

**Town of Hamburg  
Planning Board Work Session  
August 3, 2005**

The Town of Hamburg Planning Board met for a Work Session in the Conference Room located at S-6122 South Park Avenue. Those attending included: Chairman Gerard Koenig, Vice-Chairman David Phillips, Secretary Paul Eustace, Bob Reynolds, Karen Rogers, Steve McCabe. Others attending included: Don McKenna, Atty., Michael Fruth, Atty., Drew Reilly, and Terry Dubey, Stenographer.

Excused: Sasha Yerkovich

**South Park Garage - Applicant did not appear.**

**ABASCO Addition & Subdivision - Southwestern Blvd.**

Applicants appeared, as well as residents, on the proposed ABASCO addition on Southwestern Blvd. Applicants stated that the drawing has been revised, and they have moved the addition. The topography has been completed and parking has been added.

Mr. Reilly stated that the driveway is located on someone else's residential property and must be corrected. If there is an egress and ingress easement, it is to be presented. Also, the sub-lot numbers are incorrect. They are to be corrected.

Engineering comments are as follows: On the Minor Subdivision, a corrected legal description and survey are necessary before the addition can be approved. The subdivision is to reflect that Victor Liberatore illegally broke off a piece for someone else's use. A legal description is required for the entire property. Applicant is to work with the Town Engineer on this issue. Proposed sublots are to be correctly numbered. In 2004, Mr. Liberatore transferred a 201' x 243 parcel to F&M Saeli, LLC without obtaining the necessary approval.

Since there is a hydrant 400' between buildings, it must be shown on the plan. There is a concern to preserve some trees. Clearing limits are to be shown on the drawing. There is a 50' setback requirement. The Engineer needs to know how much clearing will be undertaken. There is a 7' swale indicated, which will take up to 35-40 feet of area. To reduce this amount, the swale should be piped. Landscaping is required based on the Southwestern Overlay. An agreement on parking should be obtained from Vic Liberatore. A variance may be required from the Zoning Board.

Residents of Country Woods have some concerns.

1. In answer to their first question, the existing building is 50,000 s.f., and the proposed addition is 13,400 s.f.
2. On the issue of the drainage swale, -the board would like to see it piped.
3. As to combustible materials, MSDS sheets are to be provided and they have a letter from DEC stating that they are allowed to use it.

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

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Supt. of Highways  
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 8/3/05

SUBJ : 8/3/05 PLANNING BOARD WORK SESSION AGENDA  
ABASCO Subdivision and Expansion -5225 Southwestern Blvd.

### Minor Subdivision

- The required survey or subdivision plan has not been submitted.
- The proposed sublots are to be numbered.
- The legal description is not acceptable.
- In 2004, Mr. Victor Liberatore transferred a 201' x 243' parcel to F&M Saeli, LLC without first obtaining the required Planning Board subdivision approval.

### Site Plan

The following are review comments on a site plan dated 6/20/05 and revised on 8/2/05:

- (1) It appears that the building may not meet the 400 feet hydrant requirement of the New York State Fire Code. Contact the Town Building Inspector for direction. Show the nearest fire hydrant on the site plan.
- (2) Provide clearing limits for the project. Label all non-pavement areas to be topsoiled and seeded.
- (3) The Planning Board is to review and approve the site landscaping. A landscaping plan needs to be submitted.
- (4) Provide a pavement detail and parking bumpers for all parking spaces.
- (5) Show the locations of all exterior lighting.
- (6) The proposed swale would be seven (7) feet deep and require removal of the existing vegetation. It is suggested that a storm sewer close to the building instead be installed between the existing storm sewer and the easterly property line.
- (7) The building water service is not located on the parcel. Is there a utility easement? The sanitary sewer serving both buildings is private. Is there a sewer use and maintenance agreement?

All comments are to be satisfactorily addressed for approval.

  
Gerard M. Kapsiak, P.E.  
Town Engineer

  
Richard J. Lardo  
Principal Engineer

Date: August 3, 2005

To: Town of Hamburg Planning Board

From: Residents of Creekview Drive

Re: Abasco, Inc. Expansion

Below is a list of initial questions and concerns we have regarding the expansion of the Abasco, Inc. which borders our properties.

1. What is the square footage of the new building? Initially, it was 11,000 s.f., now we understand it is over 13,000 s.f. And, what is the square footage of the existing building.
2. A natural drainage swale runs along our properties and the Abasco/Liberatore property that eventually empties into a creek that flows under Rte.20 and into the golf course, what is going to happen to this swale?
3. What type and volume of combustible materials are used and/or going to be used, how are they stored, and where are they stored in the buildings?
4. Does the new building proposal have a sprinkler system, or will fire hydrants be moved to code?
5. The residents have a 50 foot buffer zone which is inside of our property lines. Will Abasco have a minimum buffer zone, and what will it consist of?
6. The current building for Abasco has 8 receiving garage doors on the southwest side of the building which is very close to several of the residents whom voiced concerns at the meeting of 7/20/05 regarding the noise of trucks and loud sounds in general as early as 5:00 am. Are these doors/receiving location going to be moved with the expansion, or remain as is with increased deliveries?

We are also including a copy of a letter from the DEC to Abasco, Inc., dated June 2004 in which a violation of air control, air pollution, fumes, odors was addressed. The DEC instructed Abasco, Inc. to correct the violation. Due to this letter, if possible, we would like the minutes of the 7/20/05 Planning Board Minutes revised/amended. In the minutes it is stated that "In order to be a good neighbor, they have spent \$10,000 for a new spray booth." Again, this is not true, it was ordered by the DEC, not because they were being good neighbors.

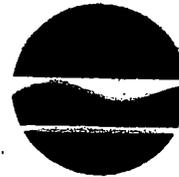
We thank you for your time in reviewing our questions and concerns and look forward to answers at the meeting of August 17, 2005.

**New York State Department of Environmental Conservation  
Division of Air Resources, Region 9**

270 Michigan Avenue, Buffalo, New York, 14203-2999

Phone: (716) 851-7130 • FAX: (716) 851-7134

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Erin M. Crotty  
Commissioner

June 30, 2004

Abasco, Inc.  
Frank A. Saeli  
5225 Southwestern Blvd.  
P.O. Box 247  
Hamburg, N.Y. 14075

Dear Mr. Saeli:

**Paint Booth**

I am writing to confirm our conversation on June 17, 2004 concerning the operation of the paint booth at 5225 Southwestern Blvd. for coating of fabricated metal. My visit was prompted by complaints of paint odors in the surrounding community.

New York State Code of Rules and Regulations (NYCRR) Part 201 requires facilities performing surface coating and related operations in excess of 25 gallons per month of coating materials (paints) and cleaning solvents to maintain a permit with this office. Abasco does not have a permit. To confirm applicability I am requesting that records of paint and solvent usage for the last 12 months be submitted to this office by July 16, 2004.

Regardless of the status for a permit, it is a violation of 6 NYCRR Part 211.2 to create air pollution that is injurious to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyment of life or property. The odor issue must be addressed. The booth is located in a very large and tall building on the back side, nearest to the community. The stack exits half way up the back wall. Good engineering practice design for stack height is 2.5 times the height of the building in order to escape the effects of building down wash. This office requires you to address this issue and at a minimum you must raise the stack height to at least 20 feet above the peak of the roof. Volatile Organic Compound emissions can also be controlled with filters impregnated with carbon. Size of building, stack parameters, quantity and type of paint used are factors in determining appropriate stack height and control. It is your responsibility to engineer an effective solution with approval from this office.

You are required to install an appropriately designed stack of at least 20 feet above the peak of the roof by August 15, 2004.

If you have any questions or wish to discuss these issues please call me at 851-7130.

Sincerely,



Al Carlacci  
Environmental Engineer II

cc: Mr. Larry Sitzman, P.E., Regional Air Pollution Control Engineer  
Hamburg Building Inspector

ABASCO (Cont.)

4. The building will not be sprinklered, but there is a fire hydrant.

5. As for a buffer, clearing limits will be specified. This should be noted on the drawing as an enforceable disturbance limit. Neighbors complain about noise and trucks at 5:00 a.m. Will the receiving doors be moved? Mr. Saeli noted that five of the doors have been sealed off. Two are for truck traffic and one is for garbage disposal. There will be two new doors on the addition. A dumpster is inside the building and garbage is usually picked up on Wednesday.

6, as far as the violation from DEC is concerned, the spray booth has been re-ducted.

Mr. Saeli stated that they have been in business in Hamburg for 45 years. They participate in OSHA inspection once a year on a volunteer basis. Stacks come out of the center of the building for proper air flow.

Item is to be on the August 17th meeting agenda.

#### **Proposed sketch plan for a Day Care Center to be located on Quinby Drive**

Andy Gow, of Nussbaumer & Clarke, and Dennis Debo appeared before the Planning Board on a sketch for a day care center to be located on vacant property in the complex.

Comments are as follow:

**Conservation Board** - Messrs. Carnevale, Nichols, Drabek, and Spittler met with Mr. Debo on July 27<sup>th</sup>. The site plan is acceptable to the Conservation Board if buffer zones are preserved as shown. The buffer zone on Quinby--will retain all the trees except for one or two at the driveways. New trees are to be planted in the low areas.

A special use permit and minor subdivision approval will be required. Seventeen spaces will be required on parking.

**Engineering Comments:** 1. The proposed site is located on a parcel being subdivided from a larger parcel. Minor subdivision approval will be required for the project. 2. The entire site is currently wooded and should be shown or noted on the plan. 3. We will review the site plan when it is prepared and submitted for review.

Item to be on in September.

#### **Clark Street Subdivision - Duane Draudt**

This is for a 2 lot subdivision and a single family residence for Duane Draudt. Meets all zoning requirements. An easement will be required for the driveway. Public hearing can be set for August 17th.

Part II - Environmental Assessment (to be completed by Agency)

A. Does action exceed any Type I threshold in a NYCRR. Part 617.47 - If yes, coordinate the review process and use the Full EAF. Yes:  No

B. Will action receive coordinated review as provided for unlisted actions in NYCRR, Part 617.52. If no, a Negative Declaration may be superseded by another involved agency.  
Yes:  No

C. Could action result in any adverse effects associated with the following: (answers may be handwritten, if legible). C-1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems. Explain briefly: *Possibly, but not significant. Drainage because of slope might require measures to be taken.*

C2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources or community or neighborhood character? Explain briefly. *Not likely, though archeological can be possible.*

C3 Vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: *No, except usual minor adverse effect on wildlife species and habitats.*

C4 A community's existing plans or goals are officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly. *No, none known.*

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly. *Not likely.*

C6 Long term, short term, cumulative, or other effects not identified in C-1, C5. Explain briefly. *Not likely, but remotely possible*

C7 Other impacts including changes in uses of either quantity or type of energy? Explain briefly. *No, except usual with this type of development*

D. Will the project have an impact on the environmental characteristics that caused the establishment of a CEA? Yes:  No

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts?

Yes:  No  If yes, explain briefly. *(According to developer)*  
*A few larger trees have been removed on building site.*

Part III - Determination of Significance: (to be completed by Agency)

Instructions: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each affect should be assessed in connection with its (a) setting (urban or rural), (b) probability of occurring (c) duration, (d) irreversibility, (e) geographic scope; and (f) magnitude. If necessary, add attachments or references supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D or Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on

the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which May occur. Then proceed directly to the Full EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action Will Not result in any significant adverse environmental impacts and provide on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency

-----  
Print or type name of responsible  
officer in Lead Agency.

-----  
Title of Responsible Officer

-----  
Signature or responsible officer  
in Lead Agency

-----  
Signature of Preparer (if different from  
Responsible officer)

Date: -----

8/1/05

Robert F. Andrie  
8/1/05

Clark Street Sub. Continued

Dr. Andrie of the Conservation Board has noted that there are no major concerns with the proposal. There will be a minor adverse affect on wildlife species and habitats.

**Engineering:** 1. The legal description is acceptable. 2. Public sanitary sewer service is available to the site. 3. Public water service is available to the site. 4. There are no public sidewalks in the area. We have no objection to waiving the sidewalk requirement. 5. We have no objection to waiving the map cover requirement.

**Ken Nigro Additional 18 garage units - 4678 Big Tree Rd.**

Request from Ken Nigro for additional garages on site plan that was approved in 2002. At the present time, there are 37 apartments, with 18 more garages proposed. Board members stated concern with that many garages on the property. No approvals will be given until all Engineering items have been addressed.

**Engineering Concerns:**

SUBJ: 8/3/05 PLANNING BOARD WORK SESSION AGENDA  
Proposed Garage Addition - 4678 Big Tree Road - NDC

The following are review comments on a site plan last revised 6/22/05:

- (1) The Planning Board on 8/27/03 approved the addition of an apartment building and garage units at this site. The site development permit is still open for the project and the developer has not yet requested a final inspection. All previously approved work should be completed prior to approval of the current site plan submittal.
- (2) Provide design elevations for the proposed garage, drainage, swale and driveway areas.
- (3) Provide asphalt pavement (not gravel) for the driveway.
- (4) Show proposed lighting locations.
- (5) Site landscaping is to be approved by the Planning Board.

All comments are to be satisfactorily addressed for approval.

August 3, 2005

Memo To: The Planning Board

From: Andrew C. Reilly, Planning Dept.

Re: August 3, 2005 work session

The following are the Planning Department's general comments on the Planning Board items for the 8-3-05 Work Session meeting.

**South Park Garage -**

-No new information has been received.

**Abasco Site Plan - Southwestern Blvd.**

-No new information has been received.

**NDC Apartments - Site Plan Modification**

-The applicant would like to amend his approved site plan to include an additional garage unit.

-There are 37 apartment units on the site, and one office. With this change there will be 40 garage spaces and 55 parking spaces. This seems a little excessive—these units are not being rented out to people not on the site?

**Clark Street 2 lot subdivision (Minor Subdivision)**

-The site is zoned R-1, and is not located in any zoning overlay district.

-The 2 lots appear to meet all zoning requirements, but the drawing should be amended to include the correct zoning requirements (do not have most recent code)

-Consideration (through a note on the drawing) should be given to preserving some of the trees on Lot #1. Location of the house will be crucial to this.

-This is a preliminary plat, which if acceptable, would require the setting of a public hearing for 8-17-05.

**Quinby Day Care (sketch plan - Site plan and SUP)**

-The site is zoned M-1, Industrial Park. This zoning district allows nursery schools and day care centers by Special Use Permit.

-As to the zoning bulk requirements, the lot size has to be one acre (looks close), have 100

feet of lot width, a front yard of 40', 25' minimum side yards, and 25 foot minimum rear yards. The project building does not meet the minimum 25' side yard for both sides.

For the SUP requirements, the applicant needs to provide a play area in accordance with the law. The law also requires a 30 foot buffer to any adjoining residential use. They also appear to meet the parking requirement (1 space per employee plus 3 for pick up.)

With direction from the Planning Board, the applicant will need to complete a full site plan and SUP application.

**Old Milestrip Road (condos) Subdivision - (change to approved plan, Minor Subdivision).**

-The Planning Board previously approved a site plan for a 6 unit condominium for this property. The applicant never did this project and now would like to amend the plan to a 2 lot subdivision (zero-lot line duplex).

**Old Milestrip Condos now changed to 2 lot subdivision - Old Milestrip Road**

The applicant has gone from 6 condo units to 2 lots showing zero lot line in an R-3 zone. The building is already built. Proposal meets code. Public Hearing is to be set up for next meeting.

**Engineering Comments:**

SUBJ: 8/3/05 PLANNING BOARD WORK SESSION AGENDA  
Minor Subdivision-Old Milestrip Road - Hoss Inc.

The following are review comments on a survey plan dated 10/8/04:

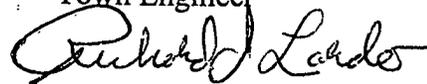
- (1) The Planning Board granted contingent approval on 2/18/04 for a six unit condo project at this site that was never approved by this office or constructed..
- (2) We have received an acceptable legal description for the project.
- (3) The building shown in the survey has been constructed without the required approvals from the Planning Board or our office.
- (4) The developer should be required to record deed restrictions which are typically required by the Planning Board for zero lot line units.
- (5) The survey should identify the building as a zero lot line dwelling (not a duplex).

All comments are to be satisfactorily addressed for approval.



Gerard M. Kapsiak

Town Engineer



Richard J. Lardo

Principal Engineer

**Legal Notice**  
**Town of Hamburg Planning Board**  
**2 lot Subdivision - Old Milestrip Condos**  
Brompton Parkway

The Town of Hamburg Planning Board will conduct a Public Hearing on a 2 lot subdivision known as Old Milestrip Condos located on Brompton Parkway on Aug. 17th at 7:30 p.m. in Room 7B of Hamburg Town Hall.

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 no. 40, T-10, R-7 of the Old Ogden or Old Buffalo Creek Reservation according to a survey and Map made by John Lamberton, surveyor, bounded and described as follows:

Beginning at a point on the south line of Lot 40, said point being the intersection of the west boundary line of land heretofore conveyed to Jerome Joseph and Genevieve V. Zasowski, by deed dated June 17th, 1946, and recorded in the Erie County Clerk's Office September 16th, 1946 in Liber 3979 of Deeds at page 271; said point of intersection also being at a point which is a distance of 425.85 feet measured easterly from the intersection of the west line of Lot 40 and the south line of Lot 40; thence running northerly along the said westerly boundary line of lands so conveyed to Zasowski, a distance of 330 feet to a point; thence westerly on a line parallel with the south boundary line of Lot 40, a distance of 120 feet to a point; thence southerly and parallel with the first mentioned boundary line which is also parallel with the said westerly line of Lot 40, a distance of 330 feet to the south boundary line of Lot 40; thence easterly along the south boundary line of Lot 40 a distance of 120 feet to the point or place of beginning.

Gerard Koenig, Chairman  
Paul Eustace, Secretary  
Planning Board

Dated: 8-3-05

**Legal Notice**  
**Clark Street 2 Lot Subdivision**  
**(Duane Draudt, Developer)**

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a 2 lot subdivision located on Clark Street for Duane Draudt on August 17, 05 at 7:45 p.m. in Room 7B of Hamburg Town Hall.

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 no. 44, T-9, R-7 of the Holland Land Company's Survey:

Beginning at a point in the center of Clark Street where it is intersected by the easterly line of land conveyed to Harry Kuster and Cecelia Kuster, his wife, by deed dated April 29, 1935 and recorded in the Erie County Clerk's office in Liber 2425 of deeds at page 1; thence northeasterly along the center line of Clark Street 168.74 feet to land now or formerly owned by Knab; thence southeasterly along the southwesterly line of land formerly owned by Knab which is also the northeasterly line of lands conveyed to Ferdinand H. Asbury and Mary R. Asbury by deed recorded in the Erie County Clerk's office in Liber 5741 of deeds at page 173, 300 feet; thence southwesterly 516.68 feet to the southeasterly corner of lands conveyed to Harry Kuster and Cecelia Kuster, his wife, by deed above mentioned; thence northerly along the easterly line of lands so conveyed to Harry Kuster 409.66 feet to the place of beginning.

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

Dated: 8-4-05