

**Town of Hamburg
Planning Board Meeting
April 20th, 2005
Actions Taken**

**Highland Subdivision
Brompton Pkwy.
Hoss, Inc.**

On for Work Session, 5-4-05

**Doherty 4 lot Subdivision
Single Family dwellings
Versailles Rd.**

Preliminary Approved

**Schmidt 3 Lot Subdivision
Amsdell Road**

Approved Preliminary

**Newton Abbott Fire Station
3226 Abbott Rd.**

Approved contingent on Engineering

**Sado's Clark Street Gas
Station & Subway
Kevin Saxon**

On for Work Session, 5-4-05

**BFG Radio Tower
Jeffrey Blvd.**

Tabled for Work Session 5-4-05

**Judy Pickhardt Dance
Studio - Route 5 Woodlawn**

**Fav. Recommendation to ZBA on
Parking**

**Dean Hogg - Addition of
Subway - Old Lake Shore Rd.**

Fav. Recommendation to ZBA on design

**Spruce Ridge Subdivision
Mr. Armbruster**

Public Hearing - May 18th, 2005 7:30 p.m.

**South Park Garage
South Park at Thruway**

Special Use Permit set for May 18th, 2005

**Ridgefield Terrace Estates
Cluster - Tom Tasseff**

Memo given to applicant from Consv. Bd.

**Hickey Farms Project
South Park & Big Tree
Sr. Housing & Single family**

Negative Declaration Authorized

**Burke Business Park
Southwestern Blvd.**

Concerns sent to Town Board

**Town of Hamburg
Planning Board Meeting
April 20, 2005**

The Town of Hamburg Planning Board met in Room 7 B of Hamburg Town Hall at 7:30 p.m. on Wednesday, April 20th, 2005. Those attending included: Chairman Gerard Koenig, Vice-Chairman David Phillips, Secretary Paul Eustace, Karen Rogers, Sasha Yerkovich, Steve McCabe. Others attending included Michael Fruth, Atty., Don McKenna, Atty. Rick Lardo, Drew Reilly, and Terry Dubey, Stenographer. **Excused: Bob Reynolds**

Highland Subdivision - Brompton Pkwy. Public Hearing

Secretary Eustace read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
LEGAL NOTICE
PLANNING BOARD
HIGHLAND SUBDIVISION
BROMPTON PARKWAY**

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on the Highland Subdivision on Brompton Parkway for Steve Hollins on April 20th, 2005 at 7:30 p.m. in Room 7B of Hamburg Town Hall.

All that tract or parcel of land, situated in the Town of Hamburg, County of Erie and State of New York being part of Lot 48, T-9, R-7 of the Holland Land Company's Survey, being more particularly described as follows:

Beginning at a point in the westerly line of Brompton Parkway at the northeast corner of subdivision Lot 140 as shown on map filed in the Erie County Clerk's Office under cover 925;

Thence westerly along the northerly line of subdivision Lot 140 as shown on map filed in the Erie County Clerk's Office under cover 925, a distance of 330.00 feet to the northwest corner of subdivision Lot 140 as shown on map filed in the Erie County Clerk's Office under cover 925;

Thence southerly along the westerly line of subdivision lots 140, 141, 142, 143 & 144 measured at right angles, a distance of 1093 feet more or less to the southwest corner of subdivision Lot 144;

Thence southeasterly along the southwesterly line of subdivision lot 144, a distance of 168 feet more or less to the centerline of Highland Parkway (now abandoned);

Thence northeasterly along the centerline of Highland Parkway (now abandoned), a distance of 578 feet more or less;

Thence easterly a distance of 143.36 feet to a point in the westerly line of Brompton Parkway; Thence northerly along the westerly line of Brompton Parkway a distance of 704 feet more or less to the point of beginning; Excepting herefrom that part of Dorchester Road.

Dated: 3-17-05

Gerard Koenig, Chairman
Paul Eustace, Secretary
3-24 Planning Board

Chairman Koenig declared the hearing open: Mr. Mike Borowiak and Steve Hollins appeared on behalf of the Highland Subdivision, which is a proposal for 11 lots of R-2 development along Brompton Pkwy. Five duplex townhomes will be built along with a single family dwelling.

Mr. Borowiak noted that the Engineering items have been addressed including drainage and the re-alignment of Dorchester. A portion of Highland has been abandoned by the Town Board and the applicant is present for preliminary approval. The back portion cannot be developed until someone constructs the road. Sidewalks will be built and there is public sanitary and sewer. There will be deed restrictions on the units.

Chairman Koenig asked if anyone wished to be heard on this proposal.

A resident, who owns property on Pembroke, asked if there will be access to the paper streets. A response given is that the developer and neighbors get together to construct a road, as the Town does not build roads.

(Highland Sub. Cont.)

Mr. Drew Reilly stated that Lead Agency Status has just been sent out on this project and the agencies need 30 days to respond. The drawings have been sent to the Erie County Dept. Of Env. & Planning, the County Health Dept. And the DEC.

Chairman Koenig asked 3 times if anyone wished to be heard for or against the project. Hearing no comments, the hearing was declared closed.

Motion was made by Mrs. Yerkovich, seconded by Mrs. Rogers to Table to the Work Session. Carried.

Engineering Comments:

The following are review comments on a Preliminary Plat Plan dated Feb. 2005 and last revised on 3/17/05:

- (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) The proposed re-alignment of Dorchester Road is acceptable. The right-of-way is to be dedicated when the new map cover is recorded.
- (4) Deed restrictions for the attached dwelling units should be reviewed and approved by the Planning Board.

Doherty 4 Lot Subdivision - Versailles Road

Secretary Eustace read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
PLANNING BOARD
LEGAL NOTICE
DOHERTY 4 LOT SUBDIVISION**
Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 4 lot Subdivision known as Doherty Subdivision located at Versailles Road on April 20, 2005 at 7:45 p.m. in Room 7B of Hamburg Town Hall.
THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number 42, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:
BEGINNING at a point in the centerline of Versailles Road where it intersects the southwesterly line of lands conveyed to Thomas P. Doherty by deed recorded in the Erie County Clerk's Office in Liber 10746 of Deeds at Page 112; thence running north-

westerly on a line perpendicular to the centerline of Versailles Road 245.63 feet to a point in the southeasterly line of Norfolk & Western Railroad; thence running northeasterly along the southeasterly line of said Railroad 402.37 feet to a point, said point being the intersection of the southeasterly line of the Railroad with southerly line of lands conveyed to Thomas P. Doherty by deed recorded in the Erie County Clerk's Office in Liber 7349 of Deeds at Page 613; thence running southeasterly on a line perpendicular to the centerline of Versailles Road 216.68 feet to a point in the center of said Road; thence running southwestwardly along the centerline of said Road, 401.33 feet to the place or point of beginning containing 2.13 acres more or less.
Dated: 3-16-05
Gerard Koenig, Chairman
Paul Eustace, Secretary
3-24 Planning Board

(Doherty Subdivision Continued)

Chairman Koenig declared the hearing open:

This is a proposed 4 lot subdivision to be located on Versailles Road. Mr. Doherty appeared on behalf of his application. The Conservation Easement has been approved and Mr. Doherty is waiting to obtain approval from Erie County Sewer District 2 on the out of district agreement. Attorney McKenna noted that the easement (a 30' buffer between the railroad tracks and the parcel) is ready for recording.

Chairman Koenig asked 3 times if anyone wished to be heard for or against the proposal. Hearing no comment, the hearing was declared closed.

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to issue a Negative Declaration on the project, approve the preliminary, waive the filing of a map cover and waive the sidewalk requirement, that the Conservation Easement is ready for recording, and contingent on completion of the approval on the out of district agreement. Carried.

Engineering Comments:

SUBJ : 4/20/05 PLANNING BOARD MEETING AGENDA
Doherty Subdivision - Versailles Road

The following are review comments on a Minor Subdivision Preliminary Plat Plan dated 2/11/04 and last revised on 3/18/05:

- (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.
- (5) The proposed conservation easement has been reviewed and is in the process of being recorded.

Schmidt 3 Lot Subdivision - Amsdell Road

Secretary Eustace read the following Legal Notice of Public Hearing:

**TOWN OF HAMBURG
PLANNING BOARD
LEGAL NOTICE
SCHMIDT SUBDIVISION —
AMSDELL ROAD**

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on the Schmidt Subdivision on Amsdell Road on April 20th at 8:00 p.m. in Room 7B of Hamburg Town Hall (3 Lot Sub.)

All that Tract or Parcel of Land situate in the Town of Hamburg, County of Erie and State of New York, being Part of Lot 28, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at the intersection of the center line of Amsdell Road (66 feet wide) with the east line of Liber 58 of Deeds at page 35, Liber 106 of Deeds at page 243, Liber 495 at page 384, &

Liber 5644 of Deeds at page 60; thence westerly along the centerline of said Amsdell Road, a distance of 359.15 feet to a point; thence northerly along the west line of Liber 495 of Deeds at page 384, a distance of 978.25 feet to a point; thence easterly along a line making an interior angle of 90° 15' 00" with the last mentioned course, a distance of 356.30 feet to a point in the said east line of Liber 58 of Deeds at page 35, Liber 106 of Deeds at page 243, Liber 495 at page 384 & Liber 5644 of Deeds at page 60; thence southerly along said east line, 1023.78 feet to the principal point of beginning and containing 7.85± acres to the centerline of Amsdell Road.

Dated: 3-17-05

Gerard Koenig, Chairman
Paul Eustace, Secretary
3-24 Planning Board

Chairman Koenig declared the hearing open:

Mr. Mark Schmidt appeared on behalf of his proposed 3 lot subdivision, and is looking for preliminary approval. The Conservation Board has suggested a buffer between these parcels and the mobile home park.

Chairman Koenig asked if anyone wished to be heard for or against the proposal.

Mr. Kenn Mann, of 3161 Amsdell Road, asked about future expansion of the mobile home park, and that he is experiencing drainage problems. Water runs thru the woods on to his property. It was noted that a drainage plan will be required and that it be drained out to the street.

The response given is that the mobile home park cannot expand as this is R-1 zoning.

Mr. Wise, of 3176 Amsdell Rd., stated that he too is experiencing drainage problems and that the width of the lots will be less than what their's is. The dimension on lot width for their homes is 110'. Response given is that the width of the proposed lots is 100' or 30,000 s.f. of area. Also, the Planning Board has no jurisdiction as to the type of homes that can be built as long as they meet code.

Chairman Koenig asked 3 times if anyone wished to be heard for or against the proposal. Hearing no further comment, the hearing was declared closed.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to issue a Negative Declaration on the project, approve the preliminary for the 3 lots, waive the sidewalk requirement and filing of a map cover, and that there be a conservation easement noted on the survey of 50'. Carried

Engineering Comments:

TOWN OF HAMBURG

ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522
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Town Engineer
GERARD M. KAPSIK, P.E.



Town Attorney
VINCENT J. SORRENTINO

Town Clerk
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Supt. of Highways
JAMES F. CONNOLLY

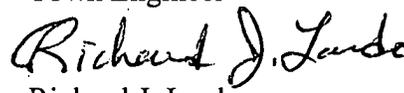
TO : Planning Board
FROM : Engineering Dept.
DATE : 4/20/05
SUBJ : 4/20/05 PLANNING BOARD MEETING AGENDA
Minor Subdivision - Mark Schmidt - Amsdell Road

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

- (1) This is a three (3) 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.
- (6) The conservation easement, as requested by the Planning Board, should be shown on the survey and deeded to the Town prior to subdivision approval..

All comments are to be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.
Town Engineer


Richard J. Lardo
Principal Engineer

Newton Abbott Fire Co. Expansion 3226 Abbott Rd.

Mr. Robert Kasprzak appeared on behalf of Newton Abbott's proposal to construct a two story (15,400 s.f.) fire station to consist of 5 truck bays with training and office facilities. The Town Board approved the annexation of this parcel at the 4-18-05 meeting. The annexation from Orchard Park was approved at their 4-6-05 meeting. There is a pending application at the Zoning Board level on the parking setback.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to forward a positive recommendation to the Zoning Board on the setback requirement. Carried.

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to issue a Negative Declaration, approve the site plan for Newton Abbott, and provide a copy of the annexation agreement as recorded, and contingent on Engineering approval.

Engineering comments:

DATE : 4/20/05

SUBJ : 4/20/05 PLANNING BOARD MEETING AGENDA
Newton/Abbott Fire Co. - 3226 Abbott Rd.

The following are review comments on a site plan dated 11/30/04:

- (1) The Hamburg Town Board approved the annexation of this property at their 4/18/05 meeting. This annexation was previously approved by the Orchard Park Town Board at their 4/6/05 meeting.
- (2) Provide a copy of the utility easement and access agreement between the fire company and the property owner to the north, as recorded in the Erie County Clerk's office.

Sado's Clark Street Gas Station & Deli - Clark St. & Bayview Road.

Mr. Frank Brzezinski appeared before the Planning Board on the proposed renovation of a former gas station that is located at Clark & Bayview Roads. A use variance was granted by the Zoning Board of Appeals. A white vinyl picket fence will be located at both property lines of 3' in the front to 6' beyond that. Some parking has been moved to the back of the building. There will be underground detention discharge to the County right of way. The County Highway is in agreement with the 30' curb cuts, and have requested slope curbing. There will be underground electric service as well as landscaping, curbing or bumpers.

TOWN OF HAMBURG

ENGINEERING DEPARTMENT

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 4/20/05

SUBJ: 4/20/05 PLANNING BOARD MEETING AGENDA
Stop & Gas - 4973 Clark Street

The following are review comments on a site plan dated 4/19/05:

- (1) We could not locate a previously approved site plan for this building.
- (2) The proposed curbed island and storm sewer 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. We are unable to approve the site plan prior to review and approval by the ECHD.
- (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) Curbing or parking bumpers are required for all parking spaces.
- (5) Provide design elevations for the site pavement and storm sewers. Include drainage calculations for the detention system.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To	From <i>MIKE ALSAUGH</i>	
Co. <i>TOWN OF HAMBURG</i>	Co. <i>ERIE CO. CD</i>	
Dept.	Phone # <i>858-6013</i>	
Fax # <i>648-0151</i>	Fax # <i>858-7248</i>	



County of Erie

JOEL A. GIAMBRA
COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT & PLANNING

LAURENCE K. RUBIN
COMMISSIONER

ANDREW M. ESZAK, AICP
DEPUTY COMMISSIONER

March 2, 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: Subway-Gas Station Site Plan
County Review #: SP-05-90
Location: 4973 Clark Street & Armor Duells Corners Rd., 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 Unlisted SEQR action, referred to us on February 2, 2005.

The results of this review are as follows:

- o Erie County is an interested 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: sanitary sewer capacity must be evaluated and effluent characterized by submitting two (2) sets of plans including site plan and profile and a completed Industrial Waste Survey Form to Erie County Sewer District#3.
 2. Adequacy of storm drainage facilities, both natural and man-made, should be evaluated for impacts on county highway drainage. Traffic impacts on the nearby intersection should be evaluated. County road access design issues are under consideration at the County Highway Division.
 3. Proposed expanded use of the site may have negative impacts (noise, light, traffic) on the residential neighboring land uses.
- 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 impacts in a DEIS.

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

Erie County Highway Division: Permits to modify curb cut, signage and work within the County Highway ROW.

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.

Department of Environment and Planning (DEP) -

-Planning Division: site plan referral as per General Municipal Law, Article 12-E, 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 SEQRA).

Very truly yours,



Michael A. Alspaugh
Senior Planner

cc:

Carl Dimmig/Mike Asklar, ECHwy Div.
Charles Alessi, ECDEP - Sewerage Management/ECSD #3
Peter J. Ruffino, ECDEP - Sewerage Management
M617LeadTHam.

Sado's Gas Station - Clark St.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to Table to the May 4th work session. Carried.

BFG Radio Tower - Jeffrey Blvd.

Mr. Todd Marie appeared before the Planning Board on the proposed radio tower to be located on Jeffrey Blvd. and resolve the issue of placement of the tower to satisfy the concerns of the Hamburg Natural History Society and their astronomy program. Mr. Marie stated that they are considering placement of the tower on the south east corner of the lot. He further stated that he is looking into a dim type of lighting approved by FAA by using a LAD Honeywell with a cap on top. It was noted that this should be checked out with the Erie County Sheriff's to determine if this type of lighting will be acceptable for their night flights. Applicant was asked to supply a schematic of the lighting proposed and to be reviewed with the Sheriff's Dept.

Motion was made by Mr. Phillips, seconded by Mr. McCabe to submit something in writing from Uni-First, and the Natural History Society and show the new location of the tower on the drawing. Carried. Item will be on the May 4th Work Session.

Engineering Comments:

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.

Judy Pickhardt Dance Studio - Route 5 Woodlawn

Mr. Giolanda appeared before the Planning Board on the proposed dance studio to be located in the former Dickie's Donuts site in Woodlawn. No new survey is available as yet. No external changes will be made to the building. The applicant noted that Ms. Pickhardt has small classes (6 pupils per class, with two sessions, for a total of 12 students and 2 teachers. A variance will be required on the parking. Based on code requirements, 30 spaces are required and they have 13.

Motion was made by Mrs. Yerkovich, seconded by Mr. Eustace to forward a favorable recommendation to the Zoning Board for the dance studio on the basis that class sizes are small; that there will be two sessions held during evening hours, and after rush hour, with a total enrollment of 12 students. Carried.

Engineering Comments: No comments.

Dean Hogg - Revised Site Plan - Old Lake Shore Rd.

Mr. Dean Hogg appeared before the Planning Board on a proposed Subway addition to the dairy store on the Old Lake Shore Road. The Zoning Board tabled the matter for a better site plan layout. The new revised drawing shows the relocation of the dumpster from the right of way. The entrance will be from the Old Lake Shore Rd. Approximately 7 spaces have been provided as well as one handicap space. There should be 12 spaces and 10 are shown. Planning Board has asked Kurt Allen to review the new plan.

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to forward a favorable recommendation to the Zoning Board on the site layout that has now been presented that shows a great deal of improvement. Carried.

Spruce Ridge Subdivision - Abel Rd.

Mr. Armbruster appeared on behalf of his 4 lot subdivision to be located on Abel Rd. He noted that the Attorneys are working out the issues of correcting the deeds. Lot #4 will eventually be split. Public Hearing to be set for May 18th, 2005.

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

Engineering Comments:

The following are review comments on a Preliminary Plat Plan dated 3/17/05:

- (1) The Planning Board previously (5/21/03) approved a two lot subdivision at this site. The lots were the exempt lot and the remainder of the parcel now shown as proposed Lot Nos. 1 thru 4. The exempt lot was never properly created by recording a deed in the Erie County Clerk's office. No further subdivision should be approved prior to the required deed being filed.
- (2) According to the Town Assessor's records, a 114 feet wide lot was sold on 3/29/04 along the northerly portion of proposed Lot No. 4 without the Planning Board's subdivision approval. This lot should be shown on the survey.
- (3) If five (5) lots are being created, it will be necessary to record a map cover for the subdivision.
- (4) Public sanitary sewer service and water service are available. The existing home on proposed Sublot No. 3 is currently on a septic system. The existing home should be required to connect into the public sanitary sewer as a condition of approval of the subdivision. Such connection is required by Section 205-6B of the Town Sanitary Sewer Code.
- (5) There are currently no public sidewalks along Abel Road in this area. We have no objection to waiving the sidewalk requirement.

TOWN OF HAMBURG

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 4/20/05

SUBJ: 4/20/05 PLANNING BOARD MEETING AGENDA
Hogg Dairy/Subway - 5357 Old Lake Shore Road

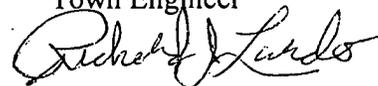
The following are review comments on a site plan dated 1/05:

- (1) The Planning Board previously approved a site plan for this site in 1982. The site improvements included in the original site plan have not been complied with. The required work included grass and plantings along the north and west sides of the building, and modifications to the driveways and parking area.
- (2) There are currently two garbage dumpsters located within the Triangle Road right-of-way. These are to be located on the property, placed on concrete pads, enclosed with fence, and shown on the drawing.
- (3) Handicap parking spaces should be designated on the drawing.
- (4) The seven (7) parking spaces along Route 5 are partially located on the State right-of-way.
- (5) Ingress and egress to the site should be restricted along Old Lake Shore Road to one driveway opening. The Erie County Highway Dept. should be contacted to review and approve the site access.
- (6) The new vacuum island should be relocated so that vehicles using the facility are within the site and not on highway right-of-way.

All comments are to be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.

Town Engineer



Richard J. Lardo

Principal Engineer

South Park Garage - A. Alshafai, & A. Hadzic - William Klementowski, Eng.

The proposal is for a 80' x 100' garage repair facility to be located on a vacant parcel on South Park Avenue adjacent to the New York State Thruway. A revised site plan has been submitted. This is a C-2 zone, General Commercial, which allows an automotive use. A Special Use Permit is required. An approval letter has been provided by the New York State Thruway on the storm water detention. The New York State Dept. Of Transportation has no problem with the curb cut for the driveway. This proposal is in the South Park Overlay District and a landscaping plan is to be approved by the Planning Board.

Mr. Reilly noted that he has concerns about the landscaping and the aesthetics of the building. It will be a steel building and the front will be faced with a broken face block according to the contractor. Mr. Reilly noted that he would like to see natural materials on the sides of the building. Signage is to be shown using monument type signs. There are to be no cars displayed on the front. Parking is to be provided on the side. A Special Use Permit Hearing will be held on May 18th at 7:45 p.m.

Engineering Comments are as follows:

- (1) The site is located in the South Park Overlay District.
- (2) Note on the plan that a New York State Dept. of Transportation (NYSDOT) permit is required for work within the South Park Avenue highway right-of-way. We are unable to approve these plans prior to NYSDOT review and approval of work on their right-of-way.
- (3) The site Landscape Plan is to be approved by the Planning Board.
- (4) The septic system is to be approved by the Erie County Health Department (ECHD). We are unable to approve these plans prior to ECHD review.
- (5) Provide documentation from the New York State Thruway (NYSTW) that the storm water discharge for the project is acceptable.

All comments are to be satisfactorily addressed for approval.

Special Use Permit to be set for May 18th. Motion was made by Mr. Phillips, seconded by Mr. Eustace to Table. Carried.

Ridgefield Terrace Estates - Cluster - Tom Tasseff

Mr. Tom Tasseff appeared before the Planning Board on his proposal for a cluster development to be located off East Eden Rd.

Mr. Reilly noted that the Conservation Board has done a field inspection of the parcel and has determined that there are more wetlands than originally noted. The following memo was submitted by the CAB:



Town of Hamburg Conservation Advisory Board

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

April 20, 2005

To: Drew Reilly, Planning Consultant

CC: Councilman Cavalcoli
Richard Boehm, Town Attorney

Subject: Richfield Estates - Cluster Proposal

On Monday, 4-11-05, the Conservation Advisory Board completed its third field evaluation of the proposed Ridgefield Estates Subdivision extension. Confirming the information in my 2-11-05 memo, it is our conclusion that the wetlands as delineated and mapped are significantly understated.

We found abundant evidence of standing water and blackened leaves on the forest floor. In areas where standing water was found, depths ranged from 1" to 10" deep. The soil types that underlie the area are consistent with our observations and confirm the presence of wetlands.

<u>Soil Type</u>	<u>Hydric</u>	<u>Wetness</u>	<u>Permiability</u>	<u>Drainage</u>	<u>Impact on Basements</u>
38B Collamer Silt/loam	No	Seasonal	Fair	Good	Moderate
52 Canadice S/L W/clay	Yes	Prolonged	Slow	Poor	Severe
80 Canadice S/L Shaly Till Sub	Yes	Prolonged	Slow	Poor	Severe
82A Hornell S/L	Hydric Inclusions	Seasonal	Slow	Fair	Severe
89A Patchin Shaly S/L	Yes	Prolonged	Slow	Poor	Severe
133A Churchville S/L	Hydric Inclusions	Seasonal	Slow	Fair	Severe

TOWN OF HAMBURG

ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522
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Town Attorney
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Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board
FROM : Engineering Dept.
DATE : 4/20/05
SUBJ : 4/20/05 PLANNING BOARD MEETING AGENDA
Ridgefield Subdivision Part 3
Concept Plan Review

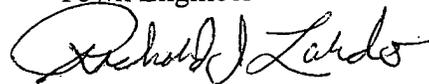
The following are review comments on a cluster layout plan dated Feb. 2005:

- (1) The width of the gas line easement is to be shown.
- (2) The site is not located in an existing water district. A water district extension will be required to service the site.
- (3) The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.
- (4) 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.
- (5) The proposed passive recreation area located west of Sublot Nos. 1, 2, 22, 23, and 24 should be eliminated. This area abuts existing subdivision sublots. Previous developments with narrow strips of open space have become difficult to police the requirements or have become eye sores.
- (6) One street name (not two) is to be submitted for review and approval.

All comments are to be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.

Town Engineer



Richard J. Lardo
Principal Engineer

Hickey Farms Project - Sr. Housing & Single Family - South Park & Big Tree Rd.

Mr. Mark Trammel appeared before the Planning Board on his proposed project to be located on South Park and Big Tree. The session this evening is to determine whether the project receives a Negative Declaration or a Positive Declaration. Correspondence was received from Craig Slater, Attorney for the applicant on the wetlands investigation which is attached.

At the last meeting, the applicant was asked to summarize the issues that would result from the project, with an attempt to mitigate some of these issues. Responses have been submitted on the Coordinated review. (See attachments)

Drew Reilly reviewed the Part II of the EAF which lists some of the following:

Impact on Land: Ground water conditions are high. The applicant has avoided wetland areas. There will be impact on land as construction will continue for 2 years. There are no unique or unusual land forms.

Impact on Water: There are eight independent wetland areas. Considering the worst case scenario, one building might have to be eliminated. It was noted that there is one area affected and the building will be re-configured, near H-I. No non-protected or new body of water will be affected. A detention basin will be located on the property. On ground water quality, a permit will be required. This project will use a great deal of water (116,000 gallons). Erosion and sedimentation control will be required. Flood plains will be avoided. The drainage pattern is unique and will be drained away from the railroad tracks.

Impact on Air Quality: There will be no storage of chemicals on site.

Impact on Plants and Animals: The species will be moved around but this will be mitigated by pocket areas for wild life.

Impact on Aesthetics: Yes. The project will be seen from Southwestern Blvd.

Impact on Historic & Archaeological Resources: Yes. There will be small to moderate impacts.

Impact on Open Space & Recreation: Yes. There is an adjoining recreation area provided. Some passive recreation will be required for Seniors. Also, a computer room will be set up for residents.

Impact on Transportation: There will be the potential for large impacts. Applicant noted that there will be a right in, right out entranceway to eliminate traffic problems.

Noise & Odor Impacts: Small impact during construction.

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: 4/20/05

SUBJ: 4/20/05 PLANNING BOARD MEETING AGENDA
Hickey Farms Senior Apartments - Big Tree Road/South Park

The following are review comments on a conceptual site plan dated 1/27/05:

- (1) The Erie County Water Authority should be contacted to determine if there is adequate pressure and flow to service the site.
- (2) The site is located within the Highland Acres Sanitary Sewer District. Due to NYSDEC restrictions on the sizing of the Highland Acres sewer system currently being constructed, there is not sufficient capacity available to service future site development in the area, including this project. It is our understanding that the developer's engineer is evaluating various alternatives to service the site through connections into other sewer districts.
- (3) A New York State Department of Transportation (NYSDOT) permit is required for work within the South Park Ave. and Big Tree Road right-of-ways. We are unable to approve these plans without NYSDOT review and approval of the work on their right-of-way.
- (4) Storm water detention and erosion control will be required for the site.
- (5) Subdivision approval is required for this project. A 0.69 acre parcel along South Park Ave. is being subdivided and deeded to Peter Kasperek.
- (6) We will review and approve utility construction drawings when they are submitted.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

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

www.TownofHamburgNY.com

HICKEY FARMS HOUSING PROJECT

(Applicant submitted)

TOWN OF HAMBURG, NY

SUMMARY OF SEQR EAF PART 2 INFORMATION

(Numbers correspond to SEQR Part 2 EAF Information)

The project consists of construction of a multiple building apartment complex on a 39±-acre site. The complex will include:

- 9 family apartment buildings with 92 units and 11 senior unit apartments with 198 units for a total of 290 units
- 159 garage storage bays in 13 buildings
- Office, clubhouse and maintenance building
- 415 parking spaces including handicap accessible spaces
- New roadway with curb and gutter, and storm drainage facilities
- New sanitary sewer, potable water, electric, gas and telephone utilities
- Stormwater management system including retention facilities

The project is targeted to serve as affordable housing and will include development of 19± acres with 20 acres left undeveloped. The residential buildings will be:

- 3 story 18 unit buildings
- 2 story 16 and 12 unit buildings

The largest building will be 200 feet long, 64 feet wide and 30 feet high. The project is proposed for development on a parcel presently zoned R-3 Multifamily residence.

Other key features of the project include:

- There will be less than a 0.1 acre impact on Federal wetlands on the site with the goal to preserve wetlands.
- The density of the development has been decreased from 410 units to 290 units and meets zoning codes for density requirements.

IMPACT ON LAND

1.

- Construction will be taking place on areas where the slopes are less than 10 percent.
- Depth to the groundwater in the construction area is generally greater than 3 feet except for some limited utility construction work areas per the Erie County Soil Survey.
- Paved parking areas will be scattered around the site with each individual parking area having 20 to 40 spaces, and will result in a total of 415 spaces. This meets all Town requirements except that the senior parking lots will be providing a 1.5:1 apartment to parking space ratio.
- The depth to bedrock is greater than 5 feet at the proposed development site according to the Erie County Soil Survey. No blasting will occur during construction. Additional

geotechnical information will be obtained on the depth of the rock during the detailed design phase.

- Construction will be completed continuously under one phase, but is expected to continue for 18-24 months. An Erosion and Sediment Control Plan per NYSDEC guidelines will be implemented. Staged construction will move across the site with restoration being completed on an ongoing basis as the work progresses, minimizing the total area disturbed at any one time. Temporary construction fences and barriers will be utilized to protect the existing railroad embankment and wetlands adjacent to the construction areas.
- Construction in a designated floodway will be limited to a utility crossing for the sanitary sewer force main which will cross under Rush Creek on the project site. This construction will be completed in conformance with a NYSDEC permit.

2. There are no unique or unusual land forms on the project site.

IMPACT ON WATER

3.

- The project site does not impact a protected stream or water body.
- The project site includes approximately 7 acres of un-named federal wetlands. Based on the current delineation of the wetlands boundaries, less than 0.1 acres will be permanently disturbed. The wetlands boundaries are presently being finalized with the US Army Corps of Engineers. There will be some temporary construction disturbance to the wetlands for construction of utilities including construction of a small diameter sanitary sewer force main crossing the wetlands and construction of a 15-inch ECSD #3 sanitary sewer interceptor crossing the site east of the proposed apartment complex.

4.

- The project will not increase the area of existing water body or create a new water body.
- Some utility construction will take place within the 100-year floodplain for Rush Creek. This disturbance will be temporary in nature with the existing ground conditions being restored upon completion of construction. Sanitary sewer facilities within the floodplain will be constructed with manhole rims above the 100-year flood elevations, or with watertight covers.

5.

- The proposed project will not have an adverse impact on surface or groundwater quality or quantity.
- The project will not require a sanitary sewage discharge permit.
- The development will be served by existing public utilities. Potable water will come from existing water mains maintained by the ECWA. The existing system has adequate present flow capacity for the proposed 116,000 gallon per day water usage.
- Permission has been obtained to discharge wastewater generated on-site to an existing ECSD #3 trunk sewer with adequate capacity for transmission and treatment at the existing Southtowns Wastewater Treatment Facility.
- No water supply wells will be utilized.

- An erosion and sediment control plan will be utilized to prevent siltation into Rush Creek to the extent that there will be no obvious visual contrast to existing natural conditions. The project will incorporate a Stormwater Pollution Prevention Plan in accordance with NYSDEC General Permit #GP-02-01 regulations. On-site stormwater detention will be provided so the post-development peak runoff for a 25-year storm event does not exceed the pre-development peak runoff for a 10-year event.

6.

- The proposed action will not substantially alter existing drainage flow or patterns or surface water.
- The project will incorporate a Stormwater Pollution Prevention Plan in accordance with NYSDEC General Permit #GP-02-01 regulations. On-site stormwater detention will be provided so the post-development peak runoff for a 25-year storm event does not exceed the pre-development peak runoff for a 10-year event. All discharges will be to a natural drainage way or to the existing wetlands in a controlled manner.
- Existing drainage passing onto the site from the existing elevated railroad embankment to the west will be channeled and directed across the site in existing drainage ditches and closed drainage systems. These systems will discharge to retention and detention basins before final discharge into Rush Creek. The existing railroad embankment will be maintained and water will be carried away from the railroad to the natural channel of Rush Creek.
- The proposed action will not create development in a designated floodway.

IMPACT ON AIR

7. The proposed action will have no permanent impact on air quality. Temporary impacts during construction will be minimized by following proper construction procedures to control dust emissions.

IMPACT ON PLANTS AND ANIMALS

8. The proposed project will not affect any threatened or endangered species.
- 9.
- The proposed action will not substantially affect non-threatened or non-endangered species, per SEQR correspondence from NYSDEC Division of Fish Wildlife and Marine Resources.
 - The project is being designed to preserve the existing wetlands habitat on the parcel, permanently preserving 20 acres of land.
 - Other than temporary disruption for a utility crossing, the Rush Creek corridor is being left intact and undeveloped. Impacts to possible Gypsy Wort will be minimal and are authorized by the current landowner per NYS law.

IMPACT ON AGRICULTURAL LAND RESOURCES

10. The project will have no impact on agricultural land.

IMPACT ON AESTHETIC RESOURCES

11.

- The project does not impact any unusual vistas, either man-made or natural.
- The development will be located on property that is generally hidden from view of Big Tree Road and South Park Avenue and existing infrastructure surrounding the area.

IMPACT ON HISTORICAL AND ARCHEOLOGICAL RESOURCES

12.

- The project will not impact any site or structure of historic, prehistoric or paleontological importance.
- In a letter dated October 28, 2003 the NYS Office of Parks, Recreation and Historic Preservation stated that based on its review, the project will have no impact upon cultural resources.
- In a telephone conversation on April 8, 2005, Mike Schiefferli from NYSOPHRP (518-237-8643 ext. 3281) further stated that the site was cleared for archeological as well as historical issues, and that the October 28, 2003 letter clears the site of any historical or archeological concerns.

IMPACT ON OPEN SPACE AND RECREATION

13.

- The proposed project will have a positive impact on open spaces and recreational opportunities. Discussions are on-going concerning the possibility of deeding the wetland open space to the Town for parkland as part of the project.
- Approximately twenty acres of open space will be preserved, including the Rush Creek corridor.
- Trails will be provided for enjoyment of the open space and wetland habitat.
- To the east of the project there is a Town park with multiple athletic fields and recreational opportunities to serve the residents of Hickey Farms.
- Extensive landscaping will be provided on the site to enhance the project.
- Active play areas and a club house are being provided as part of the development.

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. The proposed project will not impact any critical environmental areas.

IMPACT ON TRANSPORTATION

15.

- A Traffic Impact Study was completed for the project. The TIS concluded that impacts to the surrounding area and streets were minimal.
- The proposed project is located on an existing NFTA bus route. Route #36 runs along South Park Avenue adjacent to the site and provides regular service to downtown Buffalo, McKinley Mall and the Village of Hamburg.
- The developer has expressed an interest in coordinating senior van service from the property to senior facilities in the Town of Hamburg.

IMPACT ON ENERGY

16. The project will not significantly impact the community's sources of fuel or energy supply.

NOISE AND ODOR IMPACT

17.

- The project will not have any long term noise or odor impacts.
- Minor short term noise impacts may occur as a result of construction activities. These impacts will be minor due to the natural buffer between the project and the neighboring development. No blasting will occur during construction.

IMPACT ON PUBLIC HEALTH

18.

- The proposed project will not affect public health and safety.
- The local fire department has been contacted. Ron Klianowicz from the Big Tree Fire Department did not identify any concerns with the project.

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19.

- The proposed project is in conformance with the existing zoning laws and conforms to the Town's Master Plan for the area.
- With only 30 percent of the housing being provided for families with school age children, the project will have minimal impact on area schools.

20. It is not expected that the proposed project will generate public controversy related to potential adverse environmental impacts.

RESPONSES TO LETTERS RECEIVED FROM THE SEQR COORDINATED REVIEW

MARCH 2, 2005 LETTER FROM TOWN OF HAMBURG CONSERVATION ADVISORY BOARD

Federal wetlands need delineation and approval by USACOE

- A wetlands delineation report has been sent to the USACOE. There are approximately 7.25 acres of Federal Wetlands on the project site. The report was forwarded to the USCOE in June of 2004. The USCOE requested additional information and re-delineation of three wetlands. The wetlands were re-delineated by Wilson Environmental Technologies, Inc. (WET) and forwarded to the USCOE in December of 2004. In January of 2005, the USCOE requested additional information and re-delineation. We are currently waiting for improved weather for re-delineation by WET and USCOE approval/concurrence. It is notable that the project sponsor intends to avoid wetlands and the project will have less than 0.1 acre of impacts thus not requiring any wetlands permits.

Consider eastern portion of the site for dedication to the Town

- Discussions are on-going between the Town and the project sponsor concerning the possibility of deeding the wetland open space to the Town for parkland as part of the project.

Preserve buffer between upland and lowland portion of the site

- The site plan for the project is being designed to utilize the upland portion of the site for the buildings, parking areas and roadways. Very little construction will take place on land on the sloped areas and lowland areas. Specific erosion control devices in the SWPPP will be specified such as silt fences, rock check dams and other items to minimize disruption to the lower land areas.

MARCH 9, 2005 LETTER FROM ECDEP

Intermunicipal Agreement required for connection to ECSD #3

- The project sponsor has been in contact with the Town of Hamburg and ECSD #3 concerning this project and is actively working to obtain the required approvals and agreements in place for discharge of wastewater to the existing ECSD #3 McKinley trunk sewer as an out of district customer. In late February, the ECSD #3 approved sewage from the project to be placed into the ECSD#3 system. One of their conditions for this approval was to install 1,600 feet of 15" trunk line for their proposed Rush Creek Interceptor project across the property. We are investigating the ramifications and cost impacts for this request.

Sewer capacity in McKinley Trunk must be evaluated

- Erie County DEP Division of Sewerage Management has been contacted by the project sponsor for confirmation of adequate downstream capacity. The required flow monitoring data is presently being obtained to confirm that the capacity is available.

Fully evaluate adequacy of both natural and man-made storm drainage facilities including impacts on railroad and public highway

- As part of the detailed design for the project, a Stormwater Pollution Prevention Plan and an Erosion Control and Sedimentation Plan will be prepared in compliance with New York State DEC and Town of Hamburg requirements. The design will incorporate provisions of stormwater detention on the site so that the peak runoff leaving the site for a post development 25-year recurrence storm event will not exceed the pre-development peak runoff for a 10-year event. In addition water quality provisions for the NYS Phase 2 Stormwater regulations will be met.
- Existing drainage passing onto the site from the existing elevated ECIDA railroad embankment to the west will be channeled and directed across the site to Rush Creek to the east. The existing railroad embankment will not be impacted in any way.

Erie County Rail Line cannot accommodate additional storm flows generated from large areas of impervious surfaces built as part of the project

- The proposed development is located down gradient from the existing railroad line. All drainage from the project will travel to the east to Rush Creek. There will be no additional stormwater impacts to the railroad.

Public safety for occupants near the existing rail line is a concern due to potential hazardous chemical leaks or explosions

- All proposed apartments are outside the required 50-foot setback from the railroad right of way, with the nearest apartment being located approximately 70 feet back from the right of way boundary. The railroad speed limit is 15 mph and the tracks are straight adjacent to the site. The Big Tree fire chief has indicated no concerns with the location of buildings on the site. It should be noted that south of the site, in the Village of Hamburg, existing homes and commercial buildings are presently only 20 to 40 feet from the railroad right of way.

MARCH 23, 2005 LETTER FROM NYSDOT

NYSDOT was forwarded a site plan on 3/28/05 showing details of proposed connections to Big Tree Road and South Park Avenue.

- Below is a summary of the TIS findings:

The proposed Hickey Farms development will include two (2) new entrances onto Big Tree Rd. and onto South Park Ave. in the Town of Hamburg. The project will generate additional traffic primarily in the morning and afternoon peak hours of travel. As can be seen in the summary tables within the preceding section, the new project intersections operate at LOS "C" or better. In addition, the critical intersection identified in the study will marginally decrease Level of Service with the worst case scenario being Level of Service "E" in the year 2015. Most of the decrease in LOS is due to the increase in background traffic.

The impacts to the surrounding area and streets are minimal due to the fact that most senior trip generation takes place outside of "normal peak hours". Because work and school are not primary activities, seniors typically travel off peak hours.



HARTER - SECREST & MERY LLP
ATTORNEYS AND COUNSELORS

April 18, 2005

BY TELEFAX and U.S. MAIL

Mark H. Trammell
MITT Holdings Incorporated
38 Holiday Boulevard
Buffalo, New York 14209

Re: *Application for Wetlands Permit*
Application No. 2004-01824(1)
Tickey Farms Apartment Complex Project
Big Tree Road and Route 62, Town of Hamburg, N.Y.

Dear Mark:

We have reviewed the Supplemental Information submitted by Don Wilson of Wilson Environmental Technologies ("WET") to the U.S. Army Corps of Engineers ("ACOE") in support of the wetlands application above-mentioned. The project has commendably avoided the vast majority of wetland areas on site, so the application only seeks to impact less than one acre of wetlands of the 38.45 acre development. This level of commitment to avoidance and the minimal nature of the impacts makes approval by the ACOE, once the delineation boundaries are confirmed, a certainty.

As you know, WET's supplemental investigation of the wetlands on site was completed by WET at the agency's request. In response to this Supplement Information, the ACOE submitted correspondence noting some typographical errors, requesting new drawings (showing culverts), and seeking clarification on the investigated wetland areas. While significant delay in clarifying these matters occurred due to typographical errors in the ACOE's comment letter, the maps and drawings (including all of the information requested by ACOE), the wetlands delineation, and the site plan have been submitted.

At this point, we are simply waiting for the ACOE to conduct a field inspection (expected in the very near future) to confirm the boundaries of Wetland Areas G, H, and I only (the total of these areas is 1.79 acres). The limits of all other wetland areas (Areas A, B, C, E, F, RC-A, and RC-B) have been confirmed.

We believe that the wetland boundaries for wetland Areas G, H, and I as defined by WET will be confirmed by ACOE. In the alternative, we believe that any adjustments in the wetland boundaries will not impact or will only minimally impact your project design and will not materially affect your project goals (particularly so because the Federal wetlands program does not impose buffer or adjacent area no-build zones like the State).

One potential issue with this conclusion must be noted: in the event that ACOE hydrologically connects Wetland Area H to Wetland Area I to the south, one proposed 12-unit building in this area could be precluded. While we believe that a surface and hydrologically divide exists between these areas, barring merging of these two areas by ACOE and that WET's conclusion that there is no such connection is reasonable, correct, and supportable, the ACOE has been increasingly aggressive on this issue (since the U.S. Supreme Court decision in *SWANCC* on isolated wetlands), so it is harder to tell what the ACOE position may be here. Any question in this regard, though, would only impact the proposed 12-unit building in this area.

Having said that, it is our opinion, as stated above, that any adjustments in the wetland boundaries will not impact or will only minimally impact your project design and will not materially affect your

HARTER • SECREST & EMERY • LLP
ATTORNEYS AND COUNSELORS

Mark H. Trammell
April 18, 2005
Page 2

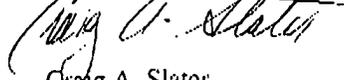
project goals. We will advise, in any event, of the ACOE's wetland boundary confirmation when complete.

Moreover, in our opinion, for the reasons discussed above, there are no remaining potential significant, adverse environmental impacts related to wetlands associated with this project for the purposes of SEQRA review (specifically, 6 NYCRR §617.7).

In the meantime, if you have any questions at all with respect to the above, please feel free to contact me.

Very truly yours,

HARTER, SECREST & EMERY LLP



Craig A. Slater

DIRECT DIAL: 716 845-4223
E MAIL: CSLATER@HSELAW.COM

CAS:jp

cc: A. Mancinelli, Esq.
D. Wilson
T. Gawenus, P.E.

Impact on Public Health: Large impact due to the potential for railroad accidents. This will be mitigated by placing garages away from the railroad bed instead of housing units. On the sewer issue, the County of Erie wants additional items, such as the construction of a new trunk line to eliminate pumping stations. Buildings will be sprinklered which pleases the fire department

Motion was made by Mr. Phillips, seconded by Mr. Eustace to authorize a Negative Declaration for the Hickey Farms project. Carried.

Variations will be required on the setback from the railroad tracks. The code requires 50', the actual is 15', therefore requiring a variance of 35', as well as a variance on the number of parking spaces.

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to forward a favorable recommendation to the ZBA. Carried.

Burke Business Park - Southwestern Blvd.

The scoping document has been submitted and the scoping session has been set by the Town Board for May 2nd, 2005 at 7:00 p.m. in Room 7B of Hamburg Town Hall. The issues involved are traffic (study will be required) on Southwestern, and Bayview intersection. There is concern of traffic coming out of Frontier Central. This will be a multi-phase project with construction over 5 years; drainage issues, capacity for sewer and water.

On aesthetics, the proposal is in the South Park Overlay and Southwestern Blvd. Overlay. Significant Landscaping will be required. This will impact on noise and odor. If this is going to be a C-2 zone, the type of structure and size of buildings will need review especially if there is outside storage.

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

Minutes of the meeting of March 2nd were approved on motion by Mrs. Yerkovich, seconded by Mr. Eustace.

Minutes of the meeting of March 16th, were approved on motion by Mrs. Yerkovich, seconded by Mr. McCabe. Carried.

Motion to adjourn was made by Mr. Phillips, seconded by Mrs. Yerkovich. Carried. Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Paul Eustace, Secretary
Planning Board

Next Session: April 27th, at 7:00 p.m.

**State Environmental Quality Review
Negative Declaration
Notice of Determination of Non-Significance**

Date: 4-20-05

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

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

Name of Action: Hickey Farms Project

SEQR Status:

Description of Action: Senior Housing & single family units

Location: South Park & Big Tree

Reasons Supporting this determination: During review of this project, the see attached identified the relevant areas of environmental concern which are analyzed below:

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

For Further Information:

Contact Person:

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

Dated: 4-20-05

DRAFT SCOPING DOCUMENT

I. Introduction

Proposed Action

The rezoning of about 28 acres of land from C-1 (Local Retail Business) to C-2 (General Commercial District) for the purpose of constructing the Hamburg Business Park consisting of an estimated seven separate parcels connecting to a new road running between Southwestern Boulevard and Bayview Road.

Site Location

The parcel of land is located in the triangle of Bayview Road, Southwestern Boulevard and South Park Avenue in the Town of Hamburg. Frontier High School and Elementary School are abutting the western boundary of this parcel.

Purpose and Scope

The purpose of this draft scoping document is to identify the relevant environmental issues to be addressed in the Draft Generic Environmental Impact Statement (D.G.E.I.S). These issues have been identified by the Town in a preliminary evaluation of their concerns.

II Specific Issues that Have Been Identified and Mitigation Measures that Will Be Needed

Impact on Land

Currently the land is undeveloped and the impact of the construction of a road, buildings and paved parking areas will be determined and mitigation of negative impacts will be presented.

Impact on Public Water

An evaluation of the amount of demand on the public water system will be made and mitigation measures will be prepared if appropriate.

Impact on Drainage

An estimate of the amount of storm water drainage that will be created by impervious surfaces and how it will be handled will be determined and mitigation measures will be prepared if appropriate.

Impact on Air Quality

A determination of the impact of construction on the creation of airborne dust will be evaluated and mitigation measures will be prepared if appropriate.

The generation of traffic into the site is not expected to be large enough to create air quality problems.

Impact on Transportation

The impact of traffic generation to be created by this project on surrounding roads will be determined and appropriate mitigation measures will be prepared if appropriate.

Special consideration will be given to school bus traffic that may use the proposed new road.

Impact on Sanitary Sewers

An estimation of the amount of sanitary sewage that might be generated will be identified and how it will be handled will be determined.

Impact on Length of Time of Construction

An estimate of the length of time that will be needed to build the infrastructure (road, storm and sanitary sewage, public water and other energy needs) will be made and the environmental impact, if any, will be determined.

Impact on Aesthetics

Southwestern Boulevard has been identified as an area of specific concern by the Town and a special development overlay district has been incorporated into the Town Zoning Ordinance. Development as it occurs will be cognizant of Town concerns related to the aesthetics of this development and will be treated appropriately. Special attention will be given to the character of the existing area, the types of uses and size of structures that would be appropriate as well as uses that would generate excessive noise or odors.

III Environmental Review Process

Purpose of SEQR

When the State Environmental Quality Review Act (SEQR) became law in 1975, New York became the twenty-second state with an environmental review law. SEQR provides a process for the consideration of potential environmental impacts in the early planning

stages of actions that are directly undertaken, funded, or approved by local, regional, or state agencies. By incorporating a systematic interdisciplinary approach to environmental review in the early stages impacts can be identified and projects can be modified, as needed, to avoid or minimize adverse impacts on the environment.

An important tool to the SEQR process is the Environmental Impact Statement (EIS). If it is determined that a proposed action may have significant environmental impacts, the Draft EIS (DEIS) is prepared to evaluate those impacts, explore ways to minimize adverse environmental effects, and to identify potential alternatives. A copy of the Positive Declaration issued by the Town of Hamburg indicating that a DEIS will be prepared for this project is included in Appendix A.

A very important aspect of SEQR is its public participation component. There are opportunities for public participation incorporated into the EIS process. This includes the SEQR Lead Agency option to hold public scoping of the DEIS, conducting a SEQR public hearing, the mandated 30-day public comment period on the DEIS and the review period after completion of the Final EIS (FEIS) before Findings are made. These opportunities allow other agencies and the public to provide input into the environmental review process.

SEQR Process

The Town of Hamburg has determined that this project will require preparation of an EIS.

Scoping the DEIS

Scoping is the process that identifies the important environmental issues of a project to be addressed in the DEIS. The objectives of scoping are to:

1. Identify significant environmental issues;
2. Eliminate insignificant or irrelevant issues;
3. Identify limits of the project's impact;
4. Identify the range of reasonable alternatives to be address; and
5. Identify potential mitigation measures.

It is the responsibility of the SEQR Lead Agency to organize and conduct scoping. The Involved Agencies have an obligation to give their agency perspective and to participate in the scoping process. Involved Agencies are those that have the authority to fund, approve, or directly undertake an action related to the project (6 NYCRR Part 617 Section 2). The following are the Involved Agencies identified to-date for the subject project: New York State Department of Environmental Conservation (NYSDEC), New York State Department of Transportation (NYSDOT) and Erie County Department of Environment and Planning (ECDEP).

This scoping process ensures that the DEIS will be a concise, accurate and complete document upon which all agencies can base their decisions. By including the public as well as other agencies, in the scoping process, the SEQR Lead Agency can obtain additional information and specialized knowledge which may reduce the likelihood of additional issues arising during the public review period of the DEIS.

Unofficial Scoping Issues
Burke Rezoning and Business Park Development

Impacts from a multi-phased project occurring over many years

Impacts to the drainage systems in the area.

Capacities of the water and sewer systems

Impacts to the aesthetics of the area, views from Southwestern Blvd., South Park and Bayview, and adjoining neighborhoods.

Impacts on Transportation:

- Best access locations
- Improvements needed at access points
- Connections to school property
- Truck traffic
- Amount of traffic
- Other improvements needed
- Town road vs. private road

Impacts on Energy: What is available and what capacity

Noise & Odor Impacts

Impact on growth and character of area

- Size of structures
- Types of uses that would be allowed
- Impact on community services
- Effect upon the school property

that this area might be an extension of HB-7 which, for one reason or another, was not mapped.

Even without a DEC designation this site is still subject to USACOA regulations regarding federal wetland. To our knowledge, no one from the Corps has visited the site or reviewed the plans.

No further action should be taken on this project without an evaluation by NYSDEC and/or the USACOA. The best solution would be the DEC option.

Sincerely,

Doug Nichols, Chairman
Duke Spittler
Dr. Andre
Dr. Gregory

TOWN OF HAMBURG

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Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

April 21, 2005

To: The Town Board

Subject: Concerns as outlined by the Planning Board on the Burke Business Park - Southwestern Blvd.

The following concerns were discussed on Burke's project, for the Scoping Session to be held on Monday, May 2nd, 2005 at 7:00 p.m. in Room 7B of Hamburg Town Hall.

For your information.

Sincerely,

Town of Hamburg Planning Board

Gerard Koenig
Gerard Koenig, Chairman

GK:tad

Attachment

April 20, 2005

Memo To: The Planning Board

From: Planning Department, Drew Reilly

Re: April 20, 2005 Meeting

The following are the Planning Department's general comments concerning the 4-20-05 agenda items:

1. Highland Subdivision - Public Hearing

-The project is a major subdivision involving 5 zero lot line duplexes (10 lots) and one single family lot.

-Need to complete coordinated SEQR prior to taking action, (30 days). Need to table after the Public Hearing and give direction to applicant (also need to straighten out application materials: correct fee, checklist, etc.)

-Conservation Board questioned the amount of trees on the site and if any were to be preserved.

2. Schmidt 3 lot subdivision - Public hearing

- The project is a minor subdivision involving the division of 3 lots on Amsdell Road.

-The project meets all zoning, but the map needs some minor updates to meet checklist requirements

-The CAB has suggested that a buffer (conservation area) be added to the rear of the lots to buffer them from the Mobile Home Park.

3. Doherty 4 lot subdivision - Public Hearing

-The project is a minor subdivision consisting of 4 lots on Versailles Road.

-The applicant has amended his drawing to include a 30 foot conservation easement plus language approved by the Planning Board Attorney.)

4. Clark Street Gas & Deli-site plan

-This project received a use variance from the ZBA, and concept plan direction from the Planning Board. The project now is before the board for site plan approval (no Special Use Permit is needed due to the use variance).

-The new plans were submitted on 4-19-05 and therefore have not been reviewed.

BFG Radio Tower - site plan
-No new information has been received.

6. Newton Abbott Fire Station - site plan

-The project was tabled in December of 2004, so that the annexation issue with the Town of Orchard Park could be resolved. It is our understanding that the annexation is completed.

7. Judy Pickardt Dance Studio - site plan

-Still awaiting an up to date survey/site plan

8. Hickey Farms - site plan/SEQR action

-This site plan has been before the Planning Board for a long period of time. During that time, the applicant has completed the requirements of the site plan application and studies required by the Planning Board and other involved agencies.

-The Planning Board has conducted a coordinated SEQR and has requested Lead Agency. The Planning Board should now assume Lead Agency and make a SEQR decision. Based on our knowledge of the project, the board should complete Part 2, and either issue a Negative Declaration, (that there are no environmental impacts), a Positive Declaration (that there may be one or more environmental impacts), or you could table the project and request additional information.

-Issues include: Protection of wetlands and stream corridor (dedication of land to the Town), traffic (entrance on South Park), setback from the railroad, sewer extensions, etc.

9. Hogg Subway & Dairy - site plan

-No new plans have been received. They are looking for a recommendation to the ZBA.

10. Spruce Ridge Subdivision - minor subdivision

-This minor subdivision was tabled to resolve issues with a lot split that took place without approvals (and was done wrong). If the applicant has resolved this, then a Public Hearing can be scheduled.

11. South Park Garage - site plan

-The applicant has submitted amended drawings that they believe address the issues of concern of the Town.

-We still need to see elevations of the building and information that would show that they meet the South Park Overlay.

12. Burke Rezoning - scoping

-The Town Board as SEQR Lead Agency for this proposed rezoning and site plan approval for a Business Park, has issued a Positive Declaration.

-The applicant has submitted a draft scope that the Planning Board will review and comment on for the Town Board. A public scoping meeting is scheduled for 5-2-05.

Our comments should be framed around what our concerns are, what should be studied, what mitigations should be considered, and what alternatives should be evaluated.

13. Tasseff-Ridgefield Terrace Phase III - Major subdivision

-Based on concept plan direction from the Planning Board, the applicant has proceeded with the submittal on the preliminary plat.

-The Planning Board shall establish itself as Lead Agency and begin a coordinated review of the project.

-The Conservation Board believes that the site contains more wetlands than are shown on the drawing.

**Legal Notice
Town of Hamburg
Planning Board
Special Use Permit
(Auto Garage for A.Hadzic & A. Alshafai)
South Park Avenue at NYS Thruway**

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Hearing (Special Use Permit) for a proposed auto repair facility to be located on South Park Avenue at the New York State Thruway, Part of Lot 54, T-9, R-7 on Wednesday, May 18th at 7:45 p.m. in Room 7B of Hamburg Town Hall

Interested parties are invited to attend.

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

Dated: 4-21-05

Legal Notice
Town of Hamburg
Spruce Ridge 4 Lot Subdivision

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing for a 4 lot subdivision known as "Spruce Ridge" Subdivision for J. Armbruster located on the east side of Abel Rd. On 5-18-05 at 7:30 p.m. in Room 7B of Hamburg Town Hall.

THAT TRACT OR PARCEL OF LAND, situate in the TOWN OF HAMBURG, COUNTY OF ERIE and STATE OF NEW YORK, being part of Lot Number 20, Township 9 and Range 8 of the Holland Land Company's survey, bounded and described as follows:

BEGINNING at a point in the center line of Abel Road, said center line being the west line of Lot No. 20, 90 feet North of a Northwest corner of land conveyed to Melissa Stoddart by deed recorded in the Erie County Clerk's Office in Liber 8972 of deeds at page 364; running thence easterly at right angles, 224.75 feet to a point; running thence northerly parallel with the center line of Abel Road, 533.23 feet to the north line of Lot Number 20, 224.75 feet to the northwest corner of said lot, said point being in the center line of Abel Road; 526.70 feet to the point or place of beginning.

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

Dated: 5-21-05

Town of Hamburg
Legal Notice - Planning Board
Highland Subdivision
Brompton Parkway

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on the Highland Subdivision on Brompton Parkway for Steve Hollins on *April 20th 2005* at 7:30 p.m. in Room 7B of Hamburg Town Hall.

All that tract or parcel of land, situated in the Town of Hamburg, County of Erie and State of New York being part of Lot 48, T-9, R-7 of the Holland Land Company's Survey, being more particularly described as follows:

Beginning at a point in the westerly line of Brompton Parkway at the northeast corner of subdivision Lot 140 as shown on map filed in the Erie County Clerk's Office under cover 925;

Thence westerly along the northerly line of subdivision Lot 140 as shown on map filed in the Erie County Clerk's Office under Cover 925, a distance of 330.00 feet to the northwest corner of subdivision Lot 140 as shown on map filed in the Erie County Clerk's Office under cover 925;

Thence southerly along the westerly line of subdivision lots 140, 141, 142, 143 & 144 measured at night angles, a distance of 1093 feet more or less to the southwest corner of subdivision Lot 144;

Thence southeasterly along the southwesterly line of subdivision lot 144, a distance of 168 feet more or less to the centerline of Highland Parkway (now abandoned);

Thence northeasterly along the centerline of Highland Parkway (now abandoned), a distance of 578 feet more or less;

Thence easterly a distance of 143.36 feet to a point in the westerly line of Brompton Parkway; Thence northerly along the westerly line of Brompton Parkway a distance of 704 feet more or less to the point of beginning. Excepting herefrom that part of Dorchester Road.

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

Dated: *3-17-05*

**Town of Hamburg Planning Board
Legal Notice
Doherty 4 Lot Subdivision**

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 4 lot Subdivision known as Doherty Subdivision located at Versailles Road on April 20 2005 at 7:45 p.m. in Room 7B of Hamburg Town Hall.

THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number 42, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the centerline of Versailles Road where it intersects the southwesterly line of lands conveyed to Thomas P. Doherty by deed recorded in the Erie County Clerk's Office in Liber 10746 of Deeds at Page 112; thence running northwesterly on a line perpendicular to the centerline of Versailles Road 245.63 feet to a point in the southeasterly line of Norfolk & Western Railroad; thence running northeasterly along the southeasterly line of said Railroad 402.37 feet to a point, said point being the intersection of the southeasterly line of the Railroad with southerly line of lands conveyed to Thomas P. Doherty by deed recorded in the Erie County Clerk's Office in Liber 7349 of Deeds at Page 613; thence running southeasterly on a line perpendicular to the centerline of Versailles Road 216.68 feet to a point in the center of said Road; thence running southwesterly along the centerline of said Road, 401.33 feet to the place or point of beginning containing 2.13 acres more or less.

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

Dated: 3-16-05

Town of Hamburg
Planning Board Legal Notice
Schmidt Subdivision - Amsdell Road

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on the Schmidt Subdivision on Amsdell Road on April 20th at 8:45 p.m. in Room 7 B of Hamburg Town Hall. (3 lot Sub.)
8:00 p.m.

All that Tract or Parcel of Land situate in the Town of Hamburg, County of Erie and State of New York, being Part of Lot 28, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at the intersection of the center line of Amsdell Road (66 feet wide) with the east line of Liber 58 of Deeds at page 35, Liber 106 of Deeds at page 243, Liber 495 at page 384 & Liber 5644 of Deeds at page 60; thence westerly along the centerline of said Amsdell Road, a distance of 359.15 feet to a point; thence northerly along the west line of Liber 495 of Deeds at page 384, a distance of 978.25 feet to a point; thence easterly along a line making an interior angle of 90° 15' 00" with the last mentioned course, a distance of 356.30 feet to a point in the said east line of Liber 58 of Deeds at page 35, Liber 106 of Deeds at page 243, Liber 495 at page 384 & Liber 5644 of Deeds at page 60; thence southerly along said east line, 1023.78 feet to the principal point of beginning and containing 7.85± acres to the centerline of Amsdell Road

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

Dated: 3-17-05