TOWN OF HAMBURG

PLANNING BOARD MINUTES

5-10-89

The Town of Hamburg Planning Board met in regular session on Wednesday, May 10th, at 7:30 p.m. in Hamburg Town Hall. Members attending included: Chairman Richard Crandall, Secretary Gerard Koenig, Steve Strnad, Sandy Carnevale, and Dennis Gaughan. Others attending included George McKnight, Terry Dubey, Stenographer, D.Phillips.

EXCUSED: Elgin Cary, Dan Gorman, Atty.

Minutes of the meeting of 4-26-89 were approved as amended by Mr. Koenig, seconded by Mr. Gaughan. Carried.

EXECUTIVE SESSION - MOVED UPSTAIRS TO PUBLIC MEETING ROOM - INTEGRATED WASTE SYSTEMS

Meeting was relocated to the Public Meeting Room for a discussion of the Integrated Waste Systems proposed site in Ravenwood Park, North. Chairman Richard Crandall opened the meeting with an explanation that a scoping session on the proposed project was held at the Hamburg Town Hall on Friday, May 5th, at 3:00 p.m. for the purpose of identifying environmental concerns relative to this project. Initially, it was the Planning Board who asked for lead agency status with regard to this matter and because of the complexity and negative impact that the project could have on the environment, this board will be taking an action to move forward in the drafting of an environmental impact study.

Mr. Dana Jones of James Place asked if a study was done. Mr. Crandall responded that the Planning Board will be voting on the issue this evening. We plan on moving ahead with the study. Mr. Jones stated that most of the people present are in opposition to the project. They are residents of Sagamore. Concern of heavy traffic was also raised. If there will be 200 trucks a day using the roads 7 days a week, even Rt. 179 will not be able to handle the traffic. Also, South Park Avenue and Milestrip will not be able to handle the load. It is very difficult making a left hand turn out of James Place now. The Bethlehem Steel site should be the area for a garbage facility. They have an M-3, heavy industrial zoning and would be a better site.

Chairman Crandall explained that the purpose of the scoping session was to arrive at a decision that an environmental study be done. The scoping session included several agencies, both County and State levels.

Mr. Reynolds of 4207 Robin Lane spoke in opposition to the proposal. He noted concerns of rodents and devaluation of surrounding properties. He is totally against the project. I have spent good dollars improving the value of my home. I do not want a garbage dump in my back yard. We are asking you to vote for the people and as citizens we want to stop the project. I have a big investment in my home.

Mrs. Dale Schultz of Highview Parkway spoke in opposition. I spoke with a resident in the Village of Hamburg, who is adjacent to the Ravenwood Park facility. Initially, the residents were advised that there would be no access to Sunset. Now there is an access. They told the residents of the area that if they did not get their access, they would vacate all the buildings. My concern is that Jeffrey Blvd. will be cul-de-sacced and be a point of access for 200 to 1500 trucks per day.

RAVENWOOD PARK NORTH (CONTINUED)

Mr. Crandall re-assured the residents that they will weigh the concerns expressed by the residents. We share your concerns and represent all the voters of the Town of Hamburg as taxpayers and residents as well. At this point in time we are trying to collect facts.

Mr. McKnight noted that based on the law, there is a provision for a public hearing . On this issue, there would not be a referendum due to the cost of holding a special election. There is opportunity for a public hearing based on the SEQR law. This is the environmental law that we are working on. When a property is properly zoned the Planning Board looks at it it terms of zoning requirements. We also use the Development Check list, if the project is compatible with the surrounding area, can there be buffers, berms to mitigate the impact on the neighborhood. Before we deny, there must be a legal basis on which to do that.

A resident of 4042 Allen Street in Steelton spoke in opposition to the proposal. I asked representatives of this facility whether they had tried anywhere else. We heard that they had tried in the City of Buffalo on South Ogden Street but were turned away. Officials should be acting in the best interests of the citizens of our area. We should not be fearful of a lawsuit and our interests should be represented. Initially, Love Canal met the requirements but was not safe nor was it pleasant. We also have playgrounds in the area. I am in the insurance industry and toured the Niagara Falls Energy Waste Co. which is an incinerator facility. The problem they encountered was an influx of rodents that were brought in with the trucks. I am not in favor of taking in rats from all over the State. I do not want this type of facility in my back yard. It was also noted that this project has been kept secret for sometime.

Chairman Crandall responded that keeping this project a secret is totally erroneous. When the site plan came in to the Planning Dept. it was immediately distributed to the Big Tree Fire Dept. for review. There was no attempt to keep the project quiet. The scoping session was held and the Big Tree Fire Dept. was invited to attend. Our obligation is to represent all taxpayers and follow the law. An applicant is always given the opportunity to present their wares. At this point, there is yet no decision made.

Mr. Vince Mazur of Blair Court stated that the applicant is not a Hamburg resident. However, we are the taxpayers. It was explained that the owner of Ravenwood north is a Hamburg taxpayer.

Mrs. Caputo of Blair Court stated that the residents are asking that a full environmental impact study is to be done, and are asking for it right now.

Chairman Crandall explained that the purpose of the meeting is to request the study based on the SEQR law. There will also be a public hearing which will be advertised in the Hamburg Sun and the Front Page. There will be articles in the Buffalo News and if necessary on radio and Television stations. All attempts will be made to notify the public when the public hearing is scheduled.

Jackie Braun of Bond Street also asked that an environmental study be done. She asked if anything could be done to stop the project? It was explained that at this point we cannot stop the project. We must go thru the process.

Mrs. Peggy Stoj of Grafton Avenue stated that a moratorium was declared for one year on mobile home expansion in the town. Dump sites and rodents are far worse than mobile home park expansion and there should be a way to stop it.

RAVENWOOD PARK NORTH (CONTINUED)

Mr. Ron Peters of Robin Lane addressed concern on truck traffic, property value going down, and condition of roads.

It was explained that a tour was made of a New Jersey facility and Councilman Mark Cavalcoli, George McKnight, and Jeff Kryszak of the Big Tree Fire Co. attended. A question was raised as to whether composting could be done indoors. It could, but would require a huge building. The composting area in New Jersey had a sweet smell similar to wood chips. There was no odor.

Residents noted that they have a petition with 75 signatures all in opposition to the proposal.

Motion was made by Mr. Koenig, seconded by Mr. Phillips to request that the New York State Dept. of Env. Conservation assume the responsibility as the lead agency for this project; that a Public Hearing be mandated in the Town of Hamburg relative to the Integrated Waste project; and that a Draft Environmental Impact Statement be prepared. Carried.

SUBDIVISION HEARING FOR LAKEVIEW WOODLANDS

Secretary Koenig read the following Legal Notice:

TOWN OF HAMBURG
LEGAL NOTICE
LAKEVIEW WOODLANDS
SUBDIVISION - PHASE I

Notice is hereby given that the Planning Board will hold a Public Hearing on Wednesday, May 10, 1989 in the Hamburg Town Hall at 8:00 p.m. for the purpose of approving LAKEVIEW WOODLANDS SUBDIVISION:

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 Number Forty-eight (48); Township Nine (9), Range Eight (8) of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the southeasterly line of Lake View Road, three hundred (300 feet) feet southeast of a stone monument No. 8 placed in the northeasterly corner of Old Lake Shore Road and Lake View Road; running thence southeasterly along the north easterly line of Lake View Road a distance of two thousand four hundred and fifteen feet (2,415 feet) to a point; thence easterly a distance of two hundred twenty-five feet (225 feet) to a point; thence northeasterly along a line parallel with Lake View Road a distance of two thousand four hundred and fifteen feet (2,415 feet) to a point; thence westerly along a line parallel to Old Lake Shore Road a distance of two hundred twenty-five feet (225 feet) to the place of beginning; such rectangular plot of land to exclude seven (7) existing parcels.

RICHARD CRANDALL, Chairman
GERARD KOENIG, Secretary
PLANNING BOARD
DATED: April 27, 1989

Chairman Crandall declared the hearing open:

Messrs. Reynolds and Pacifico appeared before the Planning Board on behalf of their subdivision on the Old Lake Shore and Lakeview Rd. They have been in touch with the Engineering Dept. and know that a topo is required. The SEQR has been submitted.

Chairman Crandall asked 3 times if anyone wished to speak for or against the subdivision. Hearing no further comments, the hearing was declared closed.

Motion was made by Mr. Gaughan, seconded by Mr. Koenig to approve the preliminary and to proceed to the final plat contingent upon Engineering approval. Carried.

RUSHCREEK SUBDIVISION - DICK BROX - MC KINLEY PARKWAY

Mr. Dick Brox appeared before the Planning Board on a preliminary sketch for a proposed Rushcreek Subdivision which is to be located on McKinley Parkway near Quinby. The Engineering Dept. sent the following memo:

1. All centerline pavement radius are to be a minimum of 150'. Show the radii on the plan. The two square corners are not acceptable.
2. The lots with McKinley & Fairgrounds frontages are to be without access to those

RUSHCREEK SUBDIVISION (CONTINUED)

roads and a berm is to be installed for a buffer. Show it on the plan.
3. All lot lines on a curve are to be radial. Show an "R" on radial lot lines.
4. Adjacent property owners are to be shown.
5. A water district extension will be required.
6. The sewers will be in the Armor-McKinley extension to District #3.
7. Access to McKinley must be approved by the county.
8. Storm detention will be required for the site. Pond location and size will be approved by the Town Engineer during review of the engineering plans and drainage calculations. The ponds shown should not be considered acceptable.
9. The street names Brush Creek and Robin Way are not acceptable. Two names for 1 continuous street is not acceptable. Revise as required.
10. The location map or the plan is upside down. Revise as necessary. JACK GILBERT

Mr. Brox noted that he has made the corrections as requested by the Town Engineer.

A letter was also forwarded from the Recreation Dept. It reads: Please be advised that I have looked over the proposal site plan for this subdivision and recommend the following:

A park/playground be included of 3½ to 4 acres. Said parkload should contain: Spring animals, swings, slides, teeter totters, small shelter, kickball diamond, combination tennis/basketball court. RICHARD E. TRIPP RECREATION DIRECTOR

Motion was made by Mr. Gaughan, seconded by Mr. Strnad, to accept the layout as presented and to proceed to the Public Hearing. Carried. Applicant was advised to bring in the legal description and $75.00. A hearing can be scheduled for May 24th at 8:00 p.m.

REZONING PETITION FOR PAUL SZALAY PROPERTY SOUTHWESTERN BLVD. FROM C-3 TO C-2

Ms. Emily Kaczka appeared before the Planning Board for a recommendation for a proposed used car lot which is to be located in fhe former linoleum store of the Paul Szalay property on Southwestern Blvd. The zoning is C-3 and the re-zoning petition is for C-2. Ms. Kaczka informed the board that she has spoken with the Town Engineer with respect to the utilities and was advised that they could hook into the utilities. However, there is no sewer connection and a new septic system would have to be installed.

Board members noted that this would be spot zoning and is not in accordance with the master plan. There is a segment of Southwestern Blvd. that needs to be reviewed but that is in the future and no one knows when it will be changed.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to recommend against the rezoning from C-3 to C-2 for the following reasons:

1. This would be considered spot zoning and backs up to an R-2, residential area.
2. The proposal is not in conformance with the master plan for Southwestern Blvd. Carried.

PETER LIBERATORE - 12 UNIT APARTMENT BLDG.

Jay Pohlman, Esq. representing Peter Liberatore, appeared before the Planning Board with respect to the negative recommendation that was given to the Zoning Board on this proposal. Minor variances are necessary and the biggest problem is density. Under 3 stories, 3500 s.f. is required. Rather than put a 3 story building on this parcel, we were trying to keep it conformance with the present building. This parcel was a separate acquisition and should be considered on its own merits. The purchase was made long after Lincoln Square was built. It was at a time when the requirements were quite different. There is a long waiting list now for apartments and that is the reason why Mr. Liberatore acquired the parcel and wants to build the last building. Density was computed on overall total development. The negative density issue was based on the total development.How does the present site relate to the code at the time when the complex was built. If you look at this site by itself, it comes out to 24,000 s.f. We don't want to build a 3 story bldg, although if we build a 3 story, there is no deficiency. The board cannot approve something that does not meet the code. It will still require Z.B.A. approval. However, the Planning Board could change the recommendation. The Planning Board can view this as being in character with the rest of the area. Knoll Drive lends itself to an apartment situation. It is well maintained and 42,000 s.f. is required.

Motion was made by Mr. Phillips, seconded by Mr. Gaughan that upon re-evaluation of the situation and in looking at the aerial photo, that a positive recommendation be forwarded to the Zoning Board of Appeals on the apartment building. Carried.

The proposal is in keeping with the character of the rest of the development, that the variance will be in line with the existing buildings. This new building will logically complete the rest of the development. The variance should be granted on its own merits as a separately acquired parcel. The woman from whom the parcel was acquired was the one homeowner in question. There should be no adverse affect on the surrounding area.

MISSION HILL MOBILE HOME PARK - NELSON KEEM - CAMP ROAD

Messrs. Paul Sullivan and Nelson Keem appeared before the Planning Board on the proposed mobile home park which is to be located on Camp Road. Applicants were advised about the moratorium on mobile home parks which was passed at the May 8th Town Board meeting which is as follows:

WHEREAS, the Town of Hamburg has received a number of requests for development of additional mobile home parks, and

WHEREAS, it has been estimated that the Town of Hamburg leads all other towns in our area, in "per capita" mobile home units, and

WHEREAS, the Town of Hamburg Planning Board has requested that additional study be given to future mobile home park developments, and

WHEREAS, the current mobile home park ordinance in the Town of Hamburg was updated last in 1977, and

MISSION HILL (CONTINUED)

WHEREAS, it has been suggested by the Town of Hamburg Planning Board and other staff members, that the current zoning ordinance pertaining to mobile home parks, be carefully reviewed and updated,

AND BE IT FURTHER RESOLVED, that the moratorium commence on May 9th 1989 and end on May 10th 1990,

AND BE IT FURTHER RESOLVED, that this moratorium shall include mobile home developments for which site plan approval has not been granted by the Town Planning Board, and applications for rezoning for mobile home development presently pending or submitted during the moratorium period,

AND BE IT FURTHER RESOLVED, that the current mobile home park ordinance of the Town of Hamburg be referred to the Town Planning Board and Town Planner for examination, review, recommendations, and/or modification.

Attorney Sullivan informed the board that the Town will be sued as a result of this resolution. We are fully confident that we will be back and proceeding with the project. The Town Board cannot legislate away by moratorium projects that they may not like even though the zoning exists for that project. I feel we have been put off so that the Town Board could do this. We are not happy about that. I fully plan and intend on bringing action on the Town. There will also be a claim for damages as a result of increased costs and expenses. We will be back here. The Town has taken its zoning ordinance and turned it upside down. It either means something or it doesnot.

Motion was made by Mr. Gaughan, seconded by Mr. Phillips to TABLE the application for the Mission Hill Mobile Park as a result of the moratorium resolution that was passed by the Town Board on May 9th, 1989 to end on May 10th 1990. Carried.

MANOR LANE SUBDIVISION - BIG TREE & PARKER -

Messrs. Paul O'Neill, Mr. Wycocki appeared before the Planning Board on a preliminary sketch plat for a proposed subdivision to be located on Big Tree and Parker Rd. The front portion is zoned C-3 and will require a rezoning to go to R-2. The stream is not an identified stream so as to allow development. Comments were received from the Engineering Dept. as follows:

1. The site is in the Town's north east sewer district.
2. Part of the site is not in a water district. A district extension will be required.
3. The centerline of pavement radius for all curves must be a minimum of 150 l.f. Revise and dimension the radius on the plan.
4. Property lines on a curve are to be radial. Label them as Radial.
5. Double frontage lots on Big Tree are to be labeled without access to Big Tree Rd. A buffer-berm is to be revised along the lots.
6. Show the names of adjacent property owners.

Our review plan is not being returned with these comments. All comments are to be addressed and a revision date is to be shown on the plan.

This subdivision will accommodate single family dwelling units.

MANOR LANE SUBDIVISION - BIG TREE RD.

The homes will range in the vicinity of $100,000, and will be ranches or two stories. There will be 8 different types of homes, and approximately 127 homes. If the concept is acceptable to the board, they can proceed to public hearing.

Motion was made by Mr. Koenig, seconded by Mr. Strnad to grant conceptual approval on the layout contingent upon Engineering Dept., Building Inspection, and the Recreation Dept. for input on whether they want passive or active recreation. Carried.

There is no recommendation on the rezoning until application has been made.

PAUL BACH - MC KINLEY PARKWAY SUBDIVISION -

Mr. Paul Bach appeared before the Planning Board on a proposed subdivision of Townhouses to be located on McKinley Parkway. Initially, they had presented a sketch and appeared before the Conservation Board on a clustering concept. Approximately 1/2 of the land cannot be utilized because of the stream. This is a 47 acre parcel and have since redesigned to put townhouses on the front parcel and dedicate the back portion to the Town. This will require a rezoning. Board members noted that this is again a case of spot zoning but with a trade off of a large parcel of land to remain in its natural state. Applicant was advised again to meet with the Conservation Board as this includes 42,4 unit townhouses. It was left that if the Conservation Board looks favorably on the project, then a rezoning petition is in order.

BRIERWOOD P.U.D. - SIDE YARD REQUIREMENT

Mr. Walsh prepared an agreement relative to the P.U.D. Brierwood development on the side yard requirements. They would like to go to 9' and 11' for a total of 20' on total side yard requirements.

Motion was made by Mr. Strnad, seconded by Mr. Phillips to deny the request for smaller side yard requirements. Carried.

Dennis Gaughan	Naye
Sandy Carnevale	Naye

Motion to adjourn the meeting was made by Mr. Koenig, seconded by Mr. Gaughan. Carried. Meeting adjourned at 11:35 p.m.

RESPECTFULLY SUBMITTED,

GERARD KOENIG, SECRETARY
PLANNING BOARD

NEXT MEETING:
MAY 24, 1989 - 7:30 P.M.

TOWN OF HAMBURG

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

Supervisor
JACK QUINN, JR.

Councilmen
D. MARK CAVALCOLI
JAMES F. CONNOLLY
DANIEL J. HENRY
PATRICK H. HOAK

Town Attorney
VINCENT J. SORRENTINO

Town Clerk
GEORGE DANYLUK

Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

May 17, 1989

Mr. Steven Doleski, Regional Permit Officer
N. Y. S. Dept. of Environmental Conservation
600 Delaware Avenue
Buffalo, New York 14202

Dear Steve:

Attached is a copy of the resolution that was passed at the last Town of Hamburg Planning Board meeting.

The Planning Board has asked your office to assume the responsibility of Lead Agency for the review of an Environmental Impact Statement for the Integrated Waste Systems recycling proposal in the Ravenwood North Industrial Park for the following reasons:

1. Many of the questions raised at the public meetings have left the Planning Board members with a concern about their ability to evaluate and respond to them.

2. D.E.C. as the permitting agency for this type of facility has the experienced staff to make sure that all of the potential problems will be identified and addressed.

3. The Planning Department is a one man office that is involved in the large amount of development that is occurring in the Town. There is the possibility that some of the time lines and review deadlines established in the S.E.Q.R.A. might accidentally be missed resulting in approval by default.

Your cooperation would be greatly appreciated.

Cordially,

TOWN OF HAMBURG PLANNING DEPT.

George

George G. McKnight, Director

GM:tad

TOWN OF HAMBURG

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ROBERT A. MARS

TO: Planning Board

FROM: Town Engineer Gilbert

DATE: 5-9-89

SUBJ: PRELIMINARY PLAT REVIEW
MANOR LANE SUBDIVISION - BIG TREE AT PARKER

The following comments are on a plan dated 3-22-89 and received in our office on 5-2-89:

1. The site is in the Town's north east sewer district.

2. Part of the site is not in a water district. A district extension will be required.

3. The centerline of pavement radius for all curves must be a minimum of 150 L.F. Revise and dimension the radius on the plan.

4. Property lines on a curve are to be radial. Label them as RADIAL.

5. Double frontage lots on Big Tree are to be labeled without access to Big Tree Rd. A buffer-berm is to be revised along the lots.

6. Show the names of adjacent property owners.

Our review plan is not being returned with these comments. All comments are to be addressed and a revision date is to be shown on the plan.

Jack Gilbert

RJL/dp

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MEMORANDUM

TO: Planning Board

FROM: Traffic Safety Advisory Board

RE: Mission Hills Mobile Park

DATE: May 12, 1989

In response to your request of May 3, 1989, the Traffic Safety Advisory Board has reviewed the proposal for Mission Hills Mobile Park. Please be advised that the Board has grave concerns regarding the proposed driveways entering N.Y. #75 (Camp Road). This highway is a heavily used thoroughfare, and the Board is concerned with the additional traffic flow that this project will cause, as well as the location of the proposed driveways. The Board recommends that the New York State Department of Transportation be contacted for their input.

Town of Hamburg Resolution

State of New York)
County of Erie)
Town of Hamburg)

I, George Danyluk, Town Clerk of the Town of Hamburg, Erie County, New York, do hereby certify that at a regular meeting of the Town Board of the aforesaid Town on the 5 day of May 19 89, the following action was subject to Town Board approval:

XVIII.

WHEREAS, the Town of Hamburg has received a number of requests for development of additional mobile home parks, and

WHEREAS, it has been estimated that the Town of Hamburg leads all other towns in our area, in "per capita" mobile home units, and

WHEREAS, the Town of Hamburg Planning Board has requested that additional study be given to future mobile home park developments, and;

WHEREAS, the current mobile home park ordinance in the Town of Hamburg was updated last in 1977, and

WHEREAS, it has been suggested by the Town of Hamburg Planning Board and other staff members, that the current zoning ordinance pertaining to mobile home parks, be carefully reviewed and updated,

AND BE IT FURTHER RESOLVED, that the moratorium commence on May 9th 1989 and end on May 10th 1990,

AND BE IT FURTHER RESOLVED, that this moratorium shall include mobile home developments for which site plan approval has not been granted by the Town Planning Board, and applications for rezoning for mobile home development presently pending or submitted during the moratorium period,

AND BE IT FURTHER RESOLVED, that the current mobile home part ordinance of the Town of Hamburg be referred to the Town Planning Board and Town Planner for examination, review, recommendations, and/or modification.

MOVED: QUINN SECOND: CAVALCOLI
AYES: CAVALCOLI, HOAK, HENRY, CONNOLLY, QUINN
NOES: NONE

CARRIED

I do further certify that the members of the Town Board are as follows: Jack Quinn, Jr., Supervisor; James F. Connolly, D. Mark Cavalcoli, Patrick H. Hoak, Daniel J. Henry; Councilmen.

IN WITNESS WHEREOF, I hereunto set my hand and the seal of the Town of Hamburg, Erie County, New York, this 12 day of May, 19 89.

George Danyluk

George Danyluk, Town Clerk

TOWN OF HAMBURG

LEGAL NOTICE

RUSH CREEK SUBDIVISION

Notice is hereby given that the Planning Board will hold a Public Hearing On May 24th 1989 in the Hamburg Town Hall, S-6100 South Park Avenue at 8:00 p.m. for the purpose of approving RUSHCREEK SUBDIVISION.

THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot No. 53, T-9, R-7 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the westerly line of McKinley Parkway which is 915.6 feet southerly measured along the westerly line of McKinley Parkway from its intersection with the southwesterly line of Bay View Road; thence westerly at an interior angle of 88 degrees 37 minutes 50 seconds 1574.84 feet along the southerly line of lands formerly owned by Jerome W. Pierce described in a deed recorded in Liber 484 of Deeds at Page 629 as established by a boundary line agreement recorded in Liber 2894 of Deeds at page 171 to a concrete monument in the southeasterly line of the Erie Railroad; thence southwesterly along the southeasterly line of the Erie Railroad 866 feet to the center line of the Fairgrounds Road at a point 425.3 feet northwesterly measured along said center line of the Fairgrounds Road from the northerly line of premises formerly owned by Edgar Saunders described in a deed recorded in Erie County Clerk's office in Liber 455 of Deeds at page 88; thence southeasterly along the center line of the Fairgrounds Road 425.3 feet to the said northerly line of land formerly owned by Edgar Saunders described in a deed recorded in Erie County Clerk's Office in Liber 455 of Deeds at page 88; thence easterly at an interior angle of 127 degrees 5 minutes 19 seconds along the northerly line of lands formerly owned by Edgar Saunders 1898 feet to a point in the westerly line of McKinley Parkway which is 1002 feet southerly measured along said westerly line from the point of beginning; thence northerly at an interior angle of 90 degrees 23

minutes 29 seconds and along the westerly line of McKinley Parkway 1002 feet, to the point of beginning.

Subject to easements recorded in liber 5061, at page 77, in Liber 375 at page 539 and in liber 1849 at page 571 in the Erie County Clerk's office.

RICHARD CRANDALL, CHAIRMAN

PLANNING BOARD

GERARD KOENIG, SECRETARY

DATED: May 12, 1989

TOWN OF HAMBURG

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May 12, 1989

TO: THE TOWN BOARD

SUBJECT: Rezoning Petition of Paul Szalay property - Southwester Blvd. from C-3 to C-2 for used car lot

At the Planning Board meeting which was held on May 10th, the following unfavorable recommendation was made regarding the Paul Szalay property on Southwestern Blvd.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to recommend against the rezoning from C-3 to C-2 for the following reasons:

1. This would be considered spot zoning and backs up to an R-2, residential area.

2. The proposal is not in conformance with the master plan for Southwestern Blvd. Carried.

Richard Crandall
RICHARD CRANDALL, CHAIRMAN
PLANNING BOARD

RC:tad

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May 11, 1989

TO: Charles Spinner, Esq.
Zoning Board of Appeals

Please be advised that Mr. Pohlman appeared before the Planning Board at the May 10th meeting on the proposed 12 unit apartment building which Mr. Liberatore would like to build on Knoll Drive. Attached is a letter which he presented. There is also an aerial photo of the location.

Motion was made by Mr. Phillips, seconded by Mr. Gaughan that upon re-evaluation of the situation and in looking at the aerial photo, that a positive recommendation be forwarded to the Zoning Board of Appeals on the apartment building. Carried.

The proposal is in keeping with the character of the rest of the development, that the variance will be in line with the existing buildings. This new building will logically complete the rest of the development. The variance should be granted on its own merits as a separately acquired parcel. The woman from whom the parcel was acquired was the one homeowner in question. There should be no adverse affect on that surrounding area.

Very truly yours,

TOWN OF HAMBURG PLANNING BOARD

Richard Crandall

Richard Crandall, Chairman

RC:tad

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Town Attorney
VINCENT J. SORRENTINO

Town Clerk
GEORGE DANYLUK

Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

TO: Planning Board

FROM: Town Engineer Gilbert

DATE: 5-9-89

SUBJ: PRELIMINARY PLAT REVIEW
MANOR LANE SUBDIVISION - BIG TREE AT PARKER

The following comments are on a plan dated 3-22-89 and received in our office on 5-2-89:

1. The site is in the Town's north east sewer district.

2. Part of the site is not in a water district. A district extension will be required.

3. The centerline of pavement radius for all curves must be a minimum of 150 L.F. Revise and dimension the radius on the plan.

4. Property lines on a curve are to be radial. Label them as RADIAL.

5. Double frontage lots on Big Tree are to be labeled without access to Big Tree Rd. A buffer-berm is to be revised along the lots.

6. Show the names of adjacent property owners.

Our review plan is not being returned with these comments. All comments are to be addressed and a revision date is to be shown on the plan.

Jack Gilbert

RJL/dp

Lake Shore Volunteer Fire Co., Inc.

4591 Lake Shore at Rogers Rd.
Hamburg, N.Y. 14075

May 8, 1989

Mr. George McKnight, Chairman
Town of Hamburg Planning Department
6100 South Park Avenue
Hamburg, NY 14075

Dear Mr. McKnight,

In regards to the plans for the proposed Mission Hill Mobile Home Park, the Lake Shore Volunteer Fire Company, Inc. has gone on record as opposing the project at this time.

Our main concern is the additional traffic load that will be concentrated solely on Camp Road. Being responsible for all EMS calls in our District we feel the traffic flow will create unsafe situations. Camp Road has been the scene of several serious traffic accidents in the past and the additional traffic burdens would only worsen the situation. There are also no alternate means for egress from the park except for an additional exit. Again on Camp Road.

We also received no information on hydrant locations for the Park. Mobile home fires present a clear and present danger due to their construction and large amounts of hazardous plastic material used in the home. Without information for quick and sufficient water supply we cannot accept the present plans. Also road width inside the Park is not available and several area mobile home parks DO NOT have sufficient road space for fire apparatus to operate efficiently.

Yours firematically,

Thomas D. Putman
Chief

TOWN OF HAMBURG

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

Supervisor
JACK QUINN, JR.

Councilmen
D. MARK CAVALCOLI
JAMES F. CONNOLLY
DANIEL J. HENRY
PATRICK H. HOAK

Town Attorney
VINCENT J. SORRENTINO

Town Clerk
GEORGE DANYLUK

Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

TO: Planning Board

FROM: Engineering Dept.

DATE: 5-10-89

SUBJ: SKETCH PLAN REVIEW #2
BRUSHCREEK PARK SUBDIVISION

The following are review comments on plans last revised May 1989 and received in our office 5-10-89:

1. All centerline pavement radius are to be a minimum of 150'. Show the radii on the plan. The two square corners are not acceptable.
2. The lots with McKinley & Fairgrounds frontages are to be without access to those roads and a berm is to be installed for a buffer. Show it on the plan.
3. All lot lines on a curve are to be radial. Show a "R" on radial lot lines.
5. Adjacent property owners are to be shown.
6. A water district extension will be required.
7. The sewers will be in the Armor-McKinley extension to District #3.
8. Access to McKinley must be approved by the county.
9. Storm detention will be required for the site. Pond location and size will be approved by the Town Engineer during review of the engineering plans and drainage calculations. The ponds shown should not be considered acceptable.
10. The street names Brush Creek and Robin Way are not acceptable. Two names for one continuous street is not acceptable. Revise as required.
11. The location map or the plan is upside down. Revise as necessary.

<u>All</u> <u>comments</u> are to be addressed for approval. The review plan is not being returned.

Very truly yours,

John J. Gilbert, Jr. P.E.
Town Engineer

RJL/dp

TOWN OF HAMBURG

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

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Town Clerk
GEORGE DANYLUK

Supt. of Highways
RICHARD A. SMITH

Receiver of Taxes
ROBERT A. MARS

TO: Planning Board

FROM: Engineering Dept.

DATE: 5-10-89

SUBJ: SITE PLAN REVIEW
LINCOLN SQUARE APARTMENTS

The subject site plan last revised 3-16-89 has been reviewed and is now acceptable to this office.

Jack Gilbert

RJL/dp

SCOPING SESSION

INTEGRATED WASTE SYSTEMS

MAY 5TH, 1989

3:00 p.m.

A Scoping Session was held at Hamburg Town Hall in the Planning Board room on Friday, May 5th at 3:00 p.m.

The Town of Hamburg Planning Board will take agency lead status for the Integrated Waste Systems project. Chairman Richard Crandall opened the meeting. Representatives from the Department of Environment Conservation were present to review environmental concerns relative to this project.

Mr. Al Gilowicz of Integrated WasteSystems explained that this is a company involved with solid waste disposal. The project area proposed is Ravenwood North covering the recycling facility. The project consists of 3 components; a composting center for yard, wood chips, leaves etc. which is generated within the community and is taken out of the composting area to markets elsewhere. It consists of a material recovery facility which is separated and co-mingled and separated from wet garbage and processed on an intermediate basis only. Things such as glass, which is color-sorted, which is crushed into sizes that can be sold; aluminum for recycling paper baling, plastics, shredding type operation. The third part consists of all the re-cyclables that can be seen in a recycling facility. There is a transfer station which takes the material to the Occidental incinerator or other land fills in the Western New York area. Requirements under the regulation of composting is that I have the ability to transfer that non-recycleable material off site.

The facility is located north of Milestrip Rd. We have generated some site photographs from the end of Jeffrey Blvd. toward the end of Pieczonka drive west of the old railroad embankment. This is part of the Ravenwood North Industrial project. It involves 63 acres of land. The composting would be at the north end. At the lower third of the site is the future proposed Norfolk and Southern Railroad to connect those two lines. The southern part of the site will not be used until such a time that we demonstrated that we can operate our facility in a manner that is unobjectionable to the community. We are approximately 1000 feet away from the nearest residence.

The facility will consist of a concrete and pre-fab metal type building. Material is handled entirely indoors with the exception of the composting area. We are asking for approval to build the facility from the Town and from the DEC permitting process. The DEC has the solid management authority on the facility and will require conditions in the construction of the facility, addressing such things as noise, odor, rodents, etc.

1. This site is not proposed to be a land fill. It is not properly suited for that. Integrated Waste Systems will not submit any application now or in the future as a land fill of any type.

2. This site will never be for use as an incineration facility of any type. We welcome the inclusion of a restriction in the site plan approval prohibiting the use of this facility as an incinerator. It is not the proper location.

3. This site is not and has never been considered a site for use, transportation, treatment or disposal of hazardous, infectious waste, or other industrial waste such as sludges. We welcome and support in any site plan approval the prohibition of using the site for that purpose. It is not the right location for that type of facility.

The composting area in the nothern 2/3rds of the property will be restricted until we can prove that there will be no noise, odor, or rodent control problem. It is imperative to be good neighbors to the community. It cannot be those things under present zoning and it is nothing that we as a firm want to have now or in the future.

Mr. McKnight pointed out that there are landlocked properties that will remain landlocked. Access to landlocked parcels is very important from the Town's point of view. Noise is an important issue and access to the site. There is no existing road to the site. The Town does not build roads or bridges.

Mr. Gilowicz responded with regard to the landlocked parcels. They are situated east of the parcel owned by Nellie Crawford and U.S. Brand on the west side of Rush Creek. Other parcels that have access are the Norfolk and Southern rail property. We will provide access to those lands thru ours by means of a dedicated right of way. The composting area will not inhibit that area. We would shrink down the area to give them access. We have set aside the 50' buffer. With respect to noise, all of our operations with the exception of the composting area, will take place indoors. The facility is designed to handle the material inside the building to eliminate a noise problem. With respect to the composting operation, the material that is turned over to compost is a machine that is pulled by a tractor. The tractor has a decible level of less than a lawnmower. We have a wood bark shredding machine that shreds the wood into chips. It is in full compliance with OSHA and will not be noticeable to the residents. We will comply to all town ordinances with regard to noise levels. We can also establish hours that are acceptable and not disturbing at bedtime nor will it wake you up in the early hours as it will not be operation at 7:00 a.m. That can be part of the permit process. We will work with the Town as to cost relative to Pieczonka Drive and will meet requirements of the Town of Hamburg. With regard to road and bridge quality, we have no problem in working with the Town on plan to develop and pay for improvements to the road. I will put a caviat in there. By providing that roadway, it provides the land to Norfolk and Western to sell off pieces, then the railroad should be assessed some of the cost to build that road. I think that would be fair and equitable. We do not want a gravel road to our site and then have on our site a paved access road. It does not make sense. The Town Attorney and Mr. Gilowicz's attorney should meet to work out an agreement.

Highway Supt. Richard Smith pointed out that the first 500' of Pieczonka Drive belongs to the Village of Blasdell. The rest of the road is owned by BFI and Blasdell Rod and Gun Club. Mr. Gilowicz responded that contact has been made with the Norfolk and Western to provide access adjacent to the existing roadway which is providing access to the berm. This is only if the existing road bed cannot be utilized.

On the bridge issue, the engineers have looked at it, and it is suitable and meets weight limits. The bridge can be expanded and would be approved by the State Dept. of Transportation. Jeffrey Blvd. will be dead-ended at Bayview to avoid having a thru street. All vehicles will enter and exit via Route 179. We have been asked to include a cul-de-sac to be designed per Tallamy, Van Kuren & Gertis to meet town standards. We would then dedicate the right of way to the Town after it is built and accepted.

Mr. Gilowicz also stated that they would like to put in a gravel surface at the end of the cul-de-sac for emergency purposes such as fire-fighting, accident, etc. This would be a fire lane type access.

Highway Supt. raised a concern with the problems of Rush Creek and the wash down products and flushing equipment from the vehicles. Mr. Gilowicz responded that there will be a holding tank. We have included the private force main to convey water to Jeffrey Blvd. and to the Southtown's Sewer treatment facility. All wash down water in the building will go in to the sanitary sewer. All storm water will go to a retention basin designed by Town guidelines. All water from the composting facility will be retained on site. There will be no discharge directed to Rush Creek from our operations. That is part of our DEC permit process.

Chief Kryszak of the Big Tree Fire Dept. noted that this organization has been cooperative with the Big Tree fire Dept. There will be a base on the road for access. A verbal request has been made for a 6" main with hydrants at the composting station. We have taken a stand with respect to the community. There will be a general meeting of our community at the Big Tree fire hall to take place on May 9th, to have their concerns expressed to the Town Board. A main concern raised by residents is noise with the equipment. A question was raised on the Environmental Assessment form, page 5, whether predominate zoning within a 40 mile radius was answered light industrial. Much of that area is residential. Within a quarter of a mile, the parcels are zoned light industrial. The other side of the tracks is M-3, heavy industrial. The other side of Rush Creek along South Park is residential, Steelton is residential. Rush Creek is a quarter of a mile away. Prevailing winds are from the southwest to the northeast. That is a prevailing wind direction of Western New York. Mr. Krautsack noted that the prevailing winds comerover the woods and comes off the lake.

In terms of noise, DEC has a noise expert, Bob Mitre. Part of the review of the project will entail the use of equipment on site to determine noise levels so that it meets State standards in terms of humidity, that can affect noise travel. Noise meters will test from various locations to see what decible ratings will be. This will be done prior to construction.

Mr. Steve Doleski of the State D.E.C. raised questions about nuisance odors. Mr. Gilowicz noted that if he does not meet standards, the DEC can fine the applicant. Secondly they can require a consent order to correct the problem and the third thing he can do is pull the permit. There will be no more composting. You have not met the conditions. The main concern of Mr. Doleski is the main building where the garbage is housed. If there is negative air, there is a way that this can be corrected whereby you suck air into the building. Then the air goes up thru an emission control procedure. The holding pond is only for 1/2 day. There shouldn't be anything present for more than 12 hours. Garbage is moved out daily. Within 1 day, everything is gone. If there are problems, the State D.E.C. does a routine check of the facility.

George McKnight noted that while on the tour of a facility in New Jersey, they saw wood and leaves. There was no odor. Any odor was a positive sweet smelling odor that you get from wood. We did not have grass to evaluate, nor did we have garbage inside a building. I would like to tour some of the existing facilities that Integrated Waste has but I would like to do it on a warm day. Odors are a great concern to Town officials.

Chief Kryszak noted that with the Joe Ball facility, the Big Tree Fire Co. was constantly down their fighting fires. Mr. Gilowicz responded that they have not had a single fire in his facility. To address that concern, we have provided fire fighting stations, called yard valves. We have fire-fighting stations at all corners

of the building. Fires can cause a lot of damage to our equipment. We handle 200,000 tons of waste and we use foam supressant materials, to fight a fire. We establish fire-fighting procedures, and we have quarterly training sessions on fire-fighting. If there is a fire, one wonders about the quality control of the facility. A fire anytime is bad. This ruins equipment, the building, and most important the employees. We have a good safety record.

Mr. Mike Ellsworth from the County noted another area of concern. On compost piles, what type of products would be blown off. Response was none. We require certain moisture content that suppliers have established. That moisture contact is subject to certain conditions. It cannot become too wet. To avoid this problem, the material is turned over which also eliminates odors as well. Readings are taken every day at certain intervals and documented daily. Also, if hazardous material comes in, it goes right back out and DEC is called. We have someone on our floor that spots the load. They have been trained to spot contaminated material, ranging from propane tanks. We train people for hazardous waste, infectious waste, drums etc. One time we did get 2 loads of hospital waste at the east side transfer station. We followed procedures in isolating the material, we put the material back on the truck and we won't let him leave and we inform the state.

Mr. McKnight noted that the Planning Board is looking for a concrete statement that you are not going to be a major transfer station using rail. Mr. Gilowicz stated that they are not designing this facility to be a rail-bale transfer station either exporting or importing from the region. The rail citing provides us the vehicle which we can send to our markets. It is not our plan now or in the future.

A question was raised as to the source-separating operation or whether it is co-mingled with garbage that will be separated. We do not work with co-mingled garbage. When there is a large town pickup. Towns usually haul this brush in a truck. When we bring in garbage in bags, there is a surcharge. If we have to spot containers, that material goes into a container which is moved to the transfer station, etc. We know people bag leaves and grass. We accept those with a surchage. Each bag has to be inspected, because sometimes there are other things in the bag.

Mr. Mendez asked if a tire chippper would be located at the site. Mr. Gilowicz responded that there will be no tire-chipper operation at this location. There is a tire shredding facility on Ganson Street. There are no intentions to have that operation at Ravenwood North. Will we have accessibility to the hydrants and what will happen to the water relative to Rush Creek. During the fire the water would be retained in the storm water basin. There are 2 hydrants along the road to cover the 21 acres of composting. If more hydrants are needed, we will put in more. Mr. Gilowicz also noted that they work with the volunteer fire company as they are very important. If there are increased demands with regard to this facility, they will review this type of procedure with them.

Dick Krautsack inquired as to the hours of operation. Composting would be conducted 7 days ago as we require quality control in turning it. We would not be receiving materials on Sunday. Our normal operation on Saturdays is from 8:00 a.m. to 3:00 p.m. during spring pick up time. Sundays we would be off. Our doors open at 8:00 a.m. to ready equipment on the site. Computers must be set up and trucks lined up. At 6:00 a.m. People come into the site and start up machinery. We start receiving materials at 9:00 a.m.

Ron Hayes stated that there should be more review as this project relates to other parcels in the industrial park area.

There should be an EAS for the whole site. A working session with the I.D.A. should be set up as soon as possible.

Question was raised as to whether an Impact Statement will be required. That issue is to be decided by the Planning Board on May 10th at their regular meeting.

Mr. Steve Doleski noted that this has been a brainstorming session to review potential problems. The decision has not been made yet as to require a Draft Environmental Impact statement or just a negative declaration on the major items of concern. If this session is sufficient, it is up to the Planning Board to decide.

In answer to a question that was raised by Mr. Koenig, this facility will never be a rail bail transfer station to take out or bring in to the area.

In closing, Mr. Gilowicz stated that he is willing to identify areas of concern and make a formal written commitment to the Town if required to do so. The applicant was also willing to make a presentation to the residents of the area if asked to do so.

Meeting adjourned at 6:00 p.m.

MEMORANDUM OF AGREEMENT

covering

"AMSDELL PARK SUBDIVISION"

3/20/89

BRIERWOOD VILLAGE INC., a New York corporation with offices located at 6455 Lake Avenue, Orchard Park, New York, 14127, is the owner of lands located on the southside of Amsdell Road, Hamburg, New York, which are part of Lot 34, Township 9, Range 8 of the Holland Land Company's survey and which are more particularly bound and described in Exhibit "A" annexed hereto and made a part hereof. The premises described in Exhibit "A" are also depicted on Map Cover No. filed in the Erie County Clerk's office. Prior to Map Cover filing, this agreement will be filed with the Building Department of the Town of Hamburg.

BRIERWOOD VILLAGE INC., as owner, hereby agrees with the TOWN OF HAMBURG, that as part of the consideration for the TOWN OF HAMBURG approving the subdivision depicted on said Map Cover, that all subdivision lots shown on said Map Cover and all improvements to be built thereon, are subject to the R-1 Single Family Residence District zoning regulations set forth in Article VIII and the Supplemental Cluster Housing and Townhouse Regulations as set forth in Article XXVIII of the Town of Hamburg Zoning Laws known as

JAMES R. WALSH • ATTORNEY AT LAW • BLASDELL, NEW YORK 14219

Zoning, Chapter 29, Local Law 1986 as filed in the Hamburg Town Clerk's office on October 4th, 1986 as amended to April 1st, 1988.

It is further agreed that all improvements built upon any subdivision lot shall be built in full compliance with all R-1 Single Family Residence District rules and regulations now in effect, except the required side yard regulation set forth in Par. 29-34(B)(1). Under authority of the cluster development regulations set forth in Par. 29-165 (F)(2) the parties agree: that the Par. 29-34(B)(1) side yard requirements shall not apply and in its place the following side yard requirements shall apply: Side Yards, two (2) required: The minimum width of any side yard shall be nine (9) feet. The total minimum width of both side yards shall be twenty (20) feet. The minimum distance between homes on abutting subdivision lots shall be twenty (20) feet.

The present owner, future owners, developers and the TOWN OF HAMBURG will rely upon this agreement and will develop and permit development of subdivision lot improvements in reliance thereon, and therefore the parties agree that this agreement can be amended or vacated only with the consent of the then current owners of 75% of the total subdivision lots shown on the Map Cover and the approval of the Hamburg Town Board.

JAMES R. WALSH • ATTORNEY AT LAW • BLASDELL, NEW YORK 14219

IN WITNESS WHEREOF, the parties have executed this agreement the 2nd day of May, 1989.

BRIERWOOD VILLAGE INC.

by: _____
Edmund F. Burke, President

Approved:
HAMBURG PLANNING BOARD

by: _____
Richard T. Crandall, Chairman

HAMBURG TOWN BOARD

by: _____
Jack Quinn, Supervisor

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On this 2nd day of May, 1989, before me, the subscriber, personally appeared EDMUND F. BURKE, to me personally known, who, being by me duly sworn, did depose and say that he resides in Orchard Park, New York; that he is the President of BRIERWOOD VILLAGE INC., the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name thereto by like order.

_____

CYNTHIA L. CONLON
Notary Public, State of New York
Qualified in Erie County
My Commission Expires June 30, 1990

JAMES R. WALSH • ATTORNEY AT LAW • BLASDELL, NEW YORK 14219

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On this 26th day of April, 1989, before me, the subscriber, personally appeared RICHARD T. CRANDALL, to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Hamburg, New York; that he is the Chairman of the TOWN PLANNING BOARD of the Town of Hamburg, the municipal corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by resolution of the members of the Town Planning Board of said corporation; and that he signed his name thereto by like order.

Theresa Ann Dubs
Comm. Mt. 7-31-90

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On this 27 day of April, 1989, before me, the subscriber, personally appeared JACK QUINN, to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Hamburg, New York; that he is the Supervisor if the HAMBURG TOWN BOARD of the Town of Hamburg, the municipal corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by resolution of the members of the Hamburg Town Board of said corporation; and that he signed his name thereto by like order.

Cynthia L. Conlon

CYNTHIA L. CONLON
Notary Public State of New York
Qualified in Erie County
My Commission Expires June 30, 1990

JAMES R. WALSH • ATTORNEY AT LAW • BLASDELL, NEW YORK 14219

Proposed Warranty Deed from BRIERWOOD VILLAGE INC. to TOWN OF HAMBURG, a municipal corporation whose offices are located at S 6100 South Park Avenue, Hamburg, New York, 14075.

ALL THAT TRACT OR PARCEL OF LAND located in Lot 34, Township 9, Range 8 of the Holland Land Company's survey and more particularly bounded and described as follows:

(Attach description)

being the green area and wetlands area shown on Map Cover No. as filed in the Erie County Clerk's office which are hereby given to the TOWN OF HAMBURG to provide public parklands and public areas for recreation, education, research and wildlife habitat.

Grantor hereby covenants for itself, its successors and assigns, that the TOWN OF HAMBURG through its Town Board shall have all the authority as given to it pursuant by Town Law, including authority to manage, improve and maintain and to make any and all improvements from time to time to the said green area and designated wetlands herein conveyed, without the request and/or approval of the inhabitants and/or owners of any improvements constructed upon the subdivision lots shown on this Map Cover.

JAMES R. WALSH • ATTORNEY AT LAW • BLASDELL, NEW YORK 14219