the State DOT will be dead ending Big Tree when 7 corners is reconfigured. The Seven Corners Restaurant will be torn down and replaced with a new building for Mr. Duchmann's use. The question is, do we approve the site now or wait until the DOT does the road reconstruction. Mr. Duchmann stated that he is meeting with the bank now and wants to start the new building process. He is trying to plan around the taking. Variances will be required for the new build. Mr. Duchmann has met with 2 engineers from the DOT. They are James Renjit, and Greg Ruhland from the General Donovan building.

Item on the agenda for February 15th. Mr. Taber will do the field investigation work for this project.

Dollar General - Proposed for 4257 Lake Avenue (former Hill's Plaza) to replace existing Burger King.

JEM Architects, of Aliquippa, Pa.- Appeared before the Planning Board on a proposed Dollar General store to be located on the Burger King site on Lake Avenue. The zoning is C-2, General Commercial on a .92 acre parcel. Forty-two parking spaces have been provided. A variance on parking can be obtained down to 30. Board members would like to see more landscaping done on the site as this is very close to the road. The aesthetics of the building require improvements. A steel building on 3 sides is not acceptable. Brick on all four sides is one of the options considered.

Karen Rogers will do the field investigation on this site.

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Supervisor
STEVEN J. WALTERS

Councilmen
D. MARK CAVALCOLI
KATHLEEN COURTNEY HOCHUL
JOAN A. KESNER
THOMAS J. QUATROCHE, JR.

Town Engineer
GERARD M. KAPSIK, P.E.

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VINCENT J. SORRENTINO

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CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 2/1/06

SUBJ : 2/1/06 PLANNING BOARD WORK SESSION AGENDA
Advanced Auto Electronics - 4536 Big Tree Road

The following are review comments on a sketch plan dated 1/12/06:

- (1) The New York State Department of Transportation (NYSDOT) has not finalized their highway reconstruction plans for this area. A NYSDOT permit will be required for the project.
- (2) The site is located in the Southwestern Overlay District.
- (3) We will review the site plan when it is properly prepared in accordance with the site plan review checklist.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

Tim Horton's Kiosk for ATM Machine - Big Tree & Lake Shore

Tim Horton's would like to amend their site plan to install an ATM Machine on site on Big Tree and Lake Shore. They would like to add another driveway for the kiosk. Copies of the drawing are to be sent to Traffic Safety and the DOT.

Steve McCabe will do the field investigation work for this project.

Eagan 2 Lot Subdivision - Heltz Road

This is an 11 acre parcel that meets all zoning. Mr. Eagan would like to subdivide the property for one dwelling unit for his son. This is an odd shaped lot in the R-A, Residential Agricultural zone. (A double flag lot). Before approval can be given, there can be no further subdivision of land. Public hearing can be set for February 15th, 2006.

Steve McCabe will do the field investigation for this site.

First Niagara Bank - Sketch Plan

A new sketch will be presented as the officers of the bank want a second entrance out on to Orchard Ave.

Waterford Estates - Cluster Development - Off Abbott Road - Patrick Development

Some questions have been raised on the cluster for new urban development. The developer has permission for 20' setbacks from the road. Now the question arises about the garage setback. Should it be 35' or 30' from the road. Board members noted that they do not want to see garages in the front and that was a condition of the approval. The setback for garages should be 30' back from the road. Also, a recreation fee of \$1,000 per dwelling unit will be required. Memo is to be sent to Kurt Allen on this matter.

Motion was made by Mr. Eustace, seconded by Mr. McCabe that garages for the cluster will be no closer than a 30' setback. Carried. As for the side yard requirement to be 5' off the property line, the code was amended to 15' in order for the Fire Department to gain access to the dwelling units in case of fire. This is to be decided by Kurt Allen and the Fire Department.

Other Matters:

Positive Declaration has been issued on South Park Garage. The next step is a Scoping meeting.

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Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 2/1/06

SUBJ : 2/1/06 PLANNING BOARD WORK SESSION AGENDA
Tim Horton's ATM Kiosk - 4066 Lake Shore Road

The following are review comments on a site plan last revised on 1/9/06:

- (1) The Planning Board previously approved the Tim Horton's site plan on 8/13/04. Our office submitted a site inspection report on 10/29/04 that has not yet been addressed. The current plan should not be approved prior to satisfactory completion of the original site plan requirements.
- (2) A New York State Department of Transportation (NYSDOT) permit is required for the new driveway entrance and other work within the Lake Shore Road highway right-of-way. We are unable to approve these plans prior to NYSDOT review and approval of work in their right-of-way.
- (3) Provide existing and proposed site elevations. Include a pavement section and curbing detail.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.

Town Engineer

Richard J. Lardo
Principal Engineer

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TO : Planning Board

FROM : Engineering Dept.

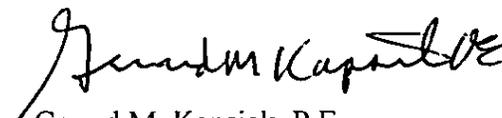
DATE : 2/1/06

SUBJ : 2/1/06 PLANNING BOARD WORK SESSION AGENDA
Egan Minor Subdivision - Heltz Road

The following are review comments on survey dated 1/20/06:

- (1) The legal description is acceptable.
- (2) Public sanitary sewer service is not available to the site.
- (3) Public water is available to the site.
- (4) There are no public sidewalks on Heltz Road. We have no objection to waiving the sidewalk requirement.
- (5) 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



Town of Hamburg Conservation Advisory Board

S-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075

January 31, 2006

To: Planning Board

From: Lee Rockwood - Conservation Board

Subject: First Niagara Bank

It's difficult to comment on the proposed bank beside Wanakah Pharmacy because there are some questions about what has been proposed such as the Information sheet states 3-6 parking spaces and the "expansion" map shows approximately 40 spaces. The project creates another entrance from Orchard, making 3 in the block. Will the project save any of the existing trees? It would be nice to see the proposed building plan. A new building might enhance the area and result in less traffic than present businesses. Why would the expansion proposed need so many parking spots?

Lee Rockwood

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STEVEN J. WALTERS

Councilmen
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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

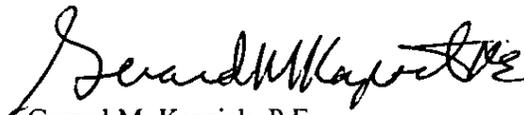
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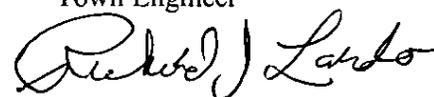
SUBJ: 2/1/06 PLANNING BOARD WORK SESSION AGENDA
First Niagara Bank (adjacent to 4923 Lake Shore Road)

The following are review comments on a site plan dated 1/11/06:

- (1) The existing Wanakah Pharmacy building was subdivided from the main parcel. Therefore, subdivision approval is required for the project. A separate address will be assigned for the proposed bank.
- (2) Ingress and egress to Lake Shore Road, a cross-access agreement, and parking for the entire parcel are to be properly addressed.
- (3) Note that a New York State Department of Transportation (NYSDOT) permit is required for work within the Lake Shore Road highway right-of-way. We are unable to approve these plans prior to NYSDOT review and approval of work in their right-of-way.
- (4) The building address will not be No. 4923. Remove the address from the drawings.
- (5) The property is located within the Town's Local Waterfront Revitalization Area. Therefore, the site plan is to be submitted to the Town Shoreline Revitalization Committee for review and comment.
- (6) We will review the site plan when it is prepared in accordance with the site plan review checklist.

All comments are to be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.
Town Engineer


Richard J. Lardo
Principal Engineer

Pizza Hut - request to remove fencing between Pizza Hut and Subway Restaurant.
Motion was made by Mr. Eustace, seconded by Mr. McCabe to delete the fencing between the two properties. Carried. Abstained: Richard Taber

Motion was made by Mr. Eustace, seconded by Mr. McCabe to adjourn the meeting.
Carried. Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

February 1, 2006

To: Planning Board

From: S. Carnevale, Conservation Board

Subject: Salisbury Sub. (R. Brunner)

I spoke to Mr. Brunner. He bought the property to extend the sewers to his land and his new house under construction. He may or may not sell one lot or more. He spoke to James Connolly and Rick Lardo about improving the turn around for snow plows. (Located over his land). Lot has many trees and some can be preserved if and when land is developed.

Sandy Carnevale

February 1, 2006

Memo To: Hamburg Planning Board

From: Drew Reilly

Re: 2-1-06 Agenda

The following are the Planning Department's summarized comments on the agenda items for the 2-1-06 Planning Board Work Session:

1. Ridgefield Subdivision - Preliminary Subdivision approval/SEQR

The project was ready for a SEQR Determination, and preliminary approval, when NYSDEC requested additional time to resolve the wetlands issue. At this time, the NYSDEC is okay with us proceeding, but other issues have arisen.

- The need for a sewage pump station at the back of the subdivision - not allowed.
- The site of the detention basin

2. Stone Bridge Cluster Development - sketch plan

The applicants received the authorization from the Planning Board to utilize cluster development. Two issues brought up though were the lot count (based on wetlands issues) and the high pressure gas lines. The applicant has presented some additional information concerning the wetlands so that they can get acceptance of the lot count.

3. First Niagara Bank - site plan sketch. The applicant wants to show some additional ideas for the site.

4. Strawski site plan sketch - Applicant is coming back with the site on Lakeview Road, but locating the building further back on the site.

5. Bohen 2 lot Subdivision - Minor subdivision

This proposed subdivision will need variances from the Zoning Board of Appeals.

6. Tim Horton's Kiosk - site plan amendment. Project involves the construction of a new driveway and a bank kiosk. Project will need input from the Traffic Safety Board and NYSDOT. Landscaping and aesthetics are also of concern.

7. Advanced Auto Electronics - sketch site plan

The applicant is looking for direction on the proposed relocation of his business at the 7 corners. The most difficult issue is the affect of the proposed highway improvement and the timing of that work. Should the plans meet existing conditions, future conditions or both? Either scenario will most probably involve variances.

8. Egan 2 lot subdivision - minor subdivision

Application for a 2 lot minor subdivision involving the creation of a flag lot. Proposal meets all zoning. Could set Public Hearing

9. Dollar General - informational discussion. Proposal to demolish the Burger King on Lake Ave. To construct a Dollar General.

10. Waterford Estates - Interpretation of subdivision approval. Issue concerning the setback of garages.

TOWN OF HAMBURG

S-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111 • FAX (716) 649-4087



Supervisor

Steve Walters

Councilmen

D. MARK CAVALCOLI
KATHLEEN COURTNEY HOCHUL
JOAN A. KESNER
THOMAS J. QUATROCHE, JR.

Town Attorney

VINCENT J. SORRENTINO

Town Clerk

CATHERINE A. RYBCZYNSKI

Supt. of Highways

JAMES F. CONNOLLY

February 2, 2006

To: Kurt Allen, Supervisor
Building Inspection

Subject: Waterford Estates - Pizza Hut

In answer to your questions on these matters, the following Motions were made at the Planning Board meeting of 2-1-06.

Waterford Estates: Motion was made by Mr. Eustace, seconded by Mr. McCabe that garages for this cluster development will be no less than 30' from the road. Carried.

On the recreation fee, \$1,000 per dwelling unit will be required.

On the side yard requirement that was amended by the code, this decision is up to Building Inspection and the Fire Department.

Pizza Hut: Removal of fence between Pizza Hut and Subway on Camp Road. Approved.

For your information.

Very truly yours,

Town of Hamburg Planning Board


Gerard Koenig, Chairman

"It's Great Living in Hamburg... The Town That Friendship Built"

www.TownofHamburgNY.com

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:

Contact Person: Andrew C. Reilly, Town Planner

Address: Town of Hamburg, S6100 South Park Ave., Hamburg, NY 14075

Telephone Number: (716) 649-2023

A Copy of this Notice Sent to:

NYSDEC
NYSDOH
NYSDOT
ECDEP
EC Dept. of Health