Town of Hamburg
Planning Board Meeting
March 16, 2005
Actions Taken

Hruschak 2 lot Subdivision **Dorothy Place**	**Public hearing set for April 6th at 7:30 p.m.**
P.W. Playland **Southwestern Blvd. Near** **Schultz Rd.**	**Public Hearing set for April 6th at 7:45 p.m.**
R. D. Murray Site Plan **Camp Road**	**Favorable recommendation sent to the Zoning Board for a 10' stockade fence**
South Park Woods **Change in setbacks**	**Language to be drawn up and submitted to Drew Reilly and Don McKenna, Attorney**
Ridgefield Terrace **Cluster Development** **Off East Eden Rd.**	**No secondary means of egress required**
Clark Street Gas Station **& Deli - Clark & Bayview Rds.**	**Tabled**
Highland Subdivision **Brompton Parkway**	**Public hearing set for April 20th, 2005 at 7:30 p.m.**
Doherty Subdivision **Versailles Road**	**Public Hearing set for April 20th at 7:45 p.m.**
BFG Radio Tower **3949 Jeffrey Blvd.**	**Tabled to April 6th**
Schmidt 4 lot Subdivision **Amsdell Road**	**Public Hearing set for April 20th, 2005 at 8:00 p.m.**
Autumnview Addition **4650 Southwestern Blvd.**	**Approved with conditions**

Hilbert College Academic Bldg. & Auditorium	**Approved with conditions**
Hickey Farms Big Tree & South Park	**Tabled**
Burke Rezoning Southwestern Blvd. & South Park	**Recommendation to Town Board for Positive Declaration and EIS**

Town of Hamburg
Planning Board Meeting
March 16, 2005

The Town of Hamburg Planning Board met for a regular session on Wednesday, March 16th, 2005 at 7:30 p.m. in Room 7B of Hamburg Town Hall. Those attending included: Chairman Gerard Koenig, Secretary Paul Eustace, Karen Rogers, Sasha Yerkovich, Bob Reynolds. Others attending included: Councilman Mark Cavalcoli, Rick Lardo, Drew Reilly, Michael Fruth, Esq. Don McKenna, Esq. and Terry Dubey Stenographer. **Excused: D. Phillips, S. McCabe**

Hruschak 2 Lot Subdivision - Dorothy Place

The following memo dated March 9th, was sent to members of the Planning Board and the Zoning Board of Appeals. It is as follows:

The Hruschak Subdivision plan appeared on the 3-3-05 Planning Board Agenda. At that time, we determined that the proposed duplex lot being created did not meet the minimum lot with requirement (90 feet provided vs. 100 feet required.

Mr. Hruschak met with me on 3-9-05 to discuss this matter. At that time, it was determined that the Town of Hamburg had given him the wrong zoning requirements (a hand-out of zoning requirements from the Building Inspection Department.

I confirmed with the Building Department that we had accidentally given out the wrong zoning requirements. At this time, it would cost Mr. Hruschak, a great deal of money to amend the drawings, deeds, and other materials prepared for his project.

Based on my review of the plans, I would recommend that he pursue a variance from the Zoning Board of Appeals. The lot proposed is 90' in width, 5 feet greater than the requirements of the Town prior to 2003. Also, the proposed duplex is small and easily fits on this 90 foot lot. The parcel is also located at the end of a street with his mother's lot adjoining it. It appears that this lot is not out of character with the area.

Thank you for your consideration in this matter. I will ask the Planning Board to make a recommendation on this variance at their 3-16-05 meeting, and set a Public Hearing for the subdivision for 4-6-05

Drew Reilly noted that the subdivision hearing can be advertised for April 6th at 7:30 p.m.

Motion was made by Mrs. Yerkovich, seconded by Mr. Reynolds to forward a favorable recommendation to the Zoning Board for the variance of 10' on the lot requirement, and conduct a Public Hearing on the subdivision on April 6th, 2005 at 7:30 p.m. Carried.

Engineering: Sublots should be numbered. Public sanitary sewer and water service are available to the site. There are no public sidewalks. We have no objection to waiving the requirement. We have no objection to waiving the map cover requirement.

P.W. Playland - Southwestern Blvd. Near Schultz Rd.

This is a 3.99 acre parcel that is to be divided into two, which is located on Southwestern Blvd. near Schultz Road. Applicant was advised to get a wetland delineation as the parcel contains hydric soils. The parcel is zoned Residential Agricultural. A variance will be required for lot area.

Engineering: Sanitary sewer service is not available to the site. The proposed sub-lots should be numbered. The watermain does not extend across the full frontage of the parcel. The Erie County Water Authority should be contacted to determine if they will require that the main be extended to service the site. We have no objection to waiving the public sidewalks and map cover.

Motion was made to forward a favorable recommendation to the Zoning Board for a variance on lot area by Mrs. Yerkovich, seconded by Mr. Reynolds.

Motion was made by Mrs. Yerkovich, seconded by Mr. Eustace to set a public hearing for April 6th. Carried.

R.D. Murray Site Plan - Camp Road

Mr. Bill Savage appeared before the Planning Board on an enforcement issue for their facility on Camp Road. The following memo was prepared by Kurt Allen of Building Inspection. (See attachment). A recommendation was made to construct a treated, wood stockade barrier supported by 6' x 6' timber posts, ten feet in height. This is to serve as a sound and visual buffer for the neighbors, to be completed in the summer of 2005.

Motion was made by Mrs. Yerkovich, seconded by Mr. Eustace to forward a favorable recommendation to the Zoning Board on a variance for the 10' stockade fence. Carried.

South Park Woods - Change in setbacks

Messrs. Cliff Krumm, and Vic Martucci, of Marrano Homes, appeared before the Planning Board on the change in side yard setbacks for South Park Woods Subdivision on South Park and Big Tree. Mr. Krumm noted that they have had discussions with the Big Tree Fire Department and have taken some of their concerns under advisement. The recommendations included elimination of fences between the homes, as well as shrubs. Fences will be allowed in the back yards of the properties. Air conditioners are to be placed in the back portion of the property. If a 48' width home is placed on the lot, there should be 12' left over, but the applicant would like 10' in case of error. The walls and siding will be fire rated. Windows do not come with a fire rating. The suggestion of sprinklers is not marketable as people are concerned about the sprinklers going off accidentally, of which the result would be water damage. Very few of the homes will have fireplaces. Accessibility to bedrooms on the second floor will not pose a problem.

TOWN OF HAMBURG
ENGINEERING DEPARTMENT

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Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 3/16/05

SUBJ : 3/16/05 PLANNING BOARD MEETING AGENDA
Addition to RD Murray - 4760 Camp Road

The following are review comments on site plan dated 2/2/05 and last revised on 2/16/05:

(1) The Planning Board previously approved a site plan for this location on 2/9/98. The communication tower at the site approved by the Planning Board on 1/9/02 has not been constructed, and the approval has expired.

(2) The site plan review check list was not complied with in preparing this plan. The site plan should be revised accordingly and resubmitted for review.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

RJL:law

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buildinginsp@townofhamburg.com

Supervisor of Building Inspectors
KURT ALLEN

BUILDING INSPECTION DEPT.
TRACEY HAFFNER
Senior Clerk
WALTER W. BRATEK
TIMOTHY WILLARD
JAMES EBERHARDT
ROGER GIBSON
DON SICKAU
Code Enforcement Officers

DATE: MARCH 14, 2005

TO: HAMBURG TOWN PLANNING BOARD

FROM: KURT ALLEN
CODE ENFORCEMENT DEPARTMENT

RE: R.D. MURRAY FIRE APPARATUS
4760 CAMP RD.
SITE PLAN REVIEW FOR PROPOSED FACILITY EXPANSION

PLEASE BE ADVISED OF THE FOLLOWING:

AS IT APPLIES TO R.D. MURRAY'S APPLICATION BEFORE THE PLANNING BOARD, I HAVE OUTLINED THE FOLLOWING CONDITIONS WHICH SHOULD BE INCORPORATED INTO THE FINAL APPROVAL OF THE SITE PLAN. THESE CONDITIONS WERE DERIVED FROM MY MEETING WITH WILLIAM SAVAGE ON MARCH 1, 2005 AND BASED OF MY UNDERSTANDING OF WHAT WAS AGREED UPON DURING THAT MEETING.

1. NO MORE TREES WILL BE REMOVED OTHER THAN WHAT IS REQUIRED TO MAINTAIN THE EXISTING DETENTION POND. SUCH REMOVAL OF THE TREES WITHIN THE DETENTION POND WILL BE REVIEWED BY THE CODE ENFORCEMENT DEPARTMENT FOR COMPLIANCE.

2. ALL PROPOSED EXTERIOR LIGHTING WILL BE DIRECTED IN AN EASTERLY DIRECTION (TOWARD CAMP ROAD) AWAY FROM THE RESIDENCES ON LANCELOT COURT.

3. THE PROPOSED PAVED AREA SHOWN ON THE PLAN IS INTENDED ONLY FOR VEHICULAR/EQUIPMENT EGRESS AND INGRESS TO THE EXPANDED MANUFACTURING FACILITY. OUTDOOR STORAGE IS NOT TO OCCUR IN THIS AREA. IT IS R.D. MURRAY'S PREFERENCE TO MINIMIZE OUTSIDE STORAGE AS IT IS NOT CONDUCIVE TO THEIR OPERATION.

4. ON SITE TESTING/ DEMONSTRATION OF FIRE FIGHTING APPARATUS HAS TYPICALLY BEEN DONE IN THE PAST DURING NORMAL WORK HOURS (8:00 A.M. TO 5:00 P.M.) THIS PRACTICE WILL CONTINUE IN THE FUTURE WITH EMPHASIS ON REDUCING SOUND LEVELS IN THE AREA ADJACENT TO RESIDENCES ON LANCELOT COURT.

5. R.D. MURRAY DOES NOT ANTICIPATE CONDUCTING ANY OPERATION OUTSIDE THE ENCLOSURE OF THE BUILDING BEYOND NORMAL WORK HOURS SUCH AS SHIPPING/RECEIVING, TESTING EQUIPMENT OR THE LIKE, AS TO CREATE ANY DISTURBANCE TO THE ADJOINING RESIDENCES.

6. A treated wood stockade barrier supported by 6 x 6 timber posts (ten feet on center) ten feet minimum height will be constructed. This treated wood frame structure will serve to block sound transmission and provide a total visual buffer. It is to be installed in a north/south orientation, along the entire western edge of the proposed paved area (approx. 258.8 ft.). It is further noted that approval of two-foot height variance is required from the Town Zoning Board of Appeals prior to permit issuance. A drawing which details the design and construction of the barrier will be submitted to the Town as part of the final site plan approval. The barrier must be fully constructed in a complete state prior to any other physical construction or demolition as part of the proposed development. It is further understood that the barrier will be completed during the summer of 2005

7. A six foot high chain link fence will installed on the south and north sides of the paved area and connected to the stockade barrier in order to provide a secure enclosure

Any deviations from the aforementioned must meet the approval of the Town planning board.

I would like to extend my gratitude to Mr. Savage for his cooperation in his consorting to the conditions as stipulated in this memorandum. Absent of his open-minded approach to working out the issues associated with the "buffer" requirements, no solution would have been realized.

cc William Savage, R.D. Murray Fire Apparatus
Robert Klinko, 4735 Lancelot Court
Ronald Wolf, 4725 Lancelot Court

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ENGINEERING DEPARTMENT

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 3/16/05

SUBJ: 3/16/05 PLANNING BOARD MEETING AGENDA
South Park Woods Subdivision

Our office has no objection to the proposed setback changes requested in the 12/1/04 correspondence from the developer's engineer. However, the developer should be advised that there will probably be additional infrastructure development costs associated with these changes and the allowable depth of utilities will be limited.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

RJL:law

Big Tree Volunteer Firemen's Co., Inc.
4307 South Park Avenue
Blasdell, New York 14219-2837

Organized - 1936

Town of Hamburg Planning Department
Attention Andrew C. Reilly
S-6100 South Park Ave.
Hamburg, NY 14075

February 13, 2005

Dear Mr. Reilly;

On Sunday the 13th. of February 2005, our Site Plan Committee and myself sat down and discussed the letter that was sent to the Big Tree Vol. Fire Co. regarding the South Park Woods Subdivision.

We recommend that you do not change the code and follow the New York State building codes that the Town has adapted. We feel that moving the units closer together will increase the risk of exposure damage or possible spreading the fire to neighboring structures. Also we would like to have access to all sides of the buildings. The committee feels that this would increase the chance of harm to the residents in the neighboring units.

A few other things that we have questions on are:
What is the:

- Type of construction?
- Height of the buildings?
- Hydrant locations?
- The water flow in this complex from the hydrants?
- The fire suppression system if any in the units?
- The total occupancy of each unit?
- Reason for building the units closer?

We appreciate the chance to comment on these types of issues.

Please, in the future, would you please send the site plans and all correspondences to the above address and to the attention of the Chief.

RONKLIMO@AOL.COM

Firematicly yours;
Robert Stoberl
Chief
Big Tree Vol. Fire Co.

RON KLIMOWICZ
ASST. CHIEF
H- 825-0132
C- 864-8804

WAS AT MEETING

BUFFALO NEWSPRESS Fax:716-847-0391 Feb 15 '05 10:51 P.02

Chairman Koenig noted that he would like to see something in writing as to the resolution of this problem. The Planning Board was originally agreeable to 13' and now the request is for 10'.

Mr. Reilly noted that the code will have to be changed to clarify the language on the cluster development for added distance. The Board is trying to cooperate with the fire department's request for public health and safety. Applicant was advised to prepare the language for review to be sent to Mr. McKenna.

Motion was made by Mr. Reynolds, seconded by Mr. Eustace to table. Carried.

Ridgefield Terrace Cluster Development - Off East Eden Road

Mr. Tasseff presented a sketch showing a temporary access with locked gates for each end to Beaubein Drive -- an undersized road. Also, one lot has been relocated due to proximity to the gas line. This is a cluster zoning with 2 acre lots for a total of 24 lots. Forty per cent of the property is being preserved for green space. The lots are 1/2 to 3/4 acres.

Chairman Koenig noted that a meeting was held with the Traffic Safety Board and the board prefers to see a road length of 500'. However, this requirement has already been surpassed, an issue that may never arise. Therefore, the board concluded that a second means of egress is not necessary. The sketch plan was submitted to the Hamburg Volunteer Fire Co. No response has been received from them as of this date.

A resident of East Eden Road voiced concern about traffic on East Eden Road with the additional building along that route. Also, the drainage pond on Ridgefield does not lend itself to favorable aesthetics.

Mr. Reilly responded that the addition of 24 homes does not enter into the calculation for heavy traffic, and a traffic study would amount to nothing. Issues yet to be resolved include the wetlands, the gas line, sewer and water concerns.

A resident of Beaubein Drive stated that the water pressure has dropped since the addition of the homes on Tasseff Terrace, and that the back yards on Beaubein are very, very wet. Mr. Reilly responded that this area does contain wetlands. In conclusion, the Planning Board waived the requirement for the secondary means of access to Beaubein Drive.

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

Clark Street Gas Station and Deli - Applicant asked to be tabled.

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

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Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 3/16/05

SUBJ : 3/16/05 PLANNING BOARD MEETING AGENDA
Ridgefield Subdivision Part 3
Concept Plan Review

The following are review comments on a cluster layout plan dated Feb. 2005:

(1) The plan shows a second means of ingress to the site off Beaubein Drive. How would this be maintained and how would access be controlled?

(2) The cul-de-sac to the north exceeds the maximum street length of 500 feet required in the subdivision regulations Section 230-22. The total street length from East Eden Road would be 3000 feet.

(3) The required stormwater detention area will probably need to be relocated or additional areas provided.

(4) The width of the gas line easement is to be shown.

(5) A cul-de-sac (not a temporary turn-around) is required at the end of the proposed road to the east.

(6) All property lines on a curve are to be radial to the right-of-way.

(7) The site is not located in an existing water district. A water district extension will be required to service the site.

(8) The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.

(9) Erie County Sewer District 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.

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: 3/16/05

SUBJ: 3/16/05 PLANNING BOARD MEETING AGENDA
Stop & Gas - 4973 Clark Street

The following are review comments on a sketch plan dated 1/15/05:

(1) We could not locate a previously approved site plan for this building.

(2) The proposed curbed island along the frontage is located within the Clark St. and Armor Duells Rd. right-of-way. Approval by the Erie County Highway Department (ECHD) will be required.

(3) The sanitary sewer lateral and grease trap are to be approved by Erie County Sewer District No. 3 (ECSD No. 3). We are unable to approve the site plan prior to review and approval of the plan by ECSD No. 3.

(4) Site drainage needs to be addressed.

(5) The garbage dumpster is to be placed on a concrete pad and screened on four sides.

(6) Provide the location of the existing utilities servicing the site.

(7) A typical pavement section is to be provided.

(8) Curbing or parking bumpers are required for all parking spaces.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

Highland Subdivision - Brompton Parkway

Mr. Mike Borowiak, of Nussbaumer & Clarke, appeared before the Planning Board on the Highland Subdivision, which is considered a major subdivision, for 11 lots with 5 zero lot line duplexes under separate ownership. The remaining parcel shows remnant parcels that were filed under an old subdivision. They will remain remnant lots and cannot be used as building lots.

Engineering comments are:

(1) There is an existing watermain servicing the site.

(2) A mainline sanitary sewer extension will be required to service the site. Erie County Sewer District No. 3 (ECSD No. 3) should be contacted to determine if there is sufficient available capacity in their system to service the site.

(3) Storm water detention will be required for the project. The detention area is to be part of the proposed sublots (privately owned and maintained). The Town (not private) will be granted a drainage easement for the pond area.

(4) All property lines on curves are to be radial to the right-of-way. Label the lot lines as radial or revise as necessary.

(5) The proposed re-alignment of Dorchester Road is acceptable. The right-of-way is to be dedicated when the new map cover is recorded.

(6) Deed restrictions for the attached dwelling units should be reviewed and approved by the Planning Board.

Motion was made by Mrs. Yerkovich, seconded by Mr. Eustace to declare the Planning Board as the lead agency. Carried. Motion was made by Mrs. Yerkovich, seconded by Mr. Reynolds to call for a Public Hearing on April 20th, 2005. Carried.

Doherty Subdivision - Versailles Road

This is a 4 lot subdivision to be located on Versailles Road for Mr. Doherty. There is an active railroad behind the lots, which are heavily wooded. A 30' Conservation easement will be required to preserve the woods and provide a buffer. There should be a deed restriction that the woods be preserved. A letter was received from the Dept. Of Env. & Planning noting that the subdivision is not to be approved until the County signs off.

Mr. Doherty responded that he has been in touch with Mr. Charles Alessi who advised that an out of district agreement can be made on the 4 lots.

Motion was made by Mrs. Yerkovich, seconded by Mr. Reynolds to conduct a Public Hearing on April 20th, 2005. Carried.

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Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 3/16/05

SUBJ : 3/16/05 PLANNING BOARD MEETING AGENDA
Doherty Subdivision - Versailles Road

The following are review comments on a Minor Subdivision Preliminary Plat Plan dated 2/11/04:

(1) The Planning Board previously approved a subdivision plan for this site in 1998 that has expired.

(2) Public sanitary sewer and water service are available to the site.

(3) Currently there are no public sidewalks located on the north side of Versailles Road. We have no objection to waiving the sidewalk requirement.

(4) 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

RJL:law

BFG Radio Tower - 3949 Jeffrey Blvd.

Messrs. Todd Marie and Frank Marie, of BFG, appeared before the Planning Board for a proposed 150 ft. radio tower to be located at their facility on Jeffrey Blvd. to communicate with their two Hamburg production plants.

A memo was received from Jerry Bastedo of the Natural History Society, (Penn Dixie Site) as this will interfere with their astronomy programs on their site. (See attached memo) Mr. Marie attempted to answer the concerns that have been raised by the society.

1. Why was this proposed tower not included with the original site plans for the construction of the BFG Metal Plating facility. Response: There was no need for the tower at the time.
2. Why is one needed now? Response: The Tower is needed for communication between their two facilities.
3. How is the tower to be constructed? Will there be guy wires extending? Response: This is a self-supporting tower that goes straight up. The base of the tower is 13', with the top being 2'x2'.
4. The height is required for reception.
5. The applicant does not wish to use a strobe light for the tower. The requirement by FAA is a steady red light. Mr. Reynolds asked why the applicant does not consider using Adelphia, or DSL. Response: There is a dramatic savings with the radio tower. Otherwise, it would cost $3,000 per month per building.
6. It is not the intent of the applicant to co-locate at this time.
7. In response to this question, Mr. Reilly stated that the Town has not turned down any cell towers as this is a Federal requirement.
8. The Penn Dixie site is under a major hawk and bird migration route, and there is concern about tower kills. Response: TV towers are energized which causes kills. This radio tower will not be that way.
9. In answer to question 9, a bond is required.
10. Site plan approval does not require notification to neighbors

It was also noted that Mercy Flight will be relocating to the airport. However, there still will be Sheriff's helicopters and Coast Guard helicopters in this vicinity.

Mr. Reilly explained that towers are encouraged in industrial areas.

The question was raised about the KB towers that interfere with the computers at Krepe Kraft. Mr. Marie responded that this tower will be no more powerful than a 2.4 phone.

As a form of mitigation, the applicant is to look into moving the tower to other portions of the site. Contact is to be made with the Sheriff's Department on the idea of removing the red steady light. The Planning Board is willing to modify the requirements. It will be necessary to know how the tower collapses. Mr. Reilly is to research the issue about bird kills with Steve Doleski of the Dept. Of Env. Conservation.

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Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 3/16/05

SUBJ : 3/16/05 PLANNING BOARD MEETING AGENDA
BFG - 3949 Jeffrey Blvd - Proposed Tower

The following are review comments on the proposed application:

(1) The location of the tower should be shown on the parcel site plan.

(2) Previously, Mercy Flight and the Erie County Sheriff have requested that aircraft warning lighting be provided at the top of all telecommunication towers, due to their frequent low level flights over the Town. A steady red light (non-flashing) should be used.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

RJL:law

HAMBURG
NATURAL
HISTORY
SOCIETY, INC.

Founded to Protect and
Promote Education about
Our Natural Resources

March 12, 2005

Mr. Gerard Koenig
Chair
Hamburg Town Planning Board
S-6100 South Park Avenue
Hamburg, New York 14075

Dear Mr. Koenig and Town Planning Board members:

I am writing you to express the Hamburg Natural History Society's (HNHS) concerns with the proposed installation of a 150-foot tower on the BFG Metal Plating property, 150-feet off the western boundary of the Penn Dixie Paleontological and Outdoor Education Center.

The HNHS is a non-profit 501(c)(3) educational organization that is rapidly expanding its local, national and international reputation and attraction of visitors. The Society provides a positive economic impact on our community by providing full-time and part-time positions; uses a variety of local businesses for dinners, products, services, and site development; and draws thousands of visitors to the area who use restaurants, motels, gas stations, stores, etc. The astronomy programs are becoming increasingly popular and are an important segment of our expanding educational programming. Although the Penn Dixie Site is a non-profit organization, it is a growing income source for our community that is drawing a lot of national and international attention.

The Penn Dixie Site has become a world renown classic geologic site that is being used as an example for the preservation of sites in Ohio and New York. The Erie County Cultural Resource Advisory Board in their 2005 Cultural Funding Review Process Observation stated the **"HNHS is a totally unique cultural center. It has a local, national, and international following. It lends itself to visitors of all ages and backgrounds. Visitors experience hands-on programs in astronomy, ornithology, geology, and fossil collecting and identification."**

The HNHS and the Penn Dixie Site continue to have a direct positive impact on our community by:

- Reaching out to *73,932 individuals* at *339 separate educational programs* that the HNHS conducted at the Penn Dixie Site and in local classrooms and other venues in 2004. Programs increased 7% in 2004 over 2003;
- Penn Dixie Site had over 311 volunteers in 2004, up 23% from 2003;
- Further developing the Penn Dixie Site for accessibility by the physically handicapped;

- Collaborating with the NYS Parks, the Buffalo Museum of Science, the Botanical Gardens, Graycliff Conservancy, the Boy and Girl Scouts of Buffalo and Erie County, Erie County 4-H Groups, and others on a variety of programs;
- Bolstering our staffing to handle the expected influx of eco-tourists and other Penn Dixie Site visitors;
- Over 13,419 non-Erie County residents, over 18% of the total attendance, attended HNHS and Penn Dixie programs and activities during 2004, an increase of 3% over 2003; and
- Families from 33 states, Washington D.C., and nine international countries visited the Penn Dixie Site in 2004, an increase over 2003.

The astronomy programs draw university, school, scout, and other public groups to evening and daytime programs at Penn Dixie.

As I only received a copy of the drawing indicating the proposed location of the tower and an agenda for the March 16, 2005, Town Planning Board meeting, there are several questions that exist:

1. Why was this proposed tower not included with the original site plans for the construction of the BFG Metal Plating facility?
2. BFG's current facility does not have any towers. Why do they need one now and after their original building plans had been submitted?
3. How is the tower to be constructed? Will there be guy wires extending from the tower?
4. Why does the tower need to be 150 feet tall? There are no other towers locally that approach this height. This is the height of a 15-story building!
5. It is my understanding that the regulations call for strobe lights on towers, such as the one on Camp Road across from Riefler Concrete. The lights that will be installed on this tower will definitely impact the astronomy programs.
6. The proposed height of this tower seems to clearly indicate that future intentions are to sell space on the tower for other communication interests. Is this the case?
7. It is our understanding that the Town Planning Board rejected a cell tower in this area a few years ago. Is this correct? If so, please consider rejecting this request also.
8. As the Penn Dixie Site is under a major hawk and bird migration route, the HNHS is concerned about tower kills. The HNHS would like to request an Environmental Impact Study be conducted to properly evaluate this concern.
9. If the worse case scenario should occur and the tower is constructed, will there be a bond requirement to successfully remove this tower if this company should decide to move out of the area, go bankrupt, or cease to function?
10. Have other businesses and residential neighbors been officially contacted about this proposed tower installation?

Additional questions will mostly arise from answers to the above questions.

There are several other communication media, such as DSL, cable, or a satellite dish, that would minimize the obstructive nature of this proposed 150-foot tower. I have had a brief conversation with Frank Marie, of BFG Metal Plating, informing him that this proposed 150-foot tower will have a negative impact on the Penn Dixie astronomy programs. I requested that he consider alternatives to a tower of this height and he indicated that he would look into it.

HAMBURG NATURAL HISTORY SOCIETY, INC.

Founded to Protect and Promote Education about Our Natural Resources

Year 2004 Activities for the Hamburg Natural History Society (HNHS) and the Penn Dixie Paleontological and Outdoor Education Center

Overview of On-site Visits, Programs, Presentations, and Exhibits

Significant Growth Continues for the HNHS in 2004

The HNHS attained significant programming, fundraising, and staffing levels during 2004. The HNHS continued to see an increase in attendance at on-site and off-site educational visits, programs, presentations, and exhibits for the Penn Dixie Site with a 7% increase in programs over 2003. Although programs increased, an unusually wet spring and summer reduced attendance at many events. The Society received funds to hire a full-time Educator to work with the full-time Executive Director, completing the second step in the Transition Plan, to move from a volunteer to a professionally staffed organization. Staff was also hired to open the Penn Dixie Site Monday through Friday during the Easter break, the summer, and to lead summer day camp programs. HNHS memberships continued to increase 7% over the 2003 total, with over 320 new memberships being added in 2004. The programs and events were made possible by the support and commitment of over 304 volunteers, a 20% increase in volunteers over 2003.

HNHS Program Growth for the Past Five Years

The following is a summary of HNHS on-site and off-site educational programs and their attendance for 2004 and the four preceding years:

Events	#2000 Events	2000 Attend.	#2001 Events	2001 Attend.	#2002 Events	2002 Attend.	#2003 Events	2003 Attend.	#2004 Events	2004 Attend.
Visits to Penn Dixie Site										
School	74	4,461	94	5,807	102	6,019	115	6,744	105	5,843
Groups & Public	86	4,520	84	4,981	75	4,497	133	6,109	143	4,236
Programs (On site & Off site)	12	972	24	836	26	879	27	1,485	48	3,865
Presentations										
Prof. & Community	12	303	14	1,203	16	970	11	731	13	560
School Science Nights	5	2,100	2	700	2	775	2	1,026	1	55
Exhibits at Various Shows	7	27,850+	23	41,350+	26	45,150+	30	58,895+	29	59,373+
Totals	**196**	**40,206+**	**241**	**54,877+**	**247**	**58,290+**	**318**	**74,990+**	**339**	**73,932+**

Increased Recognition and Community Outreach

The HNHS has enjoyed increased opportunities for recognition and publicity for its achievements during 2004. The HNHS provided month-long exhibits at the Erie County Public Libraries in Blasdell, Boston, Eden, Lackawanna, and Orchard Park, as well as at the Hamburg Middle School, Hilbert College, and THE HAMBURG SUN office. A highlight of 2004 was the HNHS receiving a $50,000 grant from The Margaret L. Wendt Foundation to help support the Society's three-year Transition Plan to hire full-time staff, which required the HNHS to raise an additional $100,000. Several programs on Adelphia Crossroads highlighted the Society's winter programs and presentations; Channel 7 TV featured Scare-assic Park – A Pirate Adventure and the 7th Annual Earth Science Day at Penn Dixie; Channel 4's "The Why Guy" promoted the Penn Dixie programs and summer day camps; and WBEN Radio conducted a live site interview on the Spring Break programs. Several community newspapers, *The Buffalo News*, the

Lackawanna Front Page, The Hamburg Sun, Bee Publications, and several editions of local Pennysavers and newspapers featured many of the HNHS programs and Penn Dixie Site events.

A Variety of Educational Activities and Collaborative Programs

Penn Dixie, Woodlawn Beach State Park and Tifft Nature Preserve conducted the 4th Annual Triple Trek Summer Day Camp program for children in July and August. The HNHS and the Buffalo Association of Professional Geologists co-sponsored the Seventh Annual Earth Science Day at the Penn Dixie Site. More than twenty-five local businesses, government agencies, universities, and cultural institutions provided exhibits for the more than 650 children and adults who attended. The 2nd Annual Scare-assic Park – Pirate Adventure fundraiser at Penn Dixie attracted over 950 children and adults. The Penn Dixie Site was the beneficiary of the Hamburg Chamber of Commerce's 20th Annual Golf Tournament receiving a donation of $1,100. The HNHS and Botanical Gardens collaborated on a "Stellar Night" fundraiser at the Botanical Gardens in September. The HNHS and Graycliff Conservancy received a matching grant from the Buffalo and Erie County Arts Council to develop a brochure and marketing program for the new Penn Dixie and Graycliff Rocks program that will be implemented in 2005. The pre-service and in-service teachers from Buffalo State College, SUNY Fredonia, SUNY Buffalo, Buffalo City Schools, and Williamsville Schools visited the Penn Dixie Site as part of their professional development curriculum. The Fifth Annual Miss Buffalo Nature Cruise and Buffalo Lighthouse tour held in June was attended by 152 children and adults who enjoyed an introduction to the region's birds, fish, and geology while enjoying the waterfront view of Buffalo and the Niagara River. At the conclusion of the cruise, participants were given a tour of the Buffalo Lighthouse. The HNHS has also sponsored on-site programs with the Canisius College day camp program, the Greater Niagara Frontier Council of the Boy Scouts of America, and the Girl Scouts of America. The HNHS works closely with the Buffalo Lighthouse Association, the Southtowns Tourism group, the Buffalo Convention and Visitors' Bureau, the Binational Tourism Alliance, Seaway Trails Committee, McKinley Mall, and the Hamburg Chamber of Commerce on joint programming opportunities and other ways of attracting "ecotourists" to Erie County via the Penn Dixie Site.

A Breadth of Visitors during 2004

The HNHS participated in the United Way Day of Caring in August and thanks the efforts of 17 volunteers from West Seneca School District. All volunteers helped collect and clean fossils for children to identify and for the fossil kits. Two groups from the Gelinas Jr. High School in Setauket, Long Island, a school group from Bradford, PA and the Lake Ridge Academy from near Cleveland, OH, the Delaware Valley Paleontological Society, the Cincinnati Dry Dredgers, Pittsburgh Geological Society, Shaw Environmental Group from Pittsburgh, the North Carolina Fossil Society, and several university groups from Western New York and Pennsylvania visited the Penn Dixie Site. In addition, students from public, parochial, Charter, and home schools in Amherst, Angola, Bradford (PA), Brocton, Bryon-Bergen, Buffalo, Cheektowaga, Clarence, Depew, Derby, East Aurora, Evans, Falconer, Fredonia, Grand Island, Hamburg, Kenmore, Lackawanna, Lancaster, Livonia, Lockport, Marilla, Niagara Falls, North Collins, Orchard Park, Rochester, Silver Creek, Springville, Tonawanda, Wales, Warsaw, West Seneca, West Valley, Williamsville, and many other school districts throughout the area visited the Penn Dixie Site during 2004. The Penn Dixie Site continues to attract visitors from throughout the U.S. and the world, including, most recently, visitors from Alaska, Canada, France, Germany, Hawaii, Italy, Mexico, New Zealand, Northern Ireland, Scotland, and Sweden. In 2004, the HNHS had active members in 33 states, plus Washington, D.C. The "other" Penn Dixie Site is also generating a lot of "visits;" the HNHS Web site, www.penndixie.org generated 29,859 visits during 2004, from around the world, a 65% increase over 2003.

Building Our Educational Infrastructure for Continued Growth

In 2004, over 35,000 square feet parking of area was covered with millings, partially funded by West Valley Nuclear Services and Buffalo Crushed Stone. Shrubs, trees, and flowers were planted on the site during Earth Day and other times throughout the year. Senior Girl Scouts from Troop #1273 in Orchard Park designed, constructed and installed a butterfly garden and benches at the Penn Dixie Site. The HNHS purchased 16.75 acres from the Town of Hamburg, contiguous to the site. In addition to all the physical infrastructure of the Penn Dixie Site, the HNHS continues to work on fund-raising for the development of the site, staffing, programming activities, and support for volunteer training to develop and train volunteers to help meet the ever-increasing demand as a cultural and tourist attraction in the Buffalo Niagara Region.

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The HNHS Board is extremely concerned about the proposed 150-foot tower on the adjoining property and is unanimously opposed to its installation. The HNHS respectively requests that the Hamburg Town Planning Board reject the request for this proposed tower. I, along with several HNHS members and Penn Dixie supporters, plan on attending the Planning Board's March 16, 2005, meeting to further elaborate and detail our concerns.

I will be out of town until Wednesday afternoon and if you should need to contact me please leave a message at 627-4560 and I will return your call. Thank you for your consideration.

Sincerely,

Jerold C. Bastedo
Executive Director

cc: HNHS Officers and Board, Supervisor P. Hoak, Councilman M. Cavalcoli

Enclosure

TOWN OF HAMBURG
ENGINEERING DEPARTMENT

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

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Town Engineer
GERARD M. KAPSIAK, P.E.

Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 3/16/05

SUBJ : 3/16/05 PLANNING BOARD MEETING AGENDA
Minor Subdivision - Mark Schmidt - Amsdell Road

The following are review comments on a survey dated 2/25/05:

(1) This is a four lot minor subdivision. The legal description is acceptable.

(2) Public water service is available to the site.

(3) Public sanitary sewer service is not available to the site.

(4) There are no public sidewalks in this area. We have no objection to waiving the sidewalk requirement.

(5) We have no objection to waiving the map cover.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

RJL:law

State Environmental Quality Review
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) of the N.Y.S. Environmental Conservation Law.

Date: 3-16-05

For Type I Actions, a copy of this notice sent to:

Commissioner--NYSDEC, Albany
NYSDEC - Region 9
Applicant/Department _____
Erie County Dept. of Env. Planning
Erie County EMC
Involved Agencies
Interested Agencies

PROJECT #: 1332

LEAD AGENCY; Town of Hamburg Planning Bd.

NAME OF ACTION: Hilbert College Academic Bldg. & Aud.

LOCATION: South Park Ave.

SEQR Status: Unlisted/Type I

DESCRIPTION OF ACTION: 31,000 s.f. addition for academic Bldg. & Auditorium

In accordance with adopted review procedures and the criteria set forth in Part 617, the proposed action described above will not have a significant effect on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

- No substantial adverse change in existing air quality, water quality, solid waste production, traffic patterns, or noise levels is anticipated as a result of this action.

  During construction, there will be increased noise, dust, and minor traffic disruptions; however, these will result in small to moderate impacts of limited duration.

- Due to the nature, size, and location of the proposed action no significant adverse effects on aesthetics, agricultural, archaeological, historic or other natural or cultural resources are expected.

- Review of the parcel characteristics indicates that this use will not affect any significant wildlife, plant, or fish habitats; nor substantially increase the potential for erosion, flooding, or drainage problems.

- The proposed use of this parcel will be a minor change in the use of this land and will be consistent with the community's plans/goals.

- No growth, subsequent development or related activities are expected to be induced by this proposal.

- The small increase in electrical energy use anticipated is not significant.

For Further Information:

Contact: Town of Hamburg Planning Dept.

Address: S-6100 South Park Avenue, Hamburg, N.Y. 14075

Telephone Number: (716) 649-2023

Schmidt 4 lot Subdivision - Amsdell Road

Mr. Mark Schmidt appeared before the Planning Board on a proposed 4 lot subdivision, which is to be located next to the Hamburg Mobile Home Park on Southwestern Blvd. and Amsdell Road for single family dwellings. Turn around driveways will be required. It was suggested that there be a 30' buffer between the lots and the mobile home park.

Motion was made by Mrs. Yerkovich, seconded by Mr. Eustace to set a Public Hearing for April 20th, 2005, and to table. Carried.

Autumnview Addition - 4650 Southwestern Blvd.

Cliff Krumm appeared before the Planning Board on the proposed expansion for Autumnview on Southwestern Blvd. The project has been scaled down from the original. There will be a 14 bed addition to the west and a 12 bed addition to the east. The water line in the back will be removed and replaced with an 8" line along Southwestern Blvd. The sewer system will be designed at the back. Storm water detention has been provided on the northerly part of the site. There will be no impact to the residential back yards and landscaping will be provided. For fire safety purposes, access is around the back about 700'. A new fire hydrant will be installed.

Engineering Comments are attached.

Motion was made by Mrs. Yerkovich, seconded by Mr. Reynolds, to issue a Negative Declaration on the project, approve the site plan contingent on Engineering requirements outlined in a memo of 3-16-05, that an investigation be made into the hydric soils around the parking lot area, and that fire requirements be met and on record. Carried.

Hilbert College Auditorium & Education Bldg. - South Park Avenue

Mr. Richard Pinkowski, and Andy Marino of Tredo Associates appeared before the Planning Board on a proposed 31,000 s.f. addition for an academic building and auditorium to be located on the campus. To answer some of the Engineering questions, Mr. Marino stated that they will use a gravity system, have added an additional fire hydrant for access for the fire department. There will be no dumpsters on site. Storm water plan has been developed and sent to the DEC. There will be no work done in the right of way. Handicap spaces (4) have been provided adjacent to the main entrance. The ditch will be closed and hard piped. They feel they can satisfactorily address all Engineering items.

Motion was made by Mrs. Yerkovich, seconded by Mr. Eustace to issue a Negative Declaration on the project, conditional on implementation of Engineering concerns as outlined in a memo dated 3-16-05, that new tree requirements be applied as screening as dictated by the South Park Overlay District. Carried.

TOWN OF HAMBURG
ENGINEERING DEPARTMENT

633-4940

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

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Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 3/16/05

SUBJ : 3/16/05 PLANNING BOARD MEETING AGENDA
Addition to Autumn View Health Care - 4650 Southwestern Blvd.

The following are review comments on a site plan dated 2/18/05 and revised on 3/5/05:

(1) The site is located in the Southwestern Overlay District. The site landscape plan is to be approved by the Planning Board.

(2) The sanitary sewers for this site discharge to a private sewer owned and maintained by the Frontier School District. The school district's approval is required for the additional anticipated sewage flow. The new sanitary sewer is to be approved by the Erie County Department of Environment and Planning (ECDEP). We are unable to approve the site plan prior to review and approval by the ECDEP.

(3) The proposed waterlines are to be approved by the Erie County Water Authority (ECWA) and the Erie County Health Department (ECHD). Include a detail drawing of the waterline abandonment at the north end of Buckingham Lane and the connection to the 36" main. We are unable to approve the site plan prior to review and approval by the ECWA and ECHD.

(4) Appropriate legal documents are to be prepared for the discontinuance of the waterline easement along the portion of 8" waterline being abandoned.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

TOWN OF HAMBURG
ENGINEERING DEPARTMENT

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Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 3/16/05

SUBJ : 3/16/05 PLANNING BOARD MEETING AGENDA
Hilbert College Academic Building and Theater Addition

The following are review comments on a site plan dated 2/22/05:

(1) Show the location of the entire proposed sanitary sewer forcemain. Submit the plan to the Erie County Dept. of Environment and Planning (ECDEP) for review. We are unable to approve the site plan prior to approval by the ECDEP.

(2) An additional fire hydrant should be provided at the northwest corner of the project.

(3) If there will be a garbage dumpster it should be shown on the plan and be properly enclosed.

(4) A Storm Water Pollution Plan (SWPP) and report as required by the NYSDEC is to be provided for the project. Include clearing, stripping and erosion control measures as necessary on the plans.

(5) A permit for the NYSDOT is required for work within the South Park right-of-way. We are unable to approve these plans prior to NYSDOT review and approval of the work on their right-of-way.

(6) Show the location of the Handicap Parking spaces.

(7) The three feet ditch (not a swale) along the entrance road should be piped or relocated further away from the road. Provide an emergency overflow outlet for the detention pond. Include rip-rap stone at all pipe end sections.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

Erie County Industrial Development Agency
275 Oak Street, Suite 150
Buffalo, New York 14203

Phone: 716-856-6525
fax: 716-856-6754
www.ecidany.com
e-mail: info@ecidany.com

Sent to: Kay Matt
Big Sage
Scranton
Newton Abbott

ECIDA

February 28, 2005

Andrew C. Reilly
Town of Hamburg Planning Department
S-6100 South Park Avenue
Hamburg, NY 14075

Dear Mr. Reilly,

I recently received a copy of the integrated review cover sheet concerning the Town of Hamburg's lead agency status on the Hickey Farms Senior Apartments project. While the ECIDA does not have any objection to the Town of Hamburg Lead Agency Designation, we do have concerns about the potential impacts of the project on the county rail lines. The ECIDA serves as the manager of the county owned rail lines, one of which runs through the Town of Hamburg, commonly known as the Buffalo Southern Railroad after the operator of the line.

Development adjacent to the rail line has historically created concerns related to safety of the rail line, adjacent property owners and drainage issues. In particular the area being proposed for the housing development has been an area where the rail line has experienced drainage problems. The area contains some very wet sections and the present rail drainage system is barely adequate to handle the existing drainage. Many of the drainage structures are undersized and very old. Over the years adjacent property owners have altered the topography of their lots with the expectation that the rail drainage system is responsible to drain their properties. The existing system was designed to drain the rail property not adjacent properties, and as such we have had difficulties with drainage in this area. In fact, one of the current land owners in the project area recently complained about poor drainage along his property and we worked with him to help correct the situation, but the rail drainage system can not handle any increase in runoff.

A larger concern is the safety of the rail line and the potential adjacent apartment dwellers. Disruption in the present drainage situation could mean erosion of ditches and potentially failure of the rail bed. This would present a serious situation not only for the rail operator, but also the adjoining apartment dwellers. Of broader concern is the specific layout of the facility and the proximity of many of the apartment units to the rail line.

Officers and Board of Directors • Kevin J. Clarke, Chairman of the Board • John J. Kaczorowski, Vice-Chairman • Robert P. Fine, Secretary • James F. Doherty • David Franczyk • Dennis H. Gabryszak • Joel A. Giambra • Susan J. Grelick • Marsha S. Henderson • George A. Holt Jr. • Alfred F. Luhr III • Anthony M. Masiello • Susan A. McCartney • Lawrence M. Meckler • Frank B. Mesiah • Ronald H. Moline • Andrew J. Rudnick • Fred B. Saia • Mark J. F. Schroeder • Jack Semler

This is an active rail line which operates on an as needed basis to service its customers. One of the customers on the rail line takes delivery of a substantial number of propane rail tank cars. Proposing this type of housing in such density so close to the rail line, is troublesome.

While the rail lines are inspected by state and federal rail agencies, and the rail personnel are specially trained to handle propane traffic, an accident could have catastrophic consequences. Each rail car contains over 30,000 gallons of propane and we routinely handle several cars at a time. Each one of those rail cars would pass in close proximity to the proposed project, and a substantial number of the individual apartment units. If an unfortunate incident were to incident occurred, I believe the wisdom of building housing so close and in such a density to the rail line would be questioned.

Prior to making a final consideration on this project, I would recommend that a full drainage study be undertaken to determine the impacts on the rail line and the surrounding drainage systems. Also, it would be recommended that a safety consultant look at the issues related to the proximity of the rail line to the housing complexes and in particular the risks associated with the existing propane traffic.

I would be happy to discuss this further with you, and look forward to working with you on this important project.

Sincerely,

John Cappellino
Director of Development

Cc: Mr. Bert Feasley
Mr. Ken Swanekamp
Mr. Michael Bartlett

Town of Hamburg Conservation Advisory Board

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

March 2, 2005

To: Planning Board

From: Conservation Advisory Board

Subject: Hickey Farms

On February 26th, Messrs. Andrle, Carnevale, Lorquet, and Nichols dia a team evaluation of the Hickey Farms site. The site provides habitat for deer and small mammals and is a nesting and breeding site for birds. The tree population of the northern 2/3's of the site consists mainly of cottonwoods, aspens, elms, silver maples and thornapples. The southern l/3 shows these species plus some black cherrys and oaks.

The wetlands had only fragmentary evidence of delineation and it would appear that whatever delineation was done, was done some time ago. There are definitely federal wetlands on the site which need delineation and approval by USACOE.

The eastern l/3 of the site, which is not going to be developed, would be an excellent area for dedication to the town. This area contains the Rush Creek corridor (an important area for preservation) as well as wetlands designated as "A", B, "RC-A", "RC-B" & "C". The area is habitat to a good variety of small mammals, birds amphibians, reptiles, invertibrates, and with the addition of a simple trail would make a walkable pleasant green space site.

In developing the site, care should be exercised by the site contractor to preserve a buffer between the upland and lowland portions of the site. In particular, the cherries and oaks should be preserved as "seed" trees to improve the long term mix of hardwoods in the area.

This project will require a tree permit.

Doug Nichols, Chairman
Conservation Board

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, New York, 14203-2999
Phone: (716) 851-7165 • **FAX:** (716) 851-7168
Website: www.dec.state.ny.us

Denise M. Sheehan
Acting
Commissioner

February 23, 2005

Mr. Andrew C. Reilly, P.E.
Town of Hamburg Planning Department
S-6100 South Park Avenue
Hamburg, New York 14075

Dear Mr. Reilly:

DESIGNATION OF SEQR LEAD AGENCY
HICKEY FARMS HOUSING PROJECT
BIG TREE ROAD AT SOUTH PARK AVENUE
TOWN OF HAMBURG, ERIE COUNTY

In response to your letter received February 4, 2005, this office has identified the following environmental concerns in connection with this project:

1. The site plan shows federal wetlands as indicated in a January 3, 2005 letter to Joseph Krawczyk of the U.S. Army Corps of Engineers (COE) from Donald Wilson of Wilson Environmental Technologies Inc. However, a recent telephone call with Mr. Krawczyk with my staff indicated Mr. Krawczyk is sending a letter of Incompleteness for this project as he believes that Federal Wetland G is larger than it appears on the site plan submitted. Please be aware that if a Nationwide 39 is applicable to this project, please provide this office with acreage figures for all the on site wetlands presently shown on the plans. The COE may require Water Quality Certification from DEC.

   A December 3, 2003 letter from David Paradowski, Region 9 Senior Forester, to Tim Gawenus of William Schutt & Associates confirms the presence of an endangered plant, Gypsy wart (Lycopus rubellus) within approximately 50 feet either side of the banks of Rush Creek. The project sponsor should restrict all soil disturbances in this area.

2. Since project activities will involve land disturbance of over 1 acre, the project sponsor is required to obtain a State Pollutant Discharge Elimination System General Permit (GP-02-01) for Stormwater Discharge from Construction Activities. A Notice of Intent (NOI) is required to be sent to NYSDEC, Bureau of Water Permits, 625 Broadway, Albany, New York 12233-3505, telephone: 518/402-8111 and approved before construction commences. The General Permit GP-02-01 and NOI form are available on the Department's website at www.dec.state.ny.us. We have included the NOI form with a copy of this letter to the project sponsor. This General Permit requires the project sponsor (operator) and all contractors and subcontractors to control stormwater runoff according to the Stormwater Pollution Prevention Plan, which is to be developed prior to filing NOI and prior to commencement of the project.

3. A major portion of the proposed project is located within the 100-year floodplain, according to the Federal Emergency Management Agency's Map No. 3602440006, and the Town should seriously consider whether development is reasonable in this situation. During the evaluation of this project, a revised copy of the plans should be submitted that shows the 100 year floodplain boundary and the floodway.

4. This Department understands that the Town has no objection to sewer flows from this development if they are conveyed to Erie County's McKinley Trunk Sewer, about 2,000 feet east of the site. The local Highlands Acres Sanitary Sewer District has existing flow capacity problems.

It appears that the Town of Hamburg should act as SEQR Lead Agency, as the environmental impacts of the proposal are primarily of local significance.

Thank you for providing this office the opportunity to review the proposed project. If you have any questions, please feel free to contact Ms. Penny Dempsey or me at 716/851-7165.

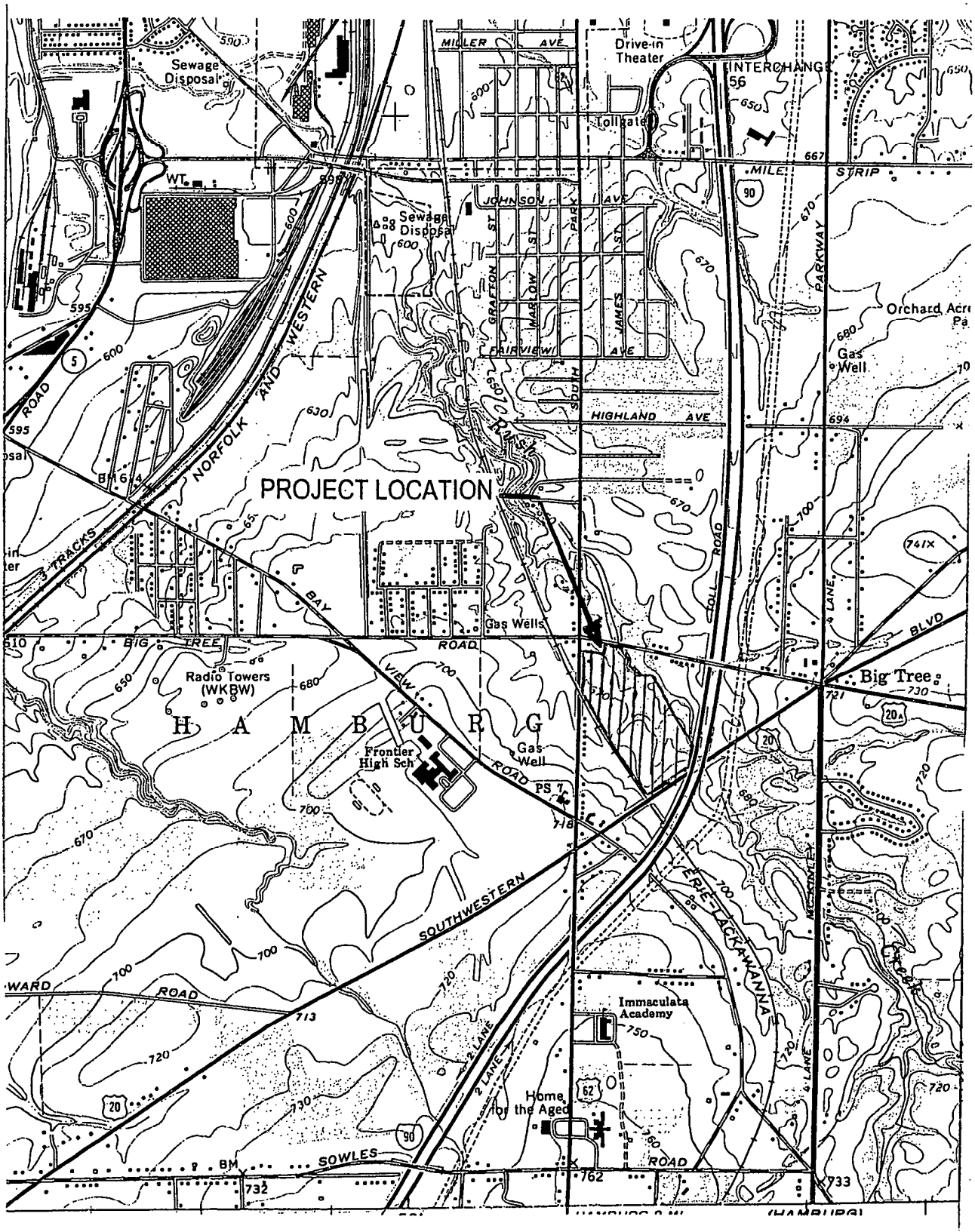
Respectfully,

Steven J. Doleski

Steven J. Doleski
Regional Permit Administrator

PRD:vam

cc: Mr. Daniel Judd, Region 9 Division of Water
Mr. David Paradowski, Region 9 Senior Forester
Mr. Joseph Krawczyk, U.S. Department of the Army, Corps of Engineers, Buffalo District Office
Mr. John Finster, Erie County Health Department
Mr. Charles Alessi, Erie County Department of Environment & Planning
Mr. Donald Wilson, Wilson Environmental Technologies
Mr. Tim Gawenus, Wm. Schutt & Associates, P.C.
Mr. Mark Trammell, MHT Holdings, Inc.



PROJECT LOCATION MAP
HICKEY FARMS SENIOR HOUSING COMPLEX
TOWN OF HAMBURG– ERIE COUNTY- NEW YORK

2003

WSA JOB No. 03463

County of Erie

JOEL A. GIAMBRA
COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT & PLANNING

LAURENCE K. RUBIN
COMMISSIONER

ANDREW M. ESZAK, AICP
DEPUTY COMMISSIONER

March 9, 2005

Andrew C Reilly, P.E.
Planning Department
Town of Hamburg
S-6100 South Park Avenue
Hamburg, New York 14075

Re: SEQR Referral Review, Lead Agency Designation
Action: Hickey Farms Senior Apartments (290 units)
County Review #: SP-05-98
Location: Big Tree Rd. & South Park Avenue, Town of Hamburg, Erie County, NY

Dear Mr. Reilly:

Pursuant to Article 8 of the Environmental Conservation Law and to adopted procedures, Erie County has reviewed this Type I SEQR action, referred to us on February 8, 2005.

The results of this review are as follows:

o Erie County is an **involved** agency for this action and agrees that the Town Planning Board should act as SEQR lead agency for this action.

o The following comments/concerns have been identified and should be evaluated before SEQR/Project decisions are made on this Project:

1. For public sewer district #3: An intermunicipal agreement with the Town of Hamburg and Erie County Sewer District # 3 is required. Approval of this agreement is required by both the District Board of Managers and the Erie County Legislature.

   Sanitary sewer capacity at the discharge point and in the McKinley trunk must be evaluated. If capacity is available, then the main sewer run through the project from the northern end to the southern end must be a 15-inch (15 in.) **public** sewer designed at minimum grade to the depths required by the District to eliminate its Southwestern Pumping Station.

2. Adequacy of storm drainage facilities, both natural and man-made, should be fully evaluated for impacts on public highway (and rail line) drainage. Traffic impacts on the nearby intersection should be evaluated. State road access permits are required.

3. Erie County Rail Line, operated by the Buffalo Southern Railroad company, cannot accommodate additional storm flows that would be generated by the large areas of impervious surfaces built as part of this project. Increased discharges to the existing system, designed to drain the rail line property only, could result in flooding, erosion and resultant damage to the rail bed, tracks and culverts/bridges.

4. Public safety is a large concern not only in the operation of the railroad, but also for the 300-plus occupants that could be exposed to daily operational noise and hazardous situations such as derailments, chemical leaks and propane explosions. The density and layout of site development proposed would increase risks to public health and welfare of elderly apartment residents, some of whom may be handicapped or mobility impaired. As recommended in a separate letter from the Erie County Industrial Development Agency to the town planning department dated February 28, 2005, this concern should be addressed by safety consultants knowledgeable in these issues and risk management. The density, proximity and the orientation of buildings with respect to the rail line will have a bearing on fire and blast exposures and the establishment of safe buffer zones for the apartment development.

o Recommendation

The lead agency should thoroughly analyze the areas of environmental concern to determine if the action may have a significant effect on the environment and require evaluation of potentially significant impacts in a DEIS.

o Erie County will have the future review and/or approval authority as follows:

Erie County Health Department Health Department: review will include water supply and, sewer system plans for the public sewer extension needed)

Health Department: review and approval of any public waterline extensions and adequate and satisfactory water supply for developments. Since this site involves wetlands regulated by the US Army Corps of Engineers, the sewer extension plans may require changes to comply with the Corps' wetland permit and mitigation plan. Therefore it is advisable that the final site plan and sewer plan submissions await the Corps' determination and/or approved mitigation plan in order to avoid the possibility of a second plan review should revisions be required due to wetlands issues. The Health Department is the sewer plan-approving agency, per agreement with the NYS Department of Environmental Conservation, whose policies support this advisory.

Erie County Sewer District (ECSD) #3: approval authority for a connection and service to this parcel as a tributary to the Sewer District served by the Southtowns Sewage Treatment Plant. An intermunicipal agreement between the town and the sewer district must be approved by the district board of managers and the Erie County Legislature.

Department of Environment and Planning (DEP) -
-Planning Division: site plan referral as per General Municipal Law, Article 12-B, Section 239 l and m. (Erie County Form ZR-1)

(Please note that statutory County review/approval procedures and criteria will apply regardless of the environmental determinations issued by the lead agency pursuant to SEQR).

Very truly yours,

Michael A. Alspaugh
Senior Planner

cc:
Andrew Eszak, Dep. Comm., ECDEP
John Kociela, ECHealth Dept.
Charles Alessi, ECDEP - Sewerage Management/ECSD #3
Matt Salah, ECDEP - Sewerage Management
John Cappelino, ECIDA
M617LeadTHam.

Hickey Farms - Mark Trammel - South Park & Big Tree

Mr. Mark Trammel appeared before the Planning Board on his proposed residential and apartment development to be located on South Park & Big Tree. Comments have been returned from ECIDA on the railroad, the Conservation Board, NY State Dept. Of Env. Conservation, Department of Env. & Planning and are attached.

The big issue relates to the buildings near the railroad tracks, as it appears that erosion is occurring along the railroad ditches. All drainage is to be directed away from this area. Water, sewer, wetlands, and traffic are also issues. The issue of variances on the buildings near the tracks is a main concern. Mr. Reilly was directed to discuss the matter with a safety consultant. Variances will also be required on parking spaces. Approximately 394 spaces are required and they have 323.

Mr. Trammel explained that walking paths have been provided as well as play fields and recreation fields. Landscaping has been provided around all buildings. There will be a community building with offices, room for maintenance, a reading room, computer room, and exercise room. Rose gardens will also be provided.

Mr. Trammel was asked to provide a summary sheet and list the variances that will be needed. Wetlands will be avoided. As far as a safety consultant is concerned, Mr. Reilly will start with the Disaster Coordinator for Hamburg, who is Jim Spute.

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

Burke Rezoning for Tractor facility in Business Park

Item was referred to the Planning Board for recommendation. An impact statement will be required. The Town Board is the Lead Agency. Motion was made by Mr. Reynolds, seconded by Mr. Eustace to recommend to the Town Board that a Positive Declaration be issued, and require an Environmental Impact Statement.

Issues of concern include:

1. Traffic and access issues.
2. The character of the existing area, including the impacts to the school and neighborhood, and to the visual character of South Park Avenue and Southwestern Blvd.
3. The types of uses and size of structures that would be appropriate for this area.
4. Public utilities
5. Other issues that may need resolution in the EIS. Drainage, energy, noise and odor, phasing of the project. Carried.

Minutes of the meeting of February 2nd were approved by Mr. Eustace, seconded by Mr. Reynolds. Carried.

Minutes of the meeting of February 16th were approved on motion by Mr. Eustace, seconded by Mr. Reynolds. Carried.

Motion to adjourn was made by Mrs. Yerkovich, seconded by Mrs. Rogers. Carried. Adjourned at 11:30 p.m.

Respectfully submitted,

Paul Eustace, Secretary
Planning Board

TOWN OF HAMBURG

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

Supervisor
PATRICK H. HOAK

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

March 17, 2005

To: The Town Board

Subject: Burke Business Park - Southwestern Blvd.

At the Planning Board meeting held on 3-16-05, the following recommendation was made:

Motion was made by Mr. Reynolds, seconded by Mr. Eustace to recommend to the Town Board that a Positive Declaration be issued for the Burke Business Park on Southwestern Blvd. And to proceed to an Environmental Impact Statement.

Issues of concern include:

1. Traffic and access issues.
2. The character of the existing area, including the impacts to the school and neighborhood, and to the visual character of South Park Avenue and Southwestern Blvd.
3. The types of uses and size of structures that would be appropriate for this area.
4. Public utilities.
5. Other issues that may need resolution in the EIS. Drainage, energy, noise and odor, phasing of the project. Carried.

Gerard Koenig

Gerard Koenig, Chairman
Planning Board

GK:tad

March 16, 2005

Memo To: The Planning Board

From: Planning Department - Andrew C. Reilly

Re: March 16, 2005 Agenda

The following are the general issues relating to the items on the March 16, 2005 agenda:

1. Hruschak 2 lot subdivision
   -See the attached memo concerning this subdivision
   -Please set a Public Hearing for the April 6, 2005 Work Session

2. P.W. Playland Subdivision

   -Needed corrected drawings to set public hearing
   -Hydric soils (wetlands) on site

3. R.D. Murray Site Plan
   -Awaiting report from Kurt Allen
   -If acceptable, can give applicant sketch plan direction and authorize remediation work.

4. South Park Woods
   -Awaiting report from applicant on results of their meeting with the Fire Department (asked to be tabled at last meeting).

5. Ridgefield Cluster
   -We have provided the applicant sketch plan direction on this project. One large outstanding issue is the secondary means of egress.
   -The applicant must now decide on whether to proceed with a preliminary plat application.
   -Once submitted, the Planning Board would begin the SEQR process.

6. Clark Street Gas Station and Deli
   -We have given the applicant sketch plan input on this project. They were also received input from the Traffic Safety Board and the County.
   -The applicant must now decide on the proceedance to a full site plan application.

7. Highland Subdivision

-The applicant has submitted a new sketch plan in an attempt to address the issues raised at our work session.
-The new sketch plan gives a clearer picture of the project. The Planning Board should provide any further input on this plan so the applicant can decide on whether to proceed to a preliminary plat for this major subdivision.

8. Doherty Subdivision

-The applicant was given input at the work session. At this time no amended plans have been submitted.

9. BFG Radio Tower

-The Penn Dixie site representatives have strong concerns about the impacts of this project.
-We need to discuss these issues with the applicant and attempt to mitigate these impacts.

10. Mark Schmidt Subdivision

-Based on the work session and a meeting with the applicant, amended plans are to be submitted for this preliminary plat (minor subdivision)
If acceptable, a Public Hearing should be scheduled

11. Autumnview Addition
-Direction was given at the Planning Board work session.
-We are also awaiting input from the Fire Department
-See review memo for the issues.

12. Hilbert College Academic & Theatre Building
-Comments were given at the Planning Board work session. New drawings have been received.

13. Taylor Woods

-The applicant will be appearing to present additional input.

14. Hickey Farms
-Lead agency under SEQR has been established and the Planning Board must make a SEQR decision.
-Issues that have arisen since the last meeting include concern over the location of the units near the railroad (see review letters). The Recreation Department has also expressed interest in working with the applicant on open space/recreation lands especially adjoining the Town property.
-See above review letters

15. Burke Rezoning

-The Town Board has entertained this rezoning request (see resolution), and will now wait for the Planning Board recommendation.

-The first step would be to recommend a Positive Declaration so that the applicant can complete a Generic Environmental Impact Statement (DEIS)

-Scoping can proceed after Town Board issuance of the Positive Declaration. In the meantime, we can begin to identify all the relevant issues of concern.

Legal Notice
Town of Hamburg Planning Board
Meeting - March 16, 2005

The Town of Hamburg Planning Board will conduct a regular meeting on Wednesday, March 16th, 2005 in Room 7B of Hamburg Town Hall at 7:30 p.m. to discuss the following projects:

1. Hruschak 2 Lot Subdivision - Dorothy Place
2. P.W. Playland - Southwestern Blvd.
3. R.D. Murray site plan - Camp Road
4. South Park Woods - change of condition on setbacks
5. Ridgefield Cluster Sub. - Tom Tasseff
6. Clark Street gas station & deli - Clark St.
7. Highland Subdivision - Brompton Pkwy.
8. Doherty Subdivision - Versailles Road
9. BFG Radio Tower - Jeffrey Blvd.
10. Mark Schmidt Sub. - Amsdell Rd.
11. Autumnview Addition - Southwestern Blvd.
12. Hilbert College Academic & Theatre Bldg. - South Park Ave.
13. Taylor Woods - change in setbacks.

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

DATED: 3-3-05