Legal Notice
Town of Hamburg
Planning Board
Work Session - 8-2-06

The Town of Hamburg Planning Board will conduct a Work Session on Wednesday, August 2nd, 2006 at 7:30 p.m. in the Conference Room at S-6122 South Park Ave. to discuss the following:

1. Revised drawing for First Niagara Bank - Lake Shore Road
2. Southwestern Senior Apt. - sketch (between Autumnview & Boces Building
3. McDonald's Restaurant - McKinley Pkwy. Tear down existing and rebuild
4. Recommendation on North Forest Office Park - Southwestern Blvd.
5. Parker Commons - Possible Preliminary Approval - Parker Road
6. Panara Bread - In other portion of Dollar Tree - McKinley Mall outparcel
7. Scoops Ice Cream - new build - Camp Rd. Near Nash
8. Carryover - Walmart - Brierwood
9. Gorcyka 2 lot Subdivision

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

Dated: 7-20-06

Town of Hamburg
Planning Board Work Session
August 2, 2006

The Town of Hamburg Planning Board met for a work session on Wednesday, August 2nd, 2006 in the Conference Room at S-6122 South Park Avenue. Those attending included: Chairman Gerard Koenig, David Phillips, Paul Eustace, Sasha Yerkovich, Steve McCabe, Karen Rogers. Others attending included: Drew Reilly, John Tarnish, Traffic Safety, Sarah desJardine, Don McKenna, Attorney, and Terry Dubey, Clerk Stenographer. Excused: Richard Taber

Revised Site Plan for First Niagara Bank - Lake Shore Road

Frank Brzezinski appeared on behalf of a revised site plan for First Niagara Bank to be located on the Lake Shore Road. At the last meeting that they attended, the issue was to have another method of access other than Orchard Avenue. Meetings have been held with Benderson Development to have an access thru their property. However, that is now not possible as Benderson would have to re-negotiate leases with their present tenants.

Two alternate access points have been presented. The first access point is thru Woodlawn Avenue. Another point is centered between Woodlawn and Riverton which is a negative. The big issue is the connection of Orchard Avenue. This will introduce more traffic to Orchard Avenue.

Chairman Koenig noted that the only thing wrong on Woodlawn Ave. is that it is too close and offset. If you move the entrance to the middle, it would be less attractive, but good for their business. Traffic Safety Board should look at this revised plan. A question was raised as to whether the bank really needs another connection?

Mr. Phillips stated that the applicant should take a look at Orchard Avenue on Tuesday nights as the street is loaded with bikes and cars. Also, the staff from Root Five parks at this site during the week and the only way to discourage this would be to gate it off at night. It appears that the middle cut is the best.

The bank will be open 9-4 daily, with the exception of Thursday and Friday when it will remain open till 7:00 p.m. On Saturday, the hours will be from 9-1. ATM will be available 24 hrs. a day.

Issue to be decided at the next regular meeting. (See correspondence from Robert Zerby.

Parker Commons - Parker Road

Messrs. Mike Borowiak and John Kalstek appeared before the Planning Board with their preliminary plat for Parker Commons. The Planning Board received a letter from the DEC advising that the site not be approved until all issues are resolved.

TOWN OF HAMBURG
ENGINEERING DEPARTMENT

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GERARD M. KAPSIAK, P.E.

Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 8/2/06

SUBJ: 8/2/06 PLANNING BOARD WORK SESSION AGENDA
First Niagara Bank (adjacent to 4923 Lake Shore Road)

The following are review comments on a site plan dated 7/14/06:

(1) The existing Wanakah Pharmacy building was subdivided from the main parcel. Therefore, subdivision approval is required for the project. A separate address will be assigned for the proposed bank.

(2) We have no objection to the proposed centered driveway to Orchard Avenue.

(3) Note that a New York State Department of Transportation (NYSDOT) permit is required for work within the Lake Shore Road highway right-of-way. We are unable to approve these plans prior to NYSDOT review and approval of work in their right-of-way.

(4) The building address will not be No. 4923. Remove the address from the drawings.

(5) We will review the site plan when it is prepared in accordance with the site plan review checklist.

(6) The site is located within the Route 5 Overlay District.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

July 18, 2006

Memo To: The Planning Board

From: Planning Department

Re: July 19th Planning Board agenda

The following outlines the status of the projects on the 7-19-06 agenda:

1. Hamburg Village Line 4 lot subdivision: The Planning Board will hold a Public Hearing tonight on the preliminary plat. Because this proposed subdivision is located in the South Central Hamburg Overlay District and it contains more than three proposed lots, it will be classified as a major subdivision, therefore the applicant will subsequently have to submit a final plan for approval by the Planning Board.

The site design conditions imposed on the proposed subdivision in this overlay district include increasing the bulk requdirements for frontage by 50%, thereby making the frontage (front line and building) requirement 135 ft. for this lots. However, the overlay district regulation also states that the Planning Board may waive this requirement if it feels that the intent of the district is not diminished.

Action: Possible preliminary approval and SEQR determination.

2. Parker Commons: The Planning Board will hold a Public Hearing tonight on the preliminary plat for this proposal. Since the Board's July work session, the applicant received comment letters from the DEC and the Town Engineering Department and has issued a response letter addressing the concerns raised.

Action: Possible preliminary approval.

3. Walmart and Benderson projects: The Planning Department has received no new submission since the Planning Board's July work session. The applicant is hoping for a SEQR determination based on the submitted environmental document prepaid by the applicant's engineer

Action: Possible SEQR determination

4. Southampton Condos - A sketch plan proposal for condos, on this property was seen by the Planning Board in January 2006. At that time, the Conservation Board expressed concerns regarding the existence of wetlands on the site, as well as the proximity of the eastern

most buildings to the railroad tracks. The Planning Board stressed the necessity of a wetlands delineation and raised concerns regarding a recreation area. At the Planning Board's July work session, the applicant has resubmitted two alternate layouts for the condo project for the Planning Board's consideration. The requirement of a wetlands delineation was again stated by the Board and the proximity of the buildings to the tracks was again discussed.

Action: sketch plan direction

To: Planning Board

From: Planning Department

RE: Revised sketch – First Niagara Bank

- The applicant has submitted a revised sketch plan showing two alternative layouts. One alternative proposes an exit onto Orchard Avenue located on the east side of the property. The other alternative proposes an exit onto Orchard Avenue that is located in the center of the property between the proposed bank and the existing pharmacy.
- Details of a proposed compass design to be located in front of the building, as well as the main entrance walkway, have been submitted. In addition, details of a proposed ground sign with lighthouse features are shown.
- A new landscape plan will be required that corresponds to the revised sketch plan.

July 27, 2006

TOWN OF HAMBURG PLANNING BOARD
6100 SOUTH PARK AVENUE
HAMBURG NY 14075

Dear Members:

I have attended all the Planning Board meetings for the last several months following closely the request of First Niagara Bank to build on the Lake Shore Road in Cloverbank. I find that I cannot attend the meeting on August 16th and wanted my concerns noted.

I live immediately behind the site planned for the bank and am extremely concerned about the egress from the property onto Orchard Avenue. It is my understanding that the plans show an exit opposite Woodlawn Avenue or an exit halfway between Woodlawn and Riverton.

I do not think either of these exits is feasible for the following reasons:

- The pedestrian traffic on Orchard Avenue. Throughout the year there are a lot of children and adults that walk on Orchard Avenue. (Children use the street walking to and from Cloverbank School.)
- Orchard Avenue is a residential street and we would prefer to have any additional commercial traffic exit onto Route 5.
- We already have a lot of traffic from Wilson Farms and HSBC Bank, cars as well as trucks, including semis are currently using Orchard Avenue.
- Currently in the evening when there are special events at Root 5 Restaurant, patron vehicles fill every available piece of land as well as the side streets in this area. I feel that they would usé not only the bank parking lot but would be driving through the lot and onto Orchard at all hours of the night or at least until closing. When folks leave a bar after socializing for several hours they are often extremely nosy and less than careful with their driving.

I appreciate the banks concern with folks having to make a left turn onto Route 5. However, many businesses in the area have the same concerns but their customers make left turns onto Route 5 or whatever other street they are on as there is often no other option. It is my understanding that when Route 5 is redone in the next several years a turn lane was being added which would alleviate some of the left turn concerns.

My wife and I are actually am looking forward to having First Niagara Bank as a neighbor, but would prefer their traffic not be on our residential street.

Sincerely,

Robert J. Zerby, Sr.

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 8/2/06

SUBJ: 8/2/06 PLANNING BOARD WORK SESSION AGENDA
Parker Commons Subdivision

The following are review comments on a preliminary plat plan dated 6/2/06 and last revised on 7/12/06:

(1) The site is tributary to Erie County Sewer District No. 3 (ECSD No.3). The district should be contacted to determine if there is sufficient available capacity in their system to service the site.

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

(3) We have received an acceptable survey and legal description for the subdivision.

(4) The typical lot detail is to include the location of the gas, electric, telephone, and other utilities, and proper documentation from the utility companies that the location is acceptable. Provisions for off-street parking are to also be shown.

(5) The landscaped berm detail should include proposed landscaping.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

Parker Commons (Cont.)

The following memo was received from Pan American Consultants on the subject of the Culture Resource Survey:

PCI BUFFALO · TUSCALOOSA · MEMPHIS · TAMPA

Panamerican Consultants, Inc. · 2390 Clinton St · Buffalo, NY 14227 · (716) 821-1650 · Fax (716) 821-1607

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

July 27, 2006

SUBJECT: Formal Commitment of complete a Phase 1AB Culture Resource Survey of a 10-acre site for the Parker Commons project at 4704 Parker Road in Hamburg, Erie County, New York

Dear: Mr. Reilly,

Per request of Mr. John Kalstek of the Parker Commons Development project I wish to inform the planning department that Panamerican Consultants, Inc. (Panamerican) has been contracted to conduct a Phase IAB archaeological survey for the above referenced project. Mr. Kalstek is requesting that a negative declaration be issued based on the formal commitment to complete the required cultural resource investigation at the Parker Commons site before any construction is conducted.

Panamerican will begin this project within one to two weeks and complete the final report within 60 days of completion of the field investigation. Upon completion, the report will be submitted to Dr. Nancy Herter, archaeological reviewer for the New York State Historic Preservation Office (NYSHPO) for her review. Upon acceptance of the report, a copy of the review letter will be sent to your office. A copy of the report can also be sent to your office upon request.

In the past Panamerican Consultants, Inc. has completed a Phase I and Phase II archaeological investigations on an adjacent site on Parker Road. The reports were submitted to the NYSHPO and approved by them. No significant resources were identified at the site during either investigation and the project was approved for construction.

If you have any questions or require any additional information, please do not hesitate to contact me or Dr. Frank J. Schleppati at your convenience. We appreciate this opportunity and look forward to working with you on this project.

Sincerely,

Michael A. Cinquino

Michael A. Cinquino, Ph.D., RPA
Senior Vice President

Parker Commons (Cont.)

Mr. Reilly stated he would speak with Pan American and begin preparation for a negative declaration.

North Forest Office Park - Southwestern Blvd. Between HCK and Maplewood Apts.

Mr. Mike Borowiak, of Nussbaumer & Clarke, appeared before the Planning Board on a proposed office park which is up for rezoning from R-3 Multi-family to C-l, Local Retail. There will be two out parcels in front that will resemble the style of the other buildings. A recommendation is needed for the Town Board. The complex will consist of one story buildings.

Item to be on next agenda.

Wal-Mart and Benderson Brierwood Project

Messrs. Tony Battista, Neil Madden, and Tod Markovich appeared before the Planning Board with some updated information on traffic for this project, as well as an Executive Summary.

The applicant is asking for a Public Hearing. A meeting was held with the New York State Department of Transportation and a traffic module has been prepared. Revisions include the concern of stacked traffic as a result of train back ups. Thresholds on traffic need to be considered.

Chairman Koenig stated that at the public hearing, residents should state their concerns all at once so that it does not become bogged down with the same concerns over and over.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to set a Public Hearing for August 23rd, at 7:00 p.m. in Town Hall.

Gorcyka Subdivision - Amsdell and Pleasant Avenue.

Mr. Gorcyka appeared before the Planning Board on an old subdivision that was approved in l986. It consisted of 5 lots out to Amsdell and 3 on Pleasant Avenue. There were 3 lots not approved because no sewer was available. To compound matters, Mr. Gorcyka sold a l-l/2 lot portion to another landowner. In l987, lot width in the R-A zone was l00' then changed to 200'. He would like to building a single family dwelling for his son.

Mr. Lardo considers this to be a 3 lot subdivision.

Mr. Reilly stated that he is not sure how to solve the problem.
The issue was turned over to Don McKenna for his review and to determine if there is a solution.

D. McKenna
852 - 8381

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Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 8/2/06

SUBJ : 8/2/06 PLANNING BOARD WORK SESSION AGENDA
Gorczyca 2 Lot Subdivision- Pleasant Ave.

The following are review comments on a survey not dated:

(1) We have not received a survey and legal description for this subdivision. It is actually a three lot subdivision, which includes the proposed building site, vacant parcel to the north of the building site, and existing home at 3205 Pleasant Avenue.

(2) The three lots are to be numbered on the survey.

(3) The parcels do not currently have access to public water. A public 8 inch water main extension is to be installed along the frontage on Pleasant Avenue for providing water service and fire protection in accordance with Town requirements.

(4) The parcels are not located within a sanitary sewer district. The closest existing sanitary sewer does not have sufficient depth to allow a gravity sewer main extension to service the parcels. We would consider allowing one connection to the public sewer system for the parcel immediately adjacent to the existing dead-end manhole. This connection would require an out-of-district agreement with the sewer district and installation of a privately maintained grinder pump system.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 8/2/06

SUBJ: 8/2/06 PLANNING BOARD WORK SESSION AGENDA
Southwestern Senior Apartments

The following are review comments on a site plan dated 7/17/06:

(1) Note that a New York State Department of Transportation (NYSDOT) permit is required for work within the Southwestern Blvd. highway right-of-way. We are unable to approve these plans prior to NYSDOT review and approval of work in their right-of-way.

(2) The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site. A public watermain extension along Southwestern Blvd. is necessary to service the site.

(3) The site is located in an existing sanitary sewer district. The developer will be required to obtain an easement from the Frontier Central School District to connect into the existing Town main north of the site.

(4) Both existing driveways to the Maplewood Apartments, on the south side of Southwestern Blvd., should be shown on the plan.

(5) We will review the site plan when it is prepared in accordance with the site plan review checklist requirements.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 8/2/06

SUBJ: 8/2/06 PLANNING BOARD WORK SESSION AGENDA
Southwestern Commons
North Forest Office Providers - Southwestern Blvd.
Proposed Rezoning R-3 to C-1

The following are review comments on the above-referenced Rezoning Application:

(1) We have received an acceptable survey and legal description for the project.

(2) The site is located within an existing water district. The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.

(3) The site is located in a sanitary sewer district. A downstream sewer capacity analysis is necessary to be performed in compliance with NYSDEC requirements.

(4) The parcel is located within the Southwestern Overlay District.

(5) Storm water detention will be required for the development.

(6) We have not received a site plan for the project to review.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

Big Tree Volunteer Firemen's Co., Inc.
4307 South Park Avenue
Blasdell, New York 14219-2837
Organized - 1936

Town of Hamburg Planning Department
Attn: Andrew C. Reilly
S-6100 South Park Ave.
Hamburg, N.Y. 14075

August 2, 2006

Dear Mr. Reilly,

On Monday July 31, 2006, a meeting was held with between myself and Michael Connors of Clover Construction, in regards to the proposed Southwestern Senior Apartments, which is to be located on Southwestern Blvd next to Autumn View Manor. The following items were discussed and I would like to forward our concerns/ comments to the Town of Hamburg Planning Department:

- The FDC location has yet to be determined
  - A 5 inch Storz connection is requested
  - Location of FDC should take into account where the closest hydrant is located and if laying 5 inch hose from the hydrant to the FDC will block other apparatus from getting into parking lot
- The location (if needed)of the "Hot Box" for the back flow preventer(s)
  - Hot box location may incorporate the FDC, provided that the access is kept open for units coming into the parking lot
- The possible installation of a hydrant in the parking lot in proximity to the FDC
- The installation of truss notification signs as mandated per NYS Building codes at exits
- Elevators- Elevator key(s) must be accessible to the Fire Department
  - Size of elevators- will fire department patient litter fit in elevator
- Knox Box- The installation of a Knox box is requested by the fire department
  - Keys for access to the building as well as the elevator(s) may be located here
- Electronic floor plans will be requested for our computerized pre planning
- Turning radius in the parking lot
  - This issue is being researched with our mutual aid fire companies to see if an Ariel device will be able to negotiate the turns

Because a complete set of plans have not yet been submitted, the concerns/ comments listed above may not be complete.

Thank You

Ron Klimowicz
1st Assistant Chief
Big Tree Volunteer Fire Company

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Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 8/2/06

SUBJ : 8/2/06 PLANNING BOARD WORK SESSION AGENDA
Wal-Mart & Benderson Projects
Brierwood Plaza - Southwestern Blvd.

(1) We have not received an acceptable legal description for the project. One description for the entire site is required.

(2) The following are review comments on the June 2006 Environmental Assessment for the project:
- The parties responsible for the implementation and maintenance of the recommended traffic improvements should be specified.
- Transit service is currently not provided to the site. If service is made available, will buses be allowed on the property and will the site accommodate bus traffic?
- Pedestrian facilities should be provided for access to the bank building.
- Stormwater runoff discharges to the Woodstream Estates Subdivision drainage system. The total site discharge flow for the Wal-Mart, Benderson development, and NYSDOT stormwater systems combined is to be designed so as to not exceed the capacity of the subdivision drainage system for the 100 year storm event. Include the offsite areas tributary to the parcel in the drainage study.
- The sanitary sewer video inspection report has not been submitted for our review.

(3) We will review the detailed site plan and 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

July 27, 2006

To: Planning Board

From: Planning Department

Re: Written Comments received by Planning Board regarding Wal-mart

To date, the Planning Board has received several letters from residents and organizations both for and against the proposed Wal-Mart. Following is a summary of opinions:

- Five residents and a group called "People for Walmart" have written in favor of the project for the following reasons:

1. They do not feel they have access to this kind of shopping in this section of Hamburg.
2. The jobs generated would be a "plus".
3. The existing plaza is an eyesore and a new shopping center would enhance the aesthetics of the area.

Three residents and a group called "Hamburg First" have written in opposition to the project for the following reasons:

1. Traffic concerns are worrisome.
2. They feel there is no need for a project like this one.
3. They do not trust Wal-mart's figures regarding traffic impacts.
4. They are worried about the possible negative impact this project would have on Neighboring residents' home values.
5. They are concerned about storm water runoff and crime possibly increasing
6. They would favor a new development on this property that is similar to "Snyder Square" and that would incorporate retail, business, entertainment and recreational Uses.

Southwestern Senior Apartments - Clover Construction - Southwestern Blvd.

Mr. Michael Jordan, developer, presented a drawing on his proposed 5.32 acre site consisting of a total of ll4 building units, next to the Frontier Education Building and Autumn View Manor. The proposal meets zoning and setback requirements. One of the issues is that this parcel has too much density on the number of units. This is also a 3 story complex. There is to be no pond in the front. Sewers will be required in the back as well as an agreement from the Frontier School. A water hydrant will also be required. It was mentioned that apartments will be sprinklered. Applicant was to check with the Zoning Board for an interpretation of the section of the code on parking and density requirements.

Two Scoops Ice Cream - Camp Rd. Near Nash

The proposal is for a 768 s.f. ice cream drive up to be located on Camp near Nash Road. There will be no interior seating and the parcel is zoned C-2. The proposal meets zoning and setbacks. Planning Board noted that only one drive cut will be allowed. A stockade fence was also suggested to buffer the next door residence from the business. The building will be wood sided with red and white stripes. A landscape plan will be required as well as an architectural rendering of the building.

McDonalds Restaurant - McKinley Parkway

The present McDonald's on McKinley Parkway, near Toys R Us, will be demolished and replaced with a "retro-style" look. The proposal meets all zoning requirements. There will be 2 drive thru lanes on the parcel. Board would like to see monument type signage

Panera Bread (Part of Dollar Tree) 3701 McKinley Parkway

Since this is a site plan located in the McKinley mall, a recommendation is to be made to the Town Board. Motion was made by Mr. Phillips, seconded by Mr. Koenig to forward a favorable recommendation for the bakery. Carried.

Master Plan Update Committee

Mr. Reilly reported that the first meeting of the Master Plan Committee was held this evening at 6:00 p.m. There will be several committee meetings, 2 public meetings, and the update may take from 6-8 months to complete. Two members of the Planning Board are on the Committee. They are Gerard Koenig and Steve McCabe. For the board's information.

Paul Eustace, Secretary
Planning Board

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Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 8/2/06

SUBJ : 8/2/06 PLANNING BOARD WORK SESSION AGENDA
Two Scoops Ice Cream - Camp Road

The following are review comments on a site plan dated 7/15/06:

(1) Remove the project street address shown on the drawing. The address will be assigned when a building permit is issued.

(2) A New York State Department of Transportation (NYSDOT) permit is required for work within the Camp Road right-of-way. We are unable to approve the site plan prior to NYSDOT approval.

(3) Include a sanitary sewer lateral profile drawing with invert elevations, and all required detail drawings. Submit the sanitary sewer drawings to the Erie County Dept. of Environment and Planning (ECDEP) for review. We are unable to approve the site plan prior to ECDEP approval of the sanitary sewer service.

(4) Submit the water service and RPZ back flow preventer to the Erie County Water Authority (ECWA). We are unable to approve the site plan prior to ECWA approval of these facilities.

(5) Specify that the garbage dumpster is to be placed on a concrete pad.

(6) All parking areas, including the overflow parking area, are to be paved. We have no objection to asphalt millings being used in the overflow parking area, with the Planning Board's approval.

(7) The site is located within the Camp Road Overlay District.

(8) The Board should consider alternate layouts with only one driveway.

(9) Upright curbing is to be provided along the site access and adjacent to all parking areas.

(10) Storm water detention is required for the development. Show the detention area on the drawings and include drainage calculations.

(11) Include the location, material, size, and slope for the roof downspout lines.

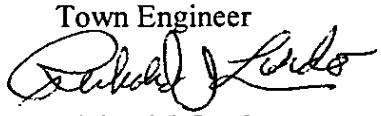
(12) Provide design elevations for the project.

(13) Site landscaping is to be approved by the Planning Board.

(14) Show the drawing titles on each individual drawing sheet.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer



Richard J. Lardo
Principal Engineer

TOWN OF HAMBURG
ENGINEERING DEPARTMENT

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

Supervisor
STEVEN J. WALTERS

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

Town Engineer
GERARD M. KAPSIAK, P.E.

Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 8/2/06

SUBJ: PLANNING BOARD WORK SESSION AGENDA
McDonald's Restaurant - 3450 McKinley Pkwy.

The following are review comments on a site plan dated 7/17/06:

(1) The Planning Board previously (on 7/26/74) approved the existing McDonald's Restaurant at this site.

(2) The sanitary sewer lateral is to be shown on the drawing. Submit the sanitary sewer plan to the Erie County Department of Environment and Planning (ECDEP) for review. We are unable to approve the site plan prior to approval by the ECDEP.

(3) Show the water service on the drawings. Submit the water service plan and RPZ backflow preventer to the Erie County Water Authority (ECWA). We are unable to approve the site plan prior to approval by the ECWA.

(4) We will further review the site plan when it is prepared in accordance with the site plan review checklist requirements.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

D. Johnson

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ENGINEERING DEPARTMENT

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 8/2/06

SUBJ: 8/2/06 PLANNING BOARD WORK SESSION AGENDA
Panera Bread - McKinley Mall Ring Road

The following are review comments on a site plan dated 7/14/06:

(1) The Planning Board previously (9/6/88) approved the former Big Sur Waterbeds site plan at this location. The approved site plan requirements included parking bumpers along the south side of the parking lot, which are not currently in place. The bumpers or curbing should be installed.

(2) The proposed new parking space at the northern entrance is in a poor location for traffic safety, and should not be installed.

(3) Include the proposed water service size. The water service should be connected to the existing waterline instead of the sanitary sewer as shown.

(4) The sanitary sewer plan is to be submitted to the Erie County Dept. of Environment and Planning (ECDEP) for review. We are unable to approve the site plan prior to approval by ECDEP. Additional invert elevations should be shown on the sewer service profile, including at the connection to the existing lateral.

(5) Provide a concrete pad for the proposed garbage dumpster.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

TOWN OF HAMBURG

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

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Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

August 3, 2006

To: The Town Board

Subject: Panera Bread (portion of Dollar Tree) 3701 McKinley Parkway

At the work session held on August 2, 2006, the Planning Board is sending a favorable recommendation for Panera Bread, which is to be located in a portion of the Dollar Tree at 3701 McKinley Parkway, contingent upon Engineering approval.

G. Koenig

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

Attachment .

TOWN OF HAMBURG
ENGINEERING DEPARTMENT

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 8/2/06

SUBJ: 8/2/06 PLANNING BOARD WORK SESSION AGENDA
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(5) Provide a concrete pad for the proposed garbage dumpster.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

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

Denise M. Sheehan
Commissioner

July 27, 2006

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

Dear Mr. Reilly:

PROPOSED MISSION HILLS
CAMP ROAD
TOWN OF HAMBURG - ERIE COUNTY

In response to your June 16, 2006 letter, this office has reviewed the proposed project and has identified the following environmental concerns in connection with this project:

1. Since project activities will involve land disturbance of over 1 acre, the project sponsor is required to obtain a State Pollutant Discharge Elimination System General Permit (GP-02-01) for Stormwater Discharge from Construction Activities. A Notice of Intent (NOI) is required to be sent to NYSDEC, Bureau of Water Permits, 625 Broadway, Albany, New York 12233-3505, telephone: 518/402-8111 and approved before construction commences. The General Permit GP-02-01 and NOI form are available on the Department's website at www.dec.state.ny.us.

2. Approximately 9.48 percent of the site (approximately 9.7 acres) is located on hydric soils. The project sponsor should contact the United States Department of the Army, Corps of Engineers' (COE) Buffalo District Office, telephone: 716/879-4330, concerning COE regulatory jurisdiction to ensure that the project will not involve federally regulated wetlands or any other approval from that agency. If Federal Wetlands are involved, the COE may require Water Quality Certification from DEC.

   Since the identified wetland acreage is close to 12.4 acres, we strongly suggest that the project sponsor request the Department to perform a wetland delineation inspection. Ms. Connie Adams in our Division of Fish and Wildlife should be contacted.

3. If the proposed project causes the bed or banks (within 50 feet of the stream) of Waterfalls Village Creek to be physically disturbed, (i.e. land clearing, filling, drainage pipe/ditch installation, etc.), a Protection of Waters Permit (Water Quality Certification), Article 15, Title 5 of the Environmental Conservation Law, will be required from this Department.

4. Proof is needed that the project plans comply with the National Flood Insurance Program (NFIP) regulatory standards. Acceptable proof may consist of either (1) project plans certified by a NYS licensed engineer with the engineer's seal and a statement that the plans comply with the NFIP and Town of Hamburg floodplain regulatory standards, (2) a conceptual plan approval stating that the project design/plans comply with said regulatory standards, or (3) a Flood Plain Development Permit issued by the Town of Hamburg for the proposal consisting of a driveway and bridge across Waterfalls Village Creek and construction nearby the 100 year floodplain and floodway as shown on Federal Emergency Management Agency's Map No. 360244 0005D (enclosed).

5. The concern of the proximity of the project to the railroad tracks is addressed on the conceptual plans by a 100 foot minimum buffer common area. While perhaps unlikely to happen, there is always the possibility that a train accident could occur and that would affect Town resident homes if the subdivision is developed. The SEQR Lead Agency should review health and safety issues as well as visual and noise impacts in issuance of the Determination of Significance.

We cannot comment further on this project as no Full Environmental Assessment form was provided. Sewer, water and agricultural district would be examined when a request for SEQR Lead Agency is requested

Thank you for providing this office the opportunity to review the proposed project.

Respectfully,

Steven J. Doleski

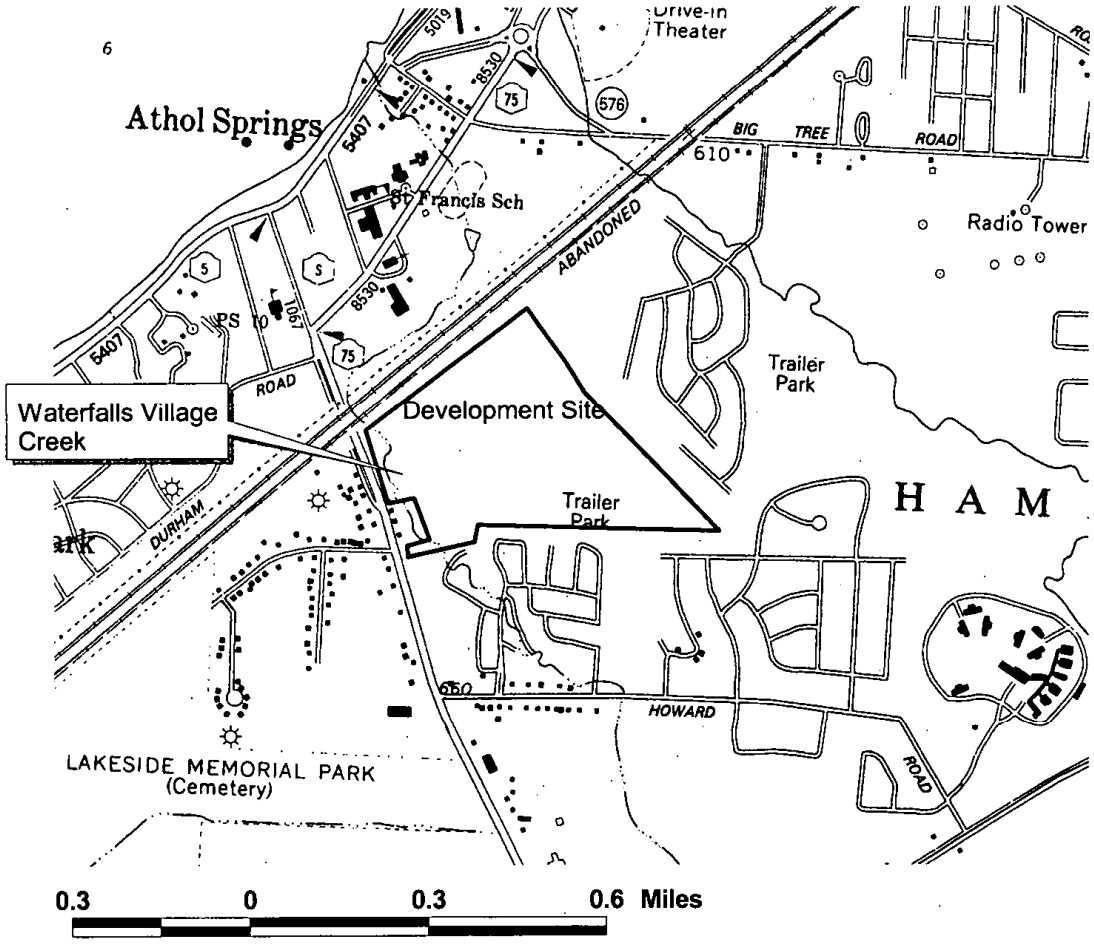
Steven J. Doleski
Regional Permit Administrator

PRD:jaf

Enclosure

cc: Ms. Diane Kozlowski, U.S. Department of the Army, Corps of Engineers, Buffalo Office
Town of Hamburg Building Inspector
Mr. William Tuyn, Greenman-Pedersen, Inc.

Mission Hills



- Major Road
- Significant Coastal Fish & Wildlife Habi
- Agricultural Districts
- Critical Environmental Areas
- Coastal Management Area Boundaries

NYS Regulatory Freshwater Wetland

- Class 1
- Class 2
- Class 3
- Class 4
- Uncoded
- Stream with Water Classification
- Inactive Hazardous Waste Sites
- Filtered Natural Heritage Program EO (

Oil and Gas Well Permit

- Dry Hole
- Gas Well
- Gas Well Plugged
- Other Well
- Other Well Plugged
- Oil Well
- Oil Well Plugged
- Gas Storage Well
- Gas Storage Well Plugged
- Solution Mining Well
- Solution Mining Well Plugged
- National/State Register Site

N W E S

Flood Zones

Mission Hills Site

New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
website: www.dec.state.ny.us
270 Michigan Avenue, Buffalo, NY 14203-2999

Denise M. Sheehan
Commissioner

Request for a Wetland Determination or Delineation

To request a wetland field inspection on a parcel of property, please complete this form and submit it with the items listed below to the appropriate regional DEC office.

NOTE: Because a delineation is based on observation of field indicators of plants, soils, and other ground features, wetland field work is often limited to when conditions allow (typically May 1 until November 1).

1. **Person requesting the services**:

   Name:_____

   Mailing Address:_____

   City/State/Zip: _____

   Daytime Telephone: _____

   e-mail address:

2. **Landowner (if different):**

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____

   Daytime Telephone: _____

Note: If the person requesting the delineation or determination is NOT the owner of the parcel of land, you must obtain and attach a letter with the landowner's *written permission* in order for an agency representative to inspect the property.

3. **Reason for requesting a field inspection at this time:**
   - ☐ purchasing or selling property
   - ☐ proposing a project to _____
   - ☐ other (explain): _____

4. **Property Location**:
   Street address of property:_____
   Wetland Identification Number (if known): e.g. GR-15 _____
   Section/block/lot number (from tax map) if known: _____
   Attach the following maps, if available:
   - ☐ a section of either a county road map or a USGS topographic map with the location of the property highlighted; *and*, if available
   - ☐ a tax map, plat, or survey map that shows all the property boundaries.

I hereby request that a Department representative inspect the property indicated to determine the presence or boundary of any wetlands present. If a delineation is performed, and the Department deems necessary for the purpose of any subsequent permit application, I agree to have the boundary surveyed and to send three (3) copies of the survey map to the Department for approval.

_____ _____
Signature of requestor/owner Date

For Agency Use Only:

Inquiry #	Wetland #	Wetland Class:	USGS Quad Name:	GIS File:
Forwarded to:			Date:	

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

Denise M. Sheehan
Commissioner

July 27, 2006

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

Dear Mr. Reilly:

PROPOSED STONE BRIDGE SUBDIVISION
MCKINLEY PARKWAY NORTH OF
NEWTON ROAD
TOWN OF HAMBURG - ERIE COUNTY

In response to your June 16, 2006 letter, this office has reviewed the proposed project and has identified the following environmental concerns in connection with this project:

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

   This General Permit requires the project sponsor (operator) and all contractors and subcontractors to control stormwater runoff according to the Stormwater Pollution Prevention Plan, which is to be developed prior to filing NOI and prior to commencement of the project.

2. Approximately 15.8 percent of the site (approximately 3.1acres) is located on hydric soils. The project sponsor should contact the United States Department of the Army, Corps of Engineers' (COE) Buffalo District Office, telephone: 716/879-4330, concerning COE regulatory jurisdiction to ensure that the project will not involve federally regulated wetlands or any other approval from that agency. If Federal Wetlands are involved, the COE may require Water Quality Certification from DEC.

3. The whole site appears to be within an archaeologically sensitive area, as shown on the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) website (www.oprhp.state.ny.us/nr/main.asp). As part of the SEQR process, the Town should evaluate this concern. If you have any questions regarding this, you may wish to contact OPRHP (telephone: 518/237-8643).

4. It appears that construction is planned to avoid major soil disturbance in the gas easement area on the property. However, residential setbacks from high pressure gas lines may be in Public Service Commission regulation guidelines. I suggest you contact a representative of the gas company to open a discussion about development of the property. In addition, the SEQR Lead Agency can also review that issue in the Determination of Significance and may, in fact, choose to establish setbacks.

We cannot comment further on this project as no Full Environmental Assessment Form was provided. Sewer, water and other issues would be examined when a request for SEQR Lead Agency is requested.

Thank you for providing this office the opportunity to review the proposed project.

Respectfully,

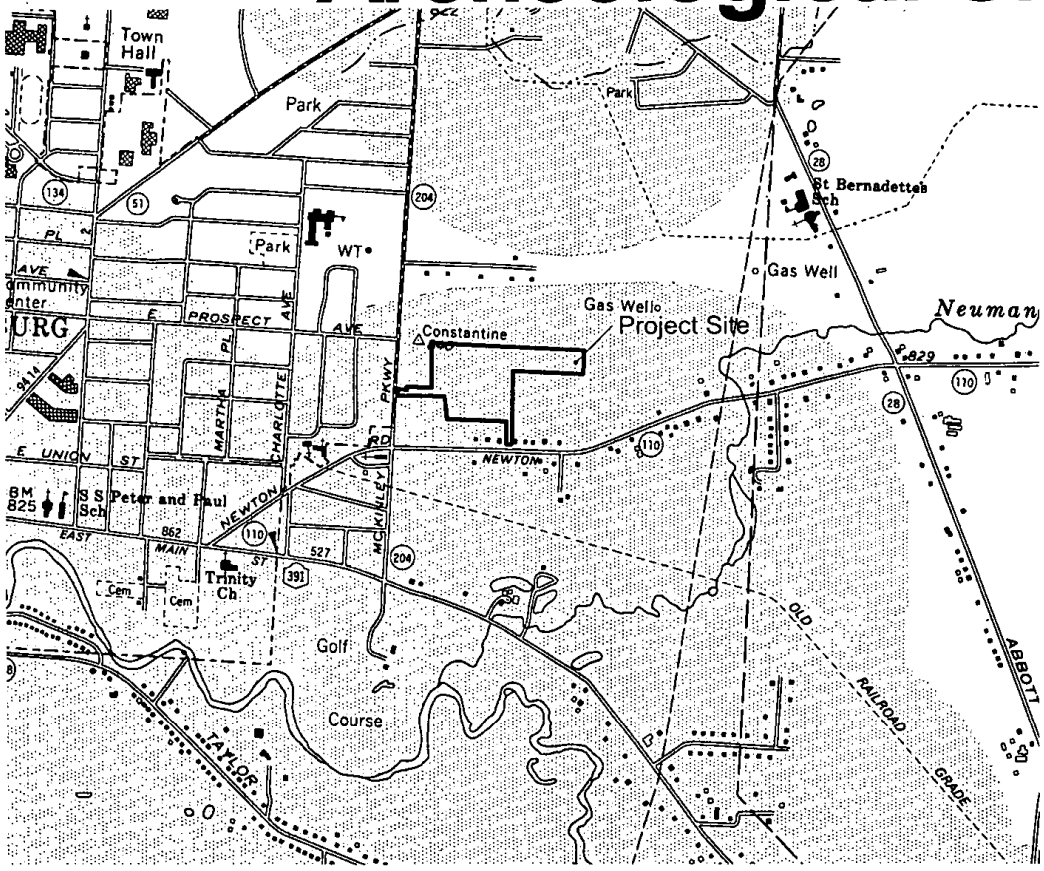
Steven J. Doleski

Steven J. Doleski
Regional Permit Administrator

PRD:jaf

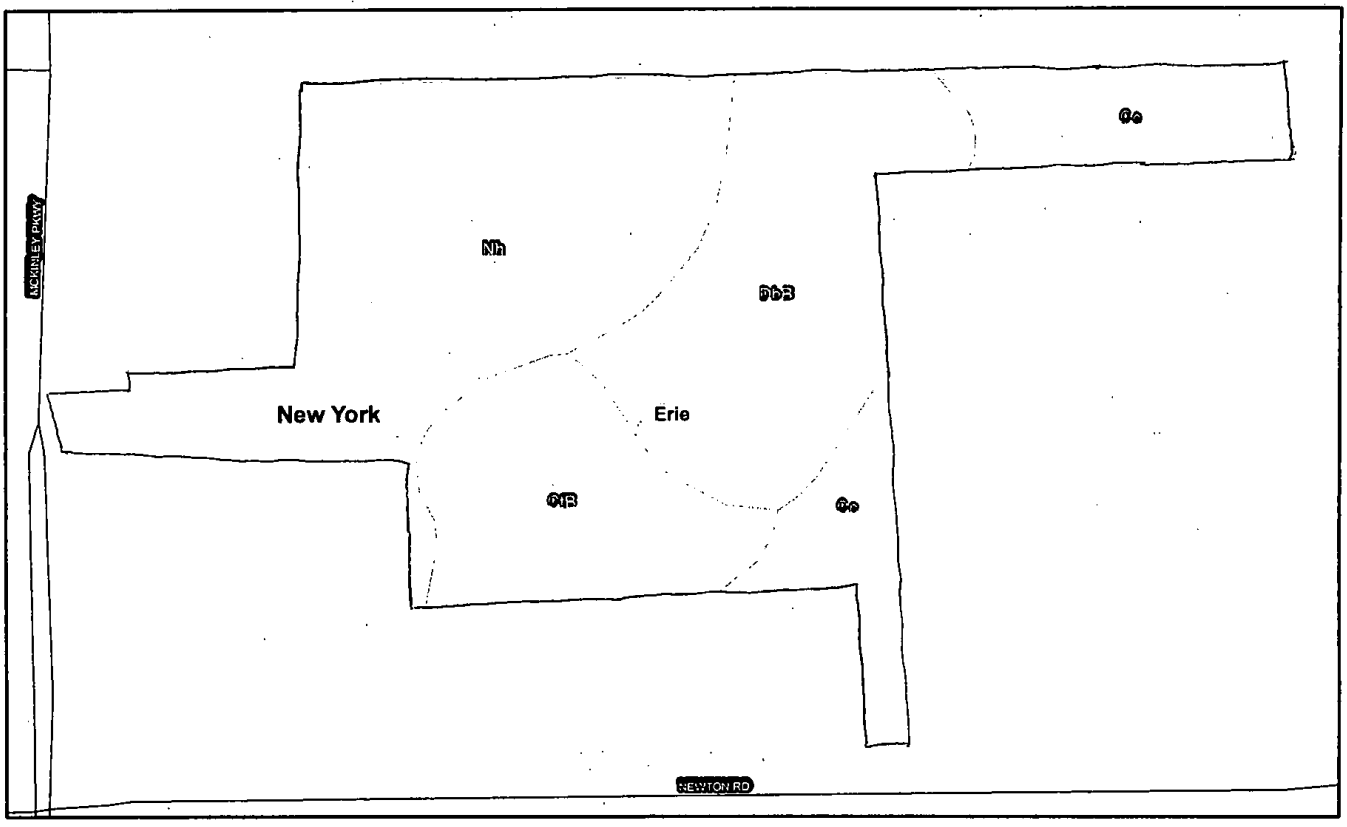
cc: Ms. Diane Kozlowski, U.S. Department of the Army, Corps of Engineers, Buffalo Office
Ms. Ruth Pierpont, OPRHP
Town of Hamburg Building Inspector
Mark D. Alianello, P.E.
Boston Home Builders

Stone Bridge Subdivision Archeological Sites



SOIL SURVEY OF ERIE COUNTY, NEW YORK

Stone Bridge Subdivision



Meters
0 25 50 100

Feet
0 50 100 200 300 400

Map Unit Legend Summary

Erie County, New York

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Cc	Canandaigua silt loam	3.1	15.8
CtB	Collamer silt loam, till substratum, 3 to 8 percent slo pes	3.2	16.4
DbB	Darien silt loam, 3 to 8 percent slopes	5.1	26.1
Nh	Niagara silt loam, till substratum	8.0	41.6

To: Planning Board

From: Planning Department

RE: Two Scoops Ice Cream

Requirements of the Camp Road Overlay District (Economic Development Area):

- The landscape plan must be prepared by a Registered Landscape Architect.
- It appears that a residence exists next door. The applicant is required to provide substantial buffering for that neighbor.
- 5% of the parking area must be landscaped.
- Architectural renderings must be presented to the Planning Board for its review.

July 19, 2006

To: Drew Reilly

From: Karen Rogers

Re: Environmental Assessment
Wal-Mart
Book 1
References used in Assessment

Pg.33 FHWA Highway Traffic Noise Prediction Model-Federal Highway Administration, Washington ,D.C. December 1978

Pg.34 Industrial Noise Control, L.H. Bell and D. H. Bell Marcel Dekker, New York 1994

Pg.36 Noise Assessment Guidelines HUD –PDR 735 (1) US Department of Housing and Urban Development Office of Policy Development and Research, Washington, D.C. Marcel 1984

July 27, 2006

To: Planning Board

From: Planning Department

Re: Written Comments received by Planning Board regarding Wal-mart

To date, the Planning Board has received several letters from residents and organizations both for and against the proposed Wal-Mart. Following is a summary of opinions:

- Five residents and a group called "People for Walmart" have written in favor of the project for the following reasons:

1. They do not feel they have access to this kind of shopping in this section of Hamburg.
2. The jobs generated would be a "plus".
3. The existing plaza is an eyesore and a new shopping center would enhance the aesthetics of the area.

Three residents and a group called "Hamburg First" have written in opposition to the project for the following reasons:

1. Traffic concerns are worrisome.
2. They feel there is no need for a project like this one.
3. They do not trust Wal-mart's figures regarding traffic impacts.
4. They are worried about the possible negative impact this project would have on Neighboring residents' home values.
5. They are concerned about storm water runoff and crime possibly increasing
6. They would favor a new development on this property that is similar to "Snyder Square" and that would incorporate retail, business, entertainment and recreational Uses.

Hamburg Town Planning Board
Sent via facsimile
(716) 648-0151
attn: Mr. Gerard Koenig
S6100 South Park Ave.
Hamburg, New York 14075

To members of the Planning Board:

I attended the Hamburg Town Planning Board meeting on Tuesday, July 19, 2006, out of concern for the proposed Wal-Mart Super-center plan for Route 20 and Rogers Road in the Town of Hamburg. I thought I would offer the following observations concerning this proposal.

The Route 20 and Rogers Road area was originally zoned for 100,000 of commercial space in the early 1960's. Having lived in the Mount Vernon/Cloverbank area during that period, I recall the construction of the original plaza that still occupies the site in question. I recall the neighborhood as being almost strictly rural/residential in nature back then, and this composition served the area well. From my viewpoint, it was the essential character of the area that attracted additional families to settle there, build homes and raise families.

The "essential nature" of this neighborhood is now being threatened by the proposed 205,000 square foot Wal-Mart Super-center site.

Since the early 1960's, during the original commercial zoning, there has been an additional 400+ homes added in the immediate areas, which surround that original 100,000 square foot commercial zone at the corner of Route 20 and Rogers Road.

These additional homes are comprised of the Ryan homes, which were built on the southwest side of Rogers Road and which also border Cloverbank Road; The development at the Briarwood properties and the old Bethlehem Quarry, which borders on both Cloverbank and Amsdell Road; the new homes built just off Able Road between Pleasant and Route 20; and now the 86 new Marrano homes which will be built on the northeast side of Rogers.

The point is this, the neighborhood in the immediate area surrounding the proposed Wal-Mart site is essentially residential, it is not commercial. This area has grown increasingly residential over the years and to plant a "Super-center" smack dab in the middle of it would be a very poor decision. Especially where the commercial variance must be *radically* changed from 100, 000 square feet, to over 200,000 square feet.

Where is the common sense here! Where is the vision! Is this the best that you as Planning Board members can come up with. This Wal-Mart proposal is really about a lack of vision and a failure to incorporate some sort of master plan for the area. It stinks.

Benderson Development has owned this property for over 10 years and has done nothing to improve and/or market the site for some reasonable purpose. Now they want to cash in for the

big bucks, regardless of who gets hurt. In essence, should you approve this Wal-Mart project, Benderson will reap an enormous profit through their own malfeasance. This is morally wrong. This profit will be made off the backs of all those people who invested time and money to create a viable neighborhood. Their greed will ruin the neighborhood. Is the vision that the Planning Board has for Hamburg and the Rogers -Route 20 Corridor?

Were it just a matter of Benderson's greedy profit motive, I could care less. But it's not just Benderson and their Wal-Mart dream. It's a matter that involves all of us who live here. The homeowners on Rogers, Amsdell, Cloverbank, Able, and Pleasant, will pay a price and see absolutely no benefit from this project.

Respectable, independent studies have shown that these "big box" retail stores can expect to receive over **9000** vehicle trips per day, or over 70,000 per week, by themselves. These numbers present vehicle trips to the "big box" store only and do not include vehicle trips to any ancillary commercial developments that usually accompany Wal-Mart sites. What we will have is a Wal-Mart super center with cheap fast food restaurants and dollar stores and even more traffic, all plopped down in the middle of a residential neighborhood. How could any of you be so short sighted as to even let this scheme be considered? It's lunacy at it's best.

Think about the air quality this much vehicular traffic will have on children and others, living in the immediate areas of those access roads.

Can you imagine the traffic situation that will present itself on all of the above two lane access roads leading to Wal-Mart? Can you imagine what that will do to the neighborhood?

Think about the holiday season, when vehicular traffic heading to the "big box" Mecca reaches 11,000-13,000 cars a day and more on weekends.

Children ride their bikes on these roads. Families walk and jog on these roads. There are schools on Amsdell and Cloverbank Roads. I constantly see children and families walking and riding bikes through those neighborhoods.

Ask yourselves please, what kind of existence are you dictating for those families and homeowners, if you allow this project to go through. Would you want this monstrosity in your neighborhoods?

I have yet to even mentioned the additional problems that will arise with the heavy truck traffic, as deliveries are made to Wal-Mart, 24 hours a day, 7 days a week..

I have yet to mention the disruption that will occur in the lives of homeowners, as they are denied their right to quiet enjoyment of their neighborhoods, 24 hours a day, 7 days a week.

I have yet to mention the destruction of the simple pleasure of the night sky, because Wal-Mart will be lit up 24 hours a day, 7 days a week.

I have yet to mention the possible environmental implications that this project may have on Berricks creek, which flows directly into Lake Erie.

I was not shocked that the Benderson/Wal-Mart EIS papers determined that this development would have no impact on the surrounding neighborhoods. After all, whose kidding whom here.

What I was shocked to hear was that three of the planning board members (Phillips,

McCabe and Koenig) actually said that they were leaning toward giving the project a negative declaration. I would ask all three of you to really think this out. Whose interests do you serve?

Please force Benderson/Wal-Mart to pay for an independent State Environmental Quality Review and force them to conduct an independent peer review of the traffic situation. You owe thePleasent- Amsdell-Rogers-Able-Cloverbank homeowners at least this much. Please don't make an irreversible mistake here. Lets do it right. Keep Hamburg family friendly! This is the wrong project for that area!

Michael V. Booth, Esq.
3043 Old Lakeview Road
Hamburg, New York 14075
852-1888 (office)
852-3588 (fax)
648-5998 (home)