

**Town of Hamburg  
Planning Board Meeting  
August 16, 2006  
Actions Taken**

**Hiller 2 Lot Subdivision  
2100 North Creek Road**

**Preliminary approved.**

**First Niagara Bank  
Route 5**

**Public Hearing for Special Use Permit set for  
September 20<sup>th</sup>, 2006**

**Parker Commons Patio Homes  
Parker Road**

**Approved with conditions**

**Rezoning Petition of North Forest  
Properties from R-3 to C-1  
for offices**

**Favorable recommendation to Town Board**

**Southwestern Senior Apartments  
Southwestern Blvd.  
Clover Construction**

**Favorable recommendation to ZBA on parking  
Variance**

**Two Scoops Ice Cream Stand  
Camp Road near Nash**

**Approved contingent on Eng. & Planning**

**Panera Bread  
McKinley Mall**

**Favorable recommendation**

**McDonald's Restaurant  
Demolition & Reconstruction  
McKinley Parkway**

**Approved with conditions**

**Modification on Buffer for  
Burke Business Park -  
Southwestern Blvd.**

**Change buffer from 50' to 30' by Town Board**

**Legal Notice**  
**Town of Hamburg Planning Board**  
**Meeting - August 16, 2006**

The Town of Hamburg Planning Board will meet for a regular meeting on Wednesday, August 16, 2006 at 7:30 p.m. in Room 7B of Hamburg Town Hall to discuss the following:

1. Revised drawing for First Niagara Bank - Lake Shore Road
2. Parker Commons - Preliminary Approval - Parker Road
3. Recommendation to Town Board on Northwest Properties for offices located On Southwestern Blvd. Between Maplewood Apartments and HCK Furniture
4. Southwestern Senior Apartments - Southwestern Blvd.
5. Scoops Ice Cream - Camp Rd. Near Nash
6. Recommendation to Town Board for approval of Panera Bread to be located In the Dollar Tree at McKinley Mall - 3701 McKinley Pkwy.
7. McDonald's Restaurant - McKinley Parkway near Toys R Us for demolition And rebuilding of new facility

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

**Dated: August 3, 2006**

**Town of Hamburg  
Planning Board Meeting  
August 16, 2006**

The Town of Hamburg Planning Board met for a regular session on Wednesday, August 16, 2006 at 7:30 p.m. in Room 7B of Hamburg Town Hall. Those attending included: Chairman Gerard Koenig, Vice-Chairman David Phillips, Secretary Paul Eustace, Sasha Yerkovich, Karen Rogers, Steve McCabe, Richard Taber. Others included: Rick Lardo, Drew Reilly, Attorney Don McKenna, Attorney Michael Fruth, and Terry Dubey, Stenographer.

**Hiller Two Lot Subdivision Public Hearing, 2100 North Creek Road**

Secretary Eustace read the following Legal Notice of Public Hearing:

Chairman Koenig declared the hearing open: Mr. & Mrs. Conley, appearing on behalf of the two lot subdivision, were present to complete the application for their single family dwelling located at 2100 North Creek Road. Originally, this was a rezoning, from C-2 to N-C to allow a residential unit to be built. The rezoning was approved in 2003. A building permit was issued for the home, and it was discovered that the subdivision process was never completed. The unit is up. However, the Conley's cannot move into the house until they get a Certificate of Occupancy.

Chairman Koenig asked 3 times if anyone wished to be heard for or against the subdivision. No one spoke in opposition to the application and the hearing was declared closed.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the preliminary, waive the filing of a map cover as well as a sidewalk requirement. Carried.

**LEGAL NOTICE  
TOWN OF HAMBURG  
PLANNING BOARD  
MEETING - AUGUST 16, 2006**

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 2 lot subdivision known as Hiller Subdivision located on North Creek Road at 7:30 p.m. in Room 7B of Hamburg Town Hall, on August 16, 2006.

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 43, Township 9, Range 8 of the Holland Land Company's Survey and more particularly described as follows:

**BEGINNING** at the point of intersection of the center line of North Creek Road (formerly Lakeview Road) at its intersection with the east line of lands conveyed to Theodore E. Sawdey and Mary, his wife, by deed recorded in the Erie County Clerk's Office in liber 3767 of deeds at page 62, running thence northerly and along the east line of said Sawdey's lands, 584.79 feet to the southeasterly line of Southwestern Boulevard, said point also being the northeast corner of said Sawdey's land, running thence southwesterly along the southeasterly line of Southwestern Boulevard, 210.51 feet, more or less, to a point in the southeasterly line

northeast corner of lands appropriated by the State of New York for highway purposes, being Map Number 54, Parcel Number 58 as shown in Notice of Appropriation recorded in the Erie County Clerk's Office in liber 6370 of deeds at page 571, running thence southwesterly and along the southeasterly line of Map Number 54, Parcel Number 58 to a point, being the most northerly corner of lands conveyed to Robert W. Falcone and Johanna F. his wife, by deed recorded in the Erie County Clerk's Office in liber 7281 of deeds at page 59, running thence southeasterly and parallel to the center line of North Creek Road, 186.50 feet to a point, running thence southerly and parallel to the easterly line of lands conveyed to Theodore E. Sawdey and Mary, his wife, by deed aforesaid, 223.82 feet to the center line of North Creek Road, running thence southeasterly and along the center line of North Creek Road 109.10 feet to the point or place of beginning.

Gerard Koenig, Chairman  
Paul Eustace, Secretary  
Planning Board

Dated: 8-7-06  
8-10

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522  
mail: [engineering@townofhamburgny.com](mailto: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. KAPSIK, 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: 8/16/06

SUBJ: 8/16/06 PLANNING BOARD MEETING AGENDA  
Hiller Minor 2 Lot Subdivision - North Creek Road

The following are review comments on a survey dated 6/24/97:

- (1) The Town Board on 12/8/03 approved the rezoning of a portion of this parcel from C-2 to N-C.
- (2) The required subdivision approval of the parcel was not applied for at that time.
- (3) An error during the building permit procedure was made, and a permit was issued for the construction of a home at 2100 North Creek Road, which has recently been completed.
- (4) We have no objection to waiving the map cover requirement.
- (5) There are no public sidewalks in the area. Therefore, we have no objection to waiving the sidewalk requirement.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

**First Niagara Bank - Lake Shore Road**

Mike Giacharino, and Mary Scamacca appeared before the Planning Board on a proposed bank to be located on Route 5. He noted that he has observed the site and is familiar with the traffic flow and traffic volume in that area. He is concerned about making sure the site is safe and that people can get in and out conveniently. Revisions have been made to the site with a nautical theme outside and inside as well. They want driveway access behind the building. Two options have been presented; one on the side and one in the middle. There will not be a whole lot of traffic as bank hours are Monday thru Friday, 9-5, 9-6 on Friday evening, and Saturday morning. The ATM will be available to customers on a 24 hour basis. We are asking for site plan approval so that we can move forward.

Chairman Koenig noted that he would prefer to see the middle access used as there are about 4-5 homes on Orchard Ave. He also noted that the Traffic Safety Board would like to see the middle access used.

A letter was presented from J. Rutkowski Properties stated that they have no agreement with David Root of the restaurant across the street to use the parking lot after hours.

Mr. Phillips had two questions. On the drawing, there is shown Wanakah future additions. That is to be removed from the drawing, and that there is to be no future rezoning of the residential portion on the parcel.

Mr. Taber reiterated the concerns of Mr. Robert Zerby who has concerns about pedestrian traffic and children walking to and from Cloverbank school. This route is also used by the staff at the Frontier Administration building.

Mrs. Rogers asked if access could not be made exclusively on Route 5 as more congestion will be added to a residential street. Sasha Yerkovich noted that Orchard Avenue is meant to handle residential traffic and she has a problem with the access to Orchard Avenue. Mr. Paul Eustace stated concern of headlights being directed into the residential area.

Mr. Joseph Kilian of the taxpayers association noted that Orchard Avenue is a bicycle trail with cars on it. There is a group home nearby and the road is over-used with two side ditches. There are also a lot of runners and hikers on this route. He would like to see traffic sent out on Route 5.

Mr. Reilly stated that he has concerns of dumping all traffic on to Route 5. He raised a question if a sidewalk could be installed at both ends of the driveway. This is a matter to be taken up with the Highway Superintendent.

G. Koenig, Paul Eustace, Steve McCabe, and Karen Rogers agreed that sidewalks might help.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to set a Public Hearing for a Special Use Permit on September 20<sup>th</sup>, 2006 at 7:30 p.m. Carried.

# 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](mailto: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. KAPSIK, P.E.



Town Attorney  
VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

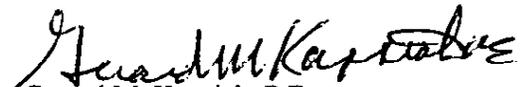
Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board  
FROM: Engineering Dept.  
DATE: 8/16/06  
SUBJ: 8/16/06 PLANNING BOARD MEETING AGENDA  
First Niagara Bank (adjacent to 4923 Lake Shore Road)

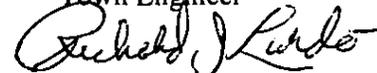
The following are review comments on a site plan dated 7/14/06:

- (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

J. Rutowski Properties, LLC  
4923 Lakeshore Road  
Hamburg, New York 14075

August 11, 2006

Hamburg Town Board  
Hamburg, New York 14075

To whom it may concern:

J. Rutowski Properties, LLC was recently informed of a concern that was expressed in connection with our request to place an exit from our property onto Orchard Street. The concern arises from the use of our parking lot, without permission, by patrons of the Route Five restaurant across the street from our property, and specifically that the use of our parking lot by such patrons will increase traffic onto Orchard Street.

As indicated, the use of our parking lot by Route Five patrons is without our permission and is, in fact, illegal. There is a sign on our lot indicating that it is for use only by patrons of Wanakah Pharmacy, Maxi's Pizzeria, and Miran Electronics. J. Rutowski Properties LLC has no agreement with David Root to permit his patrons parking on our property. Nevertheless, we try to be "good neighbors" and not cause problems for other people or businesses. That is why we have not towed Route Five patrons cars who have parked on our property illegally.

The decision on our request to add an exit onto Orchard Street should not be negatively affected by the unauthorized use of our parking lot by patrons of a business other than one which has permission to use the lot.

Thank you for your consideration.

Sincerely,

*John Rutowski*

John F. Rutowski

**PARKING RESTRICTED**

**EXCEPT FOR**

**MAXI'S PIZZERIA MIRAN ELECTRONICS**

**WANAKAH PHARMACY - ONLY**

**ALL OTHERS WILL BE SUMMONED**

**AND TOWED AWAY AT**

**OWNERS EXPENSE**

**UNDER PENALTY OF LAW**

**LOCAL LAW #12 SECTION 20A-2**

**POLICE ENFORCEMENT**

**Parker Commons - Parker Road**

Andy Gow, of Nussbaumer & Clarke, appeared before the Planning Board on a 38 lot cluster development to be located on Parker Road. The issue was tabled from the last meeting pending a determination on the archaeological information that was submitted. There is enough information to grant conditional approval based on Engineering concerns, landscaping on the berm, a cross section of what is to be located on the berm and the amount of conifers and shrubs.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the preliminary for the 38 lot subdivision, conditioned on Engineering approval, landscaping to be reviewed by the Planning Department, waive sidewalks as they were not requested, Carried. There will be a small credit towards the recreation fee to be determined by the Town Board against the \$1,000 fee. Carried.

Negative Declaration issued as follows:

Whereas, the Town of Hamburg Planning Board received an application for a cluster development of 38 lots from Parker Road Development to be located on the west side of Parker Road and,

Whereas, the Town of Hamburg Planning Board did conduct a coordinated review under SEQR and,

Whereas, the proposed cluster development will not adversely affect the natural resources of the State and/or the health, safety or welfare of the public and is consistent with social and economic consideration:

Now, Therefore, Be It Resolved, that the Hamburg Planning Board does determine that a Negative Declaration is hereby issued based on the following reasons:

1. The cluster development minimizes the disturbance of the property and preserves important and environmentally sensitive areas.
2. Site layout and drainage system design have mitigated any potential impacts to the surface water systems in the area.
3. The proposed cluster development fits into the character of this neighborhood and is in accordance with Hamburg's Comprehensive Plan.
4. Based on previous studies, the Planning Board believes that the parcel to be developed is not archeologically sensitive (the applicant is completing a Phase IAB archeological survey for the project parcel).
5. Adequate public water supply and sewage collection systems are available.

Be It Further Resolved, that the Planning Board Chairman be authorized to sign the EAF and that the Planning Department perform the appropriate notices and mailings.

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522  
mail: [engineering@townofhamburgny.com](mailto: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. KAPSIK, 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: 8/16/06

SUBJ: 8/16/06 PLANNING BOARD MEETING 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

**Rezoning Petition of North Forest Properties - Southwestern Blvd.**

A recommendation is required for this rezoning. At the last work session, the Board authorized Drew Reilly to draft a resolution recommending in favor of the proposal from R-3, to C-1, Local Retail. Sketches of the sides of the building were submitted.

Motion was made by Mr. Phillips, seconded by Mr. Yerkovich to issue a positive recommendation to the Town Board; and that there be no access on the two future out parcels. Carried. Lead Agency to be established by the Town Board. Resolution as follows:

Whereas, the Hamburg Town Board has referred to the Hamburg Planning Board a request from North Forest Office Providers to rezone 13 acres of land located on the south side of Southwestern Blvd. from R-3 to C-1 in order to construct a commercial office park consisting of six (6) one story brick buildings totaling 98,000 s.f., and

Whereas, the Planning Board has reviewed the merits of this request,

Now Therefore Be It Resolved, that the Planning Board does forward a positive recommendation on this rezoning request to the Hamburg Town Board with the following conditions:

1. The two future out parcels shall have no access onto Southwestern Blvd., but rather will be accessed from the roadway off of Southwestern Blvd., used to access the office buildings.
2. The office buildings will have a residential look to them, as proposed by the applicant and presented to the Planning Board.
3. The two future outparcels will have the same architectural look as the office buildings.
4. There will be no parking between Southwestern Blvd., and the two new buildings on the future outparcels per overlay—parking is encouraged at the side and rear of buildings.
5. There will be no detention facility located between Southwestern Boulevard and the two new buildings on the future outparcels, unless the Engineering Department deems it essential that it be located there.
6. Proper screening shall be installed in order to adequately buffer the apartment complex located to the west of this parcel (Maplewood Apartments)
7. For these rezoned C-1 lands, buildings of up to 18,000 s.ft. will be allowed per the site plan.

It is recommended that when the Town Board calls the public hearing on this project, that a Lead Agency and a Coordinated SEQR process is begun. If problems arise that have not been addressed by the Planning Board, during the public hearing or coordinated review, the application can be sent back to the Planning Board for additional review and comment.

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522  
mail: [engineering@townofhamburgny.com](mailto: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. KAPSIK, 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: 8/16/06

SUBJ: 8/16/06 PLANNING BOARD MEETING 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 6/9/06 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.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

**Southwestern Senior Apartments - Southwestern Blvd.**

Mr. Michael Jordan of Clover Construction appeared before the Planning Board on a proposed senior apartment complex to be located adjacent to Autumnview Manor and the Frontier Education Building on Southwestern Blvd. Issues are height of the structure, density, and parking requirements. This is an independent living complex whereby Senior adults prepare their own meals. There are no assisted living units. The facility is handicap accessible with elevators, a laundry room and a community recreation room. Some of the units have back patios as well as balconies on the second floor. There will be 114 units, 48 one bedroom, and 66 two bedroom. Rentals run from \$675 to \$800. Clover Construction has done Seneca Pointe on Orchard Park Rd. & one in Lackawanna.

A variance will be needed for parking. There will be 3 small ponds; one in front and two in the back. Mr. Jordan stated that they met with the Fire Department and will install another hydrant. The 3 story building will be sprinklered. On the height requirement, the Code review committee is changing the code. A resolution is being prepared for the September 11th meeting for approval in October. It was suggested that the driveway be moved over 125', and screening from parking is to be provided. More landscaping should also be added. The dumpster will be relocated near the first set of garages.

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to forward a favorable recommendation to the Zoning Board for a variance on the parking. Carried.

**Two Scoops Ice Cream Stand - Camp Road near Nash**

Mr. Tim Hens appeared before the Planning Board on a proposed ice cream stand to be located on Camp Road. The parcel is zoned C-2, General Commercial. The building will be 768 s.f., and will be a seasonal operation from April thru September from noon to 9:00 p.m. The driveway has been reduced to one. There will be a single entrance, 21 spaces for parking have been provided, with two handicap spaces. The structure is 24' x 32' with a red and white stripe awning. They will be leaving as much vegetation as possible and will provide a stockade fence next to the residence. The dumpster will be located on a concrete pad. A storm water facility will be provided as there is some flooding near Nash Road. There will be no floodlights. The willow trees on the property will be retained. There will be sidewalks. This is a type II action under SEQR.

Motion was made by Mr. Phillips, seconded by Mr. McCabe to approve the site plan contingent on Engineering approval, and subject to approval of the landscaping by the Planning Department. Carried.

**Panera Bread Recommendation**

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to forward a favorable recommendation to the Town Board on this site at the McKinley Mall contingent on Engineering. Carried.

Councilman Cavalcoli responded that the State Dept. Of Transportation decided to expand Southwestern Boulevard for safety concerns. However, this is a linking corridor, and a number of developers have come to the Town asking for rezonings for the last 23 years. We have been getting pressure for development to come in. An applicant has a right to come in and ask, and adjustments can be made to protect surrounding residents. This is due process and the Town Board voted 3-2 to send it to the Planning Board to look at the plan. This is being done according to law. This is not a done deal. At the present time we have established a Master Plan Committee consisting of 15 individuals from all aspects of the Town to determine what changes need to be made to the Master Plan to suit the residents.

Karen Aquiline of 3460 Heatherwood noted that four years ago, the land behind them was to be rezoned to commercial, and inquired as to the zoning next to this property.

Michael Torcello of 4775 Pinewood stated that he is in favor of the Lowe's locating on Southwestern Boulevard. He realizes that there will be future development on Southwestern. This is a good first step.

A resident of Oregon, a small street behind this property, noted that there is no buffer for them.

Richard Seyfried, of 4912 Oregon, stated that with the traffic, it will be impossible for them to get in and out of their street. We also have drainage and flooding in our back yards. This will affect our property values.

Mary Philbin, resident of 4002 Nottingham Terrace, noted that Lowe's will force Home Depot out of business, and we will have another vacant building. It was explained that Home Depot corners 35% of the market. They have more than their market share. Lowe's will use local businesses as sub-contractors which will help the local community. This is a 60 year old company and there have been no Lowe's closings. They have a good track record.

Mrs. Patricia Ahrens, of Amsdell Road, noted that we have so many vacant commercial areas now in the Town. Why can't Lowe's settle in one of these vacant buildings? Response given is that Lowe's spent 3 days looking for sites. They discarded other areas because of size. There was no site available that didn't have environmental issues.

In closing, Mr. Reilly stated that the Town Board will be the lead agency for this project. This proposal may warrant an environmental impact study.

Motion was made by Mr. McCabe, seconded by Mr. Taber to Table. Carried.

#### **B.W. Barbecue Addition - Lake Avenue**

Attorney Jay Pohlman, and Bruce Will, proprietor of B.W. Barbecue appeared before the Planning Board on a 55' x 80' building addition, 4,440 s.f., for food processing and catering for his business on Lake Avenue. This is an M2 zoning. Mr. Pohlman noted that prior corrections will be

# 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](mailto: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. KAPSIK, 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 : 8/16/06

SUBJ : 8/16/06 PLANNING BOARD MEETING AGENDA  
Two Scoops Ice Cream - Camp Road

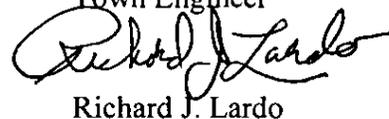
The following are review comments on a site plan dated 7/15/06:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) The site is located within the Camp Road Overlay District.
- (5) Site landscaping is to be approved by the Planning Board.
- (6) We will review the construction drawings when they are resubmitted.

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  
mail: [engineering@townofhamburgny.com](mailto: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. KAPSIK, 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: 8/16/06

SUBJ: 8/16/06 PLANNING BOARD MEETING 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

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522  
mail: [engineering@townofhamburgny.com](mailto: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. KAPSIK, 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: 8/16/06

SUBJ: 8/16/06 PLANNING BOARD MEETING 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

**McDonald's Restaurant - Demolition & Restoration - McKinley Parkway**

FRA Engineering appeared before the Planning Board on their proposed change of image design back to the 50's for a McDonalds to be located on McKinley Parkway near Toys R Us. The approval is contingent on Engineering for sewer and water. They will have a double drive thru at the facility for better traffic flow. The Traffic Safety Board has asked for a connection to BJ's plaza. A cross access agreement is in the works and the applicant will comply.

Mr. Reilly asked if the applicant would consider a monument sign as opposed to a pylon sign.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to issue a negative declaration, approve the reconstruction of a McDonalds; add a connection to the BJ's plaza, contingent on Engineering, and approval of a monument sign by the Planning Department. Carried.

**Change of condition for Burke's Business Park.**

Mr. Reilly explained that there is a condition relating to the 50' buffer that cannot be worked out by Engineering and Mr. Burke has asked for relief to a 30' buffer. This has been agreed upon by the Frontier Central School and Mr. Burke is looking for approval from the Town Board as an amendment to the Findings Statement. No action is required by the Planning Board.

Motion was made by Mr. Phillips, seconded by Mr. McCabe to approve minutes of the July 5<sup>th</sup> work session. Carried.

Motion was made by Mr. Phillips, seconded by Mrs. Rogers to approve the minutes of the meeting of July 19th. Carried.

Motion was made by Mr. Phillips, seconded by Mr. McCabe to adjourn the meeting. Carried.  
Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Paul Eustace, Secretary  
Planning Board

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522  
mail: [engineering@townofhamburgny.com](mailto: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. KAPSIK, 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: 8/16/06

SUBJ: 8/16/06 PLANNING BOARD MEETING 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.

Handwritten signature of Gerard M. Kapsiak in black ink.

Gerard M. Kapsiak, P.E.  
Town Engineer

Handwritten signature of Richard J. Lardo in black ink.

Richard J. Lardo  
Principal Engineer

August 15, 2006

Memo To: Planning Board

From: Planning Department

Re: 8-16-06 Agenda

The following outlines the status of the projects on the 8-16-06 agenda:

1. Hiller 2 lot subdivision: The Planning Board will hold a Public Hearing tonight on this request. In 2003, the property was rezoned from C-2 to N-C in order to allow the Hiller's to subdivide into two parcels (one parcel has their home on it, and they sold this to their granddaughter.) A subdivision approval was never requested by the applicant, although the granddaughter did receive a building permit to construct her home. Upon requesting a Certificate of Occupancy in early August, it was found that subdivision approval was never sought, thus the current request.

Action: possible preliminary approval.

2. First Niagara Bank: At its August work session, the Planning Board was shown two alternate sketches regarding the placement of the proposed exit on to Orchard Avenue. At tonight's meeting, the Planning Board should decide if an exit onto Orchard Avenue is warranted and if so, which alternative is preferred.

Action: Sketch plan approval/direction

3. Parker Commons: The Planning Board should issue a Negative Declaration tonight, based on discussion at the August work session.

Action: Negative Declaration and possible preliminary approval.

4. North Forest Office Park: This is a rezoning request that the Planning Board discussed at its 8-2-06 work session. At that time, the Planning Board requested that the Planning Department draft a recommendation to the Town Board on the rezoning request to include possible conditions of rezoning, which has been done.

Action: Planning Board recommendation to Town Board.

5. Southwestern Senior Apts: At the Planning Board's 8-2-06 work session, it was determined that the applicant should appear before the ZBA for an interpretation of the code regarding the density/height of buildings issue. As of 8-15-06, the applicant has not applied to

the ZBA for that interpretation.

Action: Sketch plan direction.

6. Two Scoops Ice Cream: The applicant has submitted revised drawings subsequent to the August Work session that eliminate a driveway and add 96 linear feet of a six-foot stockade fence along the property line shared with the residence.

A revised landscape plan was also submitted, which is not prepared by a registered landscape architect per the Camp Road Overlay District regulations. However, the Planning Department recommends that this requirement be waived by the Board.

Action: Possible site plan approval.

7. Panera Bread: At its 8-2-06 work session, the Planning board recommended approval of the site plan to the Town Board.

8. McDonalds: The Board discussed this proposal at its 8-2-06 work session. The board expressed a desire to see monument signage for the project.

Action: possible site plan approval

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522  
mail: [engineering@townofhamburgny.com](mailto: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. KAPSIK, 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: 8/16/06

SUBJ: 8/16/06 PLANNING BOARD MEETING AGENDA  
Hiller Minor 2 Lot Subdivision - North Creek Road

The following are review comments on a survey dated 6/24/97:

- (1) The Town Board on 12/8/03 approved the rezoning of a portion of this parcel from C-2 to N-C.
- (2) The required subdivision approval of the parcel was not applied for at that time.
- (3) An error during the building permit procedure was made, and a permit was issued for the construction of a home at 2100 North Creek Road, which has recently been completed.
- (4) We have no objection to waiving the map cover requirement.
- (5) There are no public sidewalks in the area. Therefore, we have no objection to waiving the sidewalk requirement.

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](mailto: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. KAPSIK, 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: 8/16/06  
SUBJ: 8/16/06 PLANNING BOARD MEETING AGENDA  
First Niagara Bank (adjacent to 4923 Lake Shore Road)

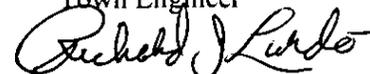
The following are review comments on a site plan dated 7/14/06:

- (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

#### 4. Site plan review:

- a. Southwest Senior Independent Living on Rt 20 > pending final site plan
- b. First Niagara Bank> Wanakah area, the board recommends the center driveway on Orchard Ave. be installed with proper signage. Also, the board emphasizes that proper handicap parking and signage be installed.
- c. McDonald's Rest. at 3450 McKinley Pkwy> no change from existing > EXCEPT a rear entrance is recommended into the BJ's Plaza. Also, the board emphasizes that proper handicap parking and signage be installed.
- d. Panera Breads> no adverse comments
- e. Two Scoops Ice Cream > Rt 75 near Howard Rd> it is recommended that only one driveway / curb cut onto Camp Rd. be used .Also, the board emphasizes that proper handicap parking and signage be installed.

#### 5. Other Business

- a. Mr Tarnish provided info from NYS-DOT on the new traffic signals on Rt 20. The south erie engineer in charge, indicates that the " emergency power switches" , that enable the use of generators during a power failure, will be installed on all new signals by the DOT, as soon as the project is completed and they take over control of the signals.
- b. On Parker Rd near Gerber> the one remaining W7-6 warning sign to be removed, the posting criteria does not now exist .
- c. Request by Mr Tarnish to have the Town Police monitor the Stop sign, on Amsdell at Pleasant Ave. and to station > when available , the speed enforcement vehicle on Amsdell between Rt 20 and Pleasant Ave.
- d. To be considered in the future> Further reduction of speed , to 35 MPH, from existing 45 MPH, on Pleasant Ave. This is between the existing 30 MPH to the area just west of Amsdell Rd. This would make all area roads, Amsdell Rd, Rogers Rd and Pleasant Ave. in this area , all consistent, at 35 MPH.

Curtis and Patricia Ahrens  
2780 Amsdell Road  
Hamburg, New York 14075

Town of Hamburg Planning Board  
South Park Avenue  
Hamburg, New York 14075

Dear trusted members of the planning board,  
Re: Wal Mart

You are entrusted with an enormous decision. This is a rather pivotal decision and time for our town. Where are we going in this town, state, country, world?

Does that seem a little dramatic? I really don't think so. Everything we do effects what happens to this world. Please move ahead carefully. Make sure that the environment concerns are all seen to. Are we sure that no harm will come to Lake Erie from chemicals and garden supplies or automotive business. What traffic will our roads need to handle without further mitigation, for which we have no extra funds? Will the additional taxes collected actually not be offset by additional services? I don't envy your responsibilities. They are awesome.

I could go on, but just a few things more. In the interest of global warming, could we prohibit stores being open 24 hours a day? Would it not be good to go back to a 6 day retail week. Think of the energy savings? We might even be able to keep our night sky.

Thank you for your time.

Very truly yours,

*Patricia A. Ahrens*  
*Curtis J. Ahrens*

Curtis J. Ahrens  
Patricia A. Ahrens

# TOWN OF HAMBURG

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



Supervisor  
STEVEN J. WALTERS

Town Attorney  
VINCENT J. SORRENTINO

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

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

## LEGAL NOTICE TOWN OF HAMBURG PLANNING BOARD

MEETING — AUGUST 16, 2006

The Town of Hamburg Planning Board will meet for a regular meeting on Wednesday, August 16, 2006 at 7:30 p.m. in Room 7B of Hamburg Town Hall to discuss the following:

1. Revised drawing for First Niagara Bank — Lake Shore Road
2. Parker Commons — Preliminary Approval — Parker Road
3. Recommendation to Town Board on Northwest Properties for offices located on Southwestern Blvd. between Maplewood Apartments and HCK Furniture
4. Southwestern Senior Apartments — Southwestern Blvd.
5. Scoops Ice Cream — Camp Rd. near Nash
6. Recommendation to Town Board for approval of Panera Bread to be located in the Dollar Tree at McKinley Mall — 3701 McKinley Pkwy.
7. McDonald's Restaurant — McKinley Parkway near Toys R Us for demolition and rebuilding of new facility

Gerard Koenig, Chairman  
Paul Eustace, Secretary  
Planning Board

Dated: August 3, 2006  
8-10

## LEGAL NOTICE TOWN OF HAMBURG PLANNING BOARD SPECIAL USE PERMIT — PUBLIC HEARING WAL-MART SUPER CENTER BRIERWOOD PLAZA — SOUTHWESTERN BLVD.

Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a Special Use Permit for the proposed Wal-Mart Super Center to be located in the Brierwood Plaza on Southwestern Blvd. On Wednesday, August 23rd, 2006 at 7:00 p.m. in Room 7A&B (Basement of Town Hall), S-6100 South Park Avenue.

All interested parties are invited to attend.

Gerard Koenig, Chairman  
Paul Eustace, Secretary  
Planning Board

Dated: August 3, 2006  
8-10