

**Town of Hamburg Planning Board  
Scoping Session - August 27, 1997  
Public Meeting Room - 7:30 p.m.**

The Town of Hamburg Planning Board conducted a scoping session for the Tinseltown Theatre Complex to be located on Southwestern Blvd. on 8-27-97, at 7:30 p.m. in the Public Meeting Room.

Those attending from the Planning Board:

Chairman Richard Crandall  
Richard Pohlman  
Don Fitzpatrick  
Gerard Koenig  
Don McKenna, Attorney

Traffic Safety - Tim Ellis

Drew Reilly - Wendel Eng.  
Richard Whipple "

Applicants: E. Burke, G. McKnight, R. Walsh

TINSELTOWN PLAZA  
SCOPING SESSION - PLANNING BOARD  
08/27/97

SIGN-IN

<u>NAME</u>	<u>ADDRESS</u>
David L. Valyo	400's Nottingham Terrace Hamburg, NY
Toxy Citania	2513 Millersford Hwy, Willard, N.Y.
Howard Brennan	Dallas, TX
Gale Durant	4008 Essex Pl Hamburg NY 14075
Brian Durant	4008 Essex Pl Hamburg NY 14075
✓ Peg Hermann	5-5786 Pinehurst Ct. Lakeview, NY 14085
✓ Roy C. Moran	4501 S.W. Blvd Hamburg, NY 1407
PAUL KUREK	4591 S.W. BLVD HAMBURG NY
Russ Bracco	" " " "
✓ Steve Truskowski	3949 NOTTINGHAM TERR.
Sara Sapowicz	3971 NOTTINGHAM TERR.
✓ <del>John</del> Audzill	85. Bflo St Hamburg 14075
Anne Dziuka	4806 Spout Cove Hamburg 14075
✓ Anna Love	4053 TOWERS Pl. Hamburg NY 14075
Robert Nelson	3976 Nottingham Terr. 14075
Candace Kowal	3685 Brokenridge Rd Hamburg 14075
Marilyn Reese	3984 Sussex Pl. Hamburg NY 14075



SCOPING SESSION  
Tinsel Town Retail Center  
August 27, 1997

Chairman Crandall declared the meeting open:

Mr. Crandall explained what the meeting was about. This is a scoping session which is a part of the procedure in the SEQOR process that is included and addressed in the New York State SEQOR law. The intent tonight is not to get into lengthy discussions as it relates to pros and cons specific site plans or things like that. We had two meetings, once each for the last two months. We got a fair amount of input and we pretty much know how the general public feels. What we want to do tonight is to identify specific issues that the public feels necessary for further or in depth review. We will also be receiving similar information from various governmental agencies that either impact us or we impact them. When we get done we put all that information together and draw up an Impact Statement and then we proceed from there. As far as the meeting tonight, I do have a number of letters that were turned into me and I understand there is a sign in sheet in the back if you want to make comments. As I mentioned in the past, we welcome your comments verbally. If you would see fit, we would prefer to have your comments in writing. That is the best that we can receive, because it gives us the best information as to specifics rather than a lot of rhetoric. As far as the conduct of tonight's meeting, I will be running the meeting in a sense, but I'm really going to turn it over to Drew Reilly who is our consultant with Wendel. He is going to try to get this thing through so that we eliminate duplication, so we don't have any confrontations, and that everybody leaves satisfied that they have had an opportunity for sufficient input. I might add to that, if you do leave tonight and you still feel that we have not heard you or not listened to your concerns, I encourage you to get back to us. Because, we do want your input and we do appreciate your input and we do listen. I have to run the meeting so that we get through it and there is an opportunity for every individual to say their piece. As far as what I received so far tonight in writing I have a letter from E. F. Burke Company--a rather thick document with background information reiterating a lot of the information we had in the past. Keep in mind none of us on the Planning Board have had a chance to review any of these letters, because we just received them.



to anyone who may have any questions on what went on here tonight. The meeting will not be opened up again for further public input without written letters. Once the meeting is closed, it doesn't end the process. The Planning Board will review all the letters received and probably discuss them at the next Planning Board Meeting. The Planning Board will direct me to finalize some Scoping Documents to present to them for subsequent board meetings, and at that meeting or the following meeting they will officially send it to the Applicant basically saying this is what we believe is the scope of that document. As soon as we have a Draft Document ready, we will have it available for public review. Once we establish that the Applicant will go about getting an EIS. Once we believe that Draft Document is acceptable for public review then, there will be an official Public Hearing. The public will be able to review that document and make official public comment on that document. Then the Planning Board gets together with the Applicant for a final EIS and after all that is done we basically have to make a decision on SEQR. For or against the project will or will not have an environmental impact. That is basically the procedure. Now I will turn it over to the Applicant for a brief description so you will all know what the project is that we're talking about.

Mr. Robert Walsh, the Attorney for the developer (Mr. Burke) explained the project as follows:

The developer is seeking a Building Permit for a retail center, which will consist of a Twenty (20) screen movie theatre and seven (7) outparcels that are retail in nature. The project is proposed in a commercial zone so we are not seeking a rezoning of the parcel. We're requesting that the Planning Board review a proposed site plan and approve the Building Permit. As you probably know, the project is by Route 20, Bayview Rd. and South Park Avenue. One side of the parcel is in Frontier School District which there has been some discussion about traffic as relates to the school busses. We are furnishing to the Planning Board a comprehensive Traffic Study which will address some of the concerns raised with respect to traffic issues. We see that as pretty much the central issue in this project. In summary, is basically the project and we will be giving more information as we go along.

Drew Reilly took the floor. Mr. Reilly stated the next part of the meeting was public input. We respect your public comment. I'm going to try to help direct your comments by asking questions to you. Again, I'm going to try and help you along in phrasing your questions. I'm sorry if I appear blunt at times by saying we have gotten that input already on that. If you hear someone else who has brought up an issue this meeting is not like a Public

Hearing so you do not have to stand and say you are in agreement. We are looking for information from you. We are going to listen to you and then when we close the meeting, please listen to us. Again, no action will be taken tonight. We will not be approving anything. The Planning Board is not in favor of or against the project. The Court says at this point in the process we have to be open minded. We can't show that we already made our decision or we wouldn't be giving them a fair shake. Or the opposite that we think the project is a great project. We must listen and present ideas.

What is scoping about? We must process and identify relative environmental effects, impacts, and to eliminate considerations of those impacts that are relevant or not submissable. The objectives are to identify those impacts-eliminate the issues that we don't think are important. Identify the extent and quality of information they have to provide. Identify reasonable range of alternatives they should look at. Identify potential areas in mitigation. The word potential is in there because they may come up with other mitigations or may think of some at a later date. We're going to have some upfront that may be potential mitigation. We might even talk about available sources of information. Last time someone brought up the Applicant's similar project in Gates, New York. Please understand this is not a Public Hearing. To voice opinions for or against the project doesn't help us at all. If you want to speak, please sign in. It makes it easier for us in identifying for the record. Focus on the objectives and I'll try to help when your making your statement. Focus on the objectives of scoping. Again, what is the environmental concerns about. Or what is the problem you perceive this project causing. What would you like them to study to resolve that issue. How and what would you like to see in the study. If concerned about aesthetics-do you want them to show pictures or perspectives. Help us with ideas how they should present in this study. Do you have any ideas for mitigation or alternatives, and do you have any ideas about sources of information. Please, be brief and concise. We are trying to keep this session to a reasonable time frame. The Planning Board has an outline, based on what the Applicant gave us, which they can go through. SEQR and EIS basically set up description of the project. They don't discuss impact. They discuss what the environmental setting is-what is the geology like in the area, etc. What's there now. Then SEQR gets into more of a significant environmental impact. I have identified five (5) major issues with some cover sheets below that. Next section the impact statement will be mitigation matters. How are they going to mitigate the significant environmental impact. Next section of the document what alternatives can you present. There are some things that are

irreversible and irratrivable commitments. In other words when you construct something you basically change that and it is forever changed. There is nothing they can do to mitigate taking an empty parcel and building something. It is necessary to identify all those things that are impossible to mitigate. There is also a section on growth & energy. So that is the outline that the Planning Board has and they will be taking notes based upon what you're saying. I will now turn the meeting over to Chariman Crandall.

Chairman Crandall identified Steve Truskowski of 3949 Nottingham Terrace who read his scoping input document.

(attached is Mr. Truskowski's Scoping Document Initial Input for D.E.I.S.)

Mr. Truskowski read a portion of Mr. Choroser's letter (submitted to the minutes) with regard to the traffic issues.

(attached is Mr. Choroser's letter)

Mr. Crandall complimented Mr. Truskowski on his presentation of his letter as being comprehensive, thorough and well presented. Mr. Crandall advised the audience that anyone who submitted a letter could be recognized and would have the opportunity of reading their letter. The letters would not be read at this time by the Planning Board, because they have to go on with the meeting. At any time during the meeting you feel you want to read your letter, please indicate so.

Drew Reilly stated that Mr. Truskowski has been very thorough and we don't want anyone standing up to reiterate what he said. There may have been something that he missed or you may have a question at this point. Mr. Truskowski has done a lot of research and that's what we have to do. We now have to evaluate what is done. Mr. Reilly turned the meeting back to the Chairman.

Mr. Crandall asked if anyone else would like to say something.

Peg Hermann of S-5786 Pinehurst Ct., Lakeview, New York would like to see the study also include such things as lyme disease, encephalitis, meningitis. These are things that can be caused by overdevelopment. I have a form that you can read and review at your next meeting. I have copies for you.

Mr. Crandall asked if there would be anyone else to speak. There were no other speakers. Mr. Crandall stated he thought that we did cover everything and I don't think there is much left.

At this point the meeting will be between the Planning Board and the developer. Mr. Reilly stated that the public was welcome to stay and observe the process.

Mr. Pohlmann asked Drew Reilly if he had made this check list up. Mr. Reilly stated that the Applicant started this process by making a submittal of what they thought the draft scope would be. I took what the applicant had presented and information from other meetings and gave you what I thought was a draft scope. So that is what you have in front of you. The 1.2 or 1.3 which Mr. Truskowski referred to was in the document that the Applicant submitted. My document is what I did over the last few days after reading all the letters.

Mr. Pohlman asked if the Board could get this broken down in three columns showing yours, their's and suggestions. Mr. Pohlman asked if what your suggesting in this document that you have made up was based on the submittal they already sent in? Mr. Reilly stated they sent in their submittal and I added more to my draft. What the law says they have to start the process by submitting. We add to it, make changes to it. I did it ahead of time to give you some background that I thought were my ideas. It is not my job to eliminate things it is your job. I may have some ideas- tried to put in as much as I could.

Mr. Pohlman stated that between now and 9:00 pm the Board would not be able to review everything that has been presented. Mr. Reilly stated that we would cover as much as we can. The Applicant will say this is a little too much. There are things here that you are probably going to toss out. We will get to some of the major issues. It's a work session and we have invited the public to stay. They have done their input and written letters. Now your job over the next couple of weeks and will use some time frame-60 days from the time of submittal what changes have to be requested. We might not get through all these issues, but we'll get through the majority of them.

Chairman Crandall requested that the Board go ahead with the meeting.

A question was asked if the developer will get a copy of the minutes and will have to respond?

Mr. Reilly explained that the Applicant is here there is no right and wrong. The SEQR states that you don't even have to do this. This is not required.

Chairman Crandall was concerned were getting ahead of ourselves. What we have to have which Mr. Truskowski really has outlined is a comprehensive list of concerns. We have to then go through that list of concerns and prioritize them of the major magnitude, as far as impact, middle category and minimum category. Based on that we have to decide which maybe all or some of them should be included in the Impact Statement and what our comments are far as the ????. I think that is the way we have to proceed. I personally would like the opportunity to review in depth what's been presented and compare that with what George McKnight prepared for tonight along with what you've got. I would like the other members of the Planning Board to do the same thing.

Mr. Pohlman stated that was exactly what my point was. We have an investment in the area with the three different groups.

Mr. Crandall stated that was exactly what he was talking about.

Mr. Pohlman commented that we can't sit here and try and do that in half an hour.

Mr. Reilly said, "I agree with you." We need a time frame and I think we should start this session. It is my opinion we're not going to get through.

Chairman Crandall we did get a start. I just don't want the misconception that we're going to make some hard and fast decisions and that were going to wrap this up tonight.

Mr. Reilly stated that when you have a public scoping you can start discussing things, but make it apparent to the public these are not final decisions.

1. Traffic seems to be a major problem.

2. Mr. Crandall noted that one of his concerns, based on the past history of larger businesses, what happens to that building if 5 years from now, Tinseltown Theatre business changes and they wish to leave the area. What can we do to protect the interests of the Town. Some vacant buildings have been re-occupied. However, there is a difference with this particular project. This building is designed for one specific use, whereas, the Silo building was able to be used for other retail projects. How can we address that?

Mr. Burke noted that the question should be directed to the developers, namely Rory Chen of Cinemark. Our buildings will not be empty. I have experienced their buildings, and Cinemark was full. They have 1459 screens, 165 theaters, they are in almost every state in the United States. They are in Japan, Ecuador, Chile, Peru. How can I question the people who have this knowledge.

Mr. Howard Brown of Cinemark in Dallas responded that there are chains that have gone broke in the past. We have 180 theatres and are in 17 countries and a multi-million dollar corporation. We feel our financial statement is as strong as any other theater in the U.S. I can't give a guarantee that we will never go broke.

Mr. Crandall noted that if this facility is not successful, & if Cinemark decides to leave, I can go thru a lengthy list of businesses who come into Hamburg and Western New York, and Lechmere being the latest to close, leaves another empty store in Galleria. I am concerned about a building that has one use only. Mr. Brown responded that this can be accomplished to change to another use such as a big box store. We do not wish to invest 15-20 million dollars in this market on a whim. We have done a great deal of research and we feel that the market demanded a first-class theater. We realize competition exists at the McKinley Mall, and we don't feel this is adequate to serve the market.

Mr. Crandall noted that he is looking for a solution if the complex goes defunct in the form of a bond to either remove the facility so that we don't end up with someone walking away and we end up with inheriting the building. We are not looking for you to go bankrupt. We need some way to mitigate the problem if that happens. How do we as a Town get protected?

Also, we met with the Fire Dept. (Warren Ristine). Has a check been made of the water supply. Do we have sufficient pressure? Mr. Ristine noted that there is a water shortage on Southwestern Blvd. but has not checked it thru. Does the Fire Dept. have Equipment for entering the building. Mr. Ristine responded that there is mutual aid available to us. We have some ladder trucks in the area.

Mr. Crandall also stated that the amount of traffic that comes out of the facility. What I have seen is that during the peak hours that the theatre operator engage the services of the local Police Dept. to handle traffic. Response: That is a possibility. On lighting, there are two issues. We are concerned about the two opposite situations, that we have enough light to light the area, nor do we have too much lighting.

Response: The lighting is set at ground level. We will conform to the average of the country. We want to light our parking areas so that our customers can see. We also have security lighting. The lighting will be identical to that of the one in Rochester.

Mr. Tim Ellis of Traffic Safety asked for clarification. Mr. Walsh remarked about submitting a new traffic study. The applicant submitted one study. We would like an expanded traffic study as to what areas should be looked at as well as the State DOT and the County input to make sure that the document represents what the Town is looking for. The County and State have different ideas about the traffic numbers. On the original study, there isn't real clear cut information on the proposed road in conjunction with Frontier. We need to see some plans. We don't have anything for Traffic Safety. Mr. Burke noted that they have been working with the School and Cinemark has agreed to give a certain portion of the land for a road along the boundary line.

Mr. Crandall noted that on the time frame, the Planning Board needs time to review the materials. I would like to see a packet made up to include the correspondence that was brought out along with the information that we received tonight. We can then sit down and sort out the information.

Mr. Reilly stated that he will supply the document that he is working on and will add to what I have heard, and also delineate what shouldn't be in. The Planning Board should be familiar with everything that has been submitted and Mr. Reilly will put a format together. A copy will be made available in the Planning Dept. The applicant knows what he has to put together. We don't want to keep rejecting a draft environmental impact statement. The use of a spread sheet was suggested. On the time frame, we could have some information at the official meeting next month. We have a work session on September 3rd, and by the following meeting, we should have something completed. The time frame commenced at the submission of the scoping document, which was August 8th. A special work session may be set up to review all the materials that have been submitted.

Eileen Eich of State Street asked if anyone has checked out the site? Response: Board members will view the property.

Mr. Brown of Cinemark stated that he has heard concerns of the

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young people attending the theatres. Cinemark would be using part-time youth for jobs at the theatre. This will help a lot of juvenile problems. We do cater to that type of employment. We will be a user for employment of high school students.

A resident asked if the developer knew about the 18 theatre complex that was going to be built in Orchard Park?

Mr. Reilly stated that he has heard nothing from the Corps of Engineers and many times, they do not review documents until site plan approval has been given.

The question was raised as to whether the applicant has considered any other site for this complex. Mr. Brown responded that they have looked at some other sites, but nothing definite was decided. Mr. Reilly commented that the issue of alternate sites could be requested. We can ask for a review of alternative sites.

Mr. Ellis commented that the Traffic Safety Committee has reviewed the project. We sent our comments to the Planning Board.

Mr. Reilly informed the group that other agencies will be looking at the traffic patterns. We realize that the roads are now overloaded due to the Bills games. We will review that particular scenario.

Meeting adjourned.

# TOWN OF HAMBURG

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Supervisor  
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Town Attorney  
VINCENT J. SORRENTINO

Town Clerk  
GEORGE DANYLUK

Supt. Of Highways  
JAMES F. CONNOLLY

Receiver of Taxes  
ROBERT A. MARS

TO: Planning Board  
FROM: Traffic Safety Advisory Board  
DATE: August 18, 1997 (REVISED 8/26/97)  
RE: Tinsel Town

Below are the comments/recommendations made by the members of the Traffic Safety Advisory Board at our July 31, 1997 meeting:

3) TINSELTOWN (UPDATE) - Mr. Ellis asked the AdHoc Committee to update the TSAB. Mr. Koenig indicated that public input had been received by the Planning Board and that they were reviewing the traffic impact study. He indicated that the Planning Board received favorable remarks from businesses and unfavorable remarks from residents. He asked that the TSAB's comments be sent in a letter to the Planning Board.

The comments were as follows: The TSAB would like clarification on the number of entrances (4 vs. 2), the plans for a back road through the Frontier Central School property (Is there anything in writing on this?); TSAB requests that a traffic signal on Rte. 20 be mandatory (Mr. Koenig indicated this will be paid for by the developer) and that input from the NYSDOT be secured with regard to the traffic study; Will the Bayview stub be closed or remain open?; A signal should be installed at Bayview and South Park as this already meets warrants; Please insure that the peak volume summaries are the most up to date figures.

The TSAB has the following concerns: We have no information on the accessory road from Frontier to Rte. 20. Is the road for the exclusive use of Frontier? Are vehicles going to be using school property to access Rte. 20 from Bayview?; Will the fire department have full access?; If developers plans change at a later time, what happens to the school road; Is there liability to the school or the developer if used as a cut-through and an accident occurs; Who will pay for the school road and who will maintain it?; What are the contingencies in case the accessory road is not functioning due to accident, etc,?

# **Frontier Central School District**

## **Frontier Educational Center**

5120 Orchard Avenue, Hamburg, NY 14075-5657

Telephone (716) 627-1060 Fax (716) 627-1075



**Dr. Gerald P. Glose**  
Superintendent

August 22, 1997

Mr. Richard Crandall, Chairman  
Town of Hamburg Planning Board  
S6100 South Park Avenue  
Hamburg, New York 14075

Re: Cinemark Theater (20 screens and retail plaza development), Bay View and Southwestern Blvd. (premises abutting Frontier School)

Dear Town of Hamburg Planning Board,

It is the Frontier Central School District's understanding that the proposed Tinseltown Retail Center project has been given a positive declaration of environmental significance and as such must go through State Environmental Quality Review. Part of that process is a "scoping session" in which members of the community have an opportunity to identify what it considers areas of impact that the Tinseltown project may have. Below is a listing of such impact concerns for the Frontier School District and, in some cases, suggestions for solutions and/or the progress being made for solutions. Please consider the following:

--The latest estimated assessed evaluation for the main theater building and buildings to be located on the seven out parcels is \$21,560,500.00. Is the assessed valuation realistic?

--Will this project have any positive or negative impact on the assessed valuation of the residences, other businesses or vacant land in the school district?

--The district is very concerned about the physical safety of its staff and students. There will be increased student pedestrian traffic along Bay View as a result of this project. The developer has agreed to install a sidewalk on its property along Bay View Road. It would be important for the developer to extend at its cost that sidewalk across the Big Tree Fire Station land and the school district land to at least the first driveway. The district and the fire company should not be burdened with the cost of this sidewalk.

--The district is concerned about easy access both of its students to the proposed retail center and of the patrons of the retail center to school district property. To address that issue it would seem necessary that a berm and a fence along the land in which the district and retail center share boundary lines be put in place. The developer has agreed to provide and pay for this berm and fencing. Such commitments should be included in any approvals that may be forthcoming.

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--In a related matter, the district is concerned about the impact of vandalism on its properties from patrons of the movie theaters or other stores in the retail center. While a berm and fence would be helpful, some type of security measure(s), whether it be appropriate lighting and/or surveillance would seem appropriate. Certainly a study of vandalism in nearby or adjacent properties of other similar projects would be appropriate.

--Would there be any impact on the school district fire and/or liability insurance due to the increase in potential of retail center patrons to migrate onto school property on evenings and weekends?

--Traffic safety, control and congestion are significant issues for the school district. A bottleneck already exists at Bay View and South Park. The school district would like to see the widening of Bay View near South Park to include right and left-hand turn lanes and feels that the speed limit by the school district should be reduced and that the Bay View/Big Tree roads between Route 20 and South Park should be repaved. The school district defers to the Town Traffic and Safety Committee and the Planning Board for expertise in this area. However, it would seem imperative that the district have direct access to Southwestern Blvd. from the Big Tree/High School Complex. There have been discussions with the developer regarding this matter. A roadway behind the Big Tree School on land in part donated by the developer would be the best location for such a roadway from the district's perspective. This roadway would hook up to the westerly most ingress/egress road from the retail center complex. It would be important that a signal light be located at this driveway in order for school traffic to safely make left and right turns onto and off of Southwestern Blvd. The developer has agreed to pay for the non-state aided portion of such a roadway which would eliminate the impact to the local property taxpayers. Such developer involvement would be essential if this roadway is to become a reality. If the project is to take place the above should be a condition of the Planning Board approval.

--Water retention for a parking lot of the proposed size can have an impact on the area. Where will water retention be and what measures will be taken to ensure that Frontier students or other people in the community will not be exposed to undue risk.

--The visual impact of the Tinseltown building in particular and the entire retail center in general is a concern to the school district. The movie building as proposed is large and high. Perhaps a scale model of the retail center to include the Big Tree School and at least part of the High School would help us all understand the dimensions and visual significance of this building.

The Tinseltown Retail Center could be an attractive nuisance for Frontier students (particularly the high school). Is there research available to project such impact on the students? Can there be formal agreements for liaison and/or programs between representatives from Tinseltown and the school district to assist in matters of truancy, security, and on the positive side, jobs for students, career awareness, educational field trips and the like. Even more proactively, are there impact studies which identify the positive or negative influence of movie theaters on our youth in general? Many youth in this town complain of nothing to do. Are there studies that suggest that such a large number of movie theaters would have a positive or negative impact on the use of youngsters' free time?

--There will be considerable waste and refuse generated from a complex of this size. Will there be any impact in terms of rodent control and/or odors to the adjacent school district property?

The school district will be continuing to review this matter. If additional questions or concerns arise, the Planning Board will be contacted. The Frontier Board thanks the Planning Board for an opportunity to comment and hopes that the input provided is helpful to the Planning Board in making its decision on this project.

Should there be any questions or points of clarification that need to be made, please do not hesitate to contact me.

Sincerely,



Gerald P. Glose  
Superintendent

GPG/nr

SCOPING DOCUMENT INITIAL INPUT

FOR D.E.I.S

FOR

TINSEL TOWN RETAIL CENTER

SUBMITTED BY:

STEVE TRUSKOWSKI 3949 NOTTINGHAM TERRACE, HAMBURG

MIKE BETRUS 4007 TUDOR PLACE, HAMBURG

SCOTT SUROWIEC 3971 NOTTINGHAM TERRACE, HAMBURG

THE DEIS SHOULD INCORPORATE THE FOLLOWING:

1.3

1.3.1 IMPACT ON LAND RESOURCES

REQUIRED: A SOIL SURVEY TO DETERMINE THE POSSIBILITY OF WETLANDS, PARTICULARLY ALONG THE WEST BORDER WITH THE SCHOOL PROPERTY AND IN THE AREA OF OUTPARCEL NUMBER 1, DUE TO THE HYDRIC SOILS OF THE AREA.

1.3.2 IMPACT ON WATER RESOURCES

THE DEVELOPMENT OF TINSEL TOWN RETAIL CENTER HAS A PROJECTION OF 1,548 PARKING SPACES WHICH IS IN EXCESS OF N.Y.S. SEQR REQUIREMENT OF 1,000 PARKING SPACES. THEREFORE THE FOLLOWING STUDIES SHALL BE REQUIRED.

REQUIRED: A STUDY OF THE EXISTING STORM SEWER SYSTEM AND HOW IT WILL BE AFFECTED BY THE ADDITIONAL RUNOFF OF RAIN AND SNOW MELT. IT IS TO INCLUDE EXISTING FLOW RATES, EXISTING RESERVE CAPACITY, AND PROPOSED FLOW RATES FOR THE SEWER DISTRICT SUBSYSTEM IT WILL BE DISCHARGING INTO. THE STUDY SHOULD BE FOR THE MOVIE COMPLEX ALONE ( INCLUDING ROOF AND PARKING LOT RUN OFF ), AND AN ADDITIONAL SECTION FOR THE SEVEN POTENTIAL OUT PARCELS IF 75% OF THEIR AREA IS REPLACED WITH BUILDING OR PAVEMENT. IT WILL SHOW HOW IT WILL HANDLE A ONE HUNDRED (100) YEAR RAINFALL IN BOTH OF THE ABOVE SCENARIOS. ALSO, THE PROJECTED SIZE AND LOCATION OF THE DETENTION BASIN MUST BE SUBMITTED.

REQUIRED: A STUDY OF THE EROSION AND FLOOD DAMAGE THAT WILL OCCUR FROM RUNOFF NOT CAPTURED WITHIN THE NEW DRAINAGE SYSTEM, AND ANY DISCHARGE OR OVERFLOW OF THE DETENTION BASIN. THESE WILL BE DETERMINED FOR BOTH NORMAL AND ONE HUNDRED (100) YEAR RAINFALLS. THIS WILL COVER BOTH THE ADJOINING COMMUNITIES AND FURTHER "DOWNSTREAM", PROBABLY THE RUSH CREEK FLOOD PLAIN.

REQUIRED: A HYDROLOGY STUDY WHICH SHALL SHOW THE CURRENT GROUNDWATER TABLE AND FLOW PATTERNS, INCLUDING ANY ARTESIAN FORMATIONS. IT WILL SHOW WHERE ANY EXPECTED EXCAVATIONS FOR BASEMENTS, FOOTERS, DRAINAGE LINES, AS WELL AS THE DETENTION BASIN WILL BE LOCATED AND THEIR POTENTIAL IMPACT ON THE AREA HYDROLOGY WHICH MAY CAUSE A RISE OR REROUTING OF THE GROUNDWATER AND CURRENT DRAINAGE PATHS, THUS CAUSING FLOODING OF ADJACENT AREA BASEMENTS, YARDS, OR SCHOOL ATHLETIC FIELDS. IT WILL ALSO DETERMINE WHETHER THE REROUTING WILL DRY OUT ANY AREA WELLS.

### 1.3.3 IMPACT ON AIR RESOURCES

REQUIRED: A STUDY OF THE AFFECT OF THE AUTOMOBILE EMISSIONS ON THE PROJECT, THE SCHOOLS, AND THE SURROUNDING COMMUNITIES. THERE WILL ACCORDING TO THE TRAFFIC STUDY SUBMITTED (APPENDIX A CHART 3), AT TIMES BE OVER 1,000 VEHICLE TRIPS ADDED IN AN HOUR. ADD THIS TO THE EXISTING TRAFFIC AND THERE WILL BE OVER 2,300 VEHICLE TRIPS PER HOUR AT TIMES. THE MAJORITY OF THESE VEHICLES WILL BE SITTING AND IDLING, FOR QUITE SOME TIME IN THE CONGESTED TRAFFIC, BOTH IN THE LOT AND ON THE ADJACENT ROADWAYS. THIS IS USING THEIR CONSERVATIVE ESTIMATES, RATHER THEN THE **REALITY** OF FILLED UP THEATERS LIKE THEY ARE GENERATING IN ROCHESTER. ADD INTO THIS THE ADDED TRAFFIC OF A FRIDAY OR SATURDAY EVENING FOOTBALL GAME, BASKETBALL GAME, CONCERT, PLAY, OR MUSICAL AT THE HIGH SCHOOL, **WHICH TRAFFIC FIGURES WERE NOT PRESENTED IN THE SUBMITTED TRAFFIC STUDY**, AND YOU FIND THE RESULTING AIR POLLUTION WILL BE QUITE SIGNIFICANT. BESIDES THE ABOVE CONDITIONS THE STUDY SHALL ALSO INCLUDE THE EMISSIONS OF THE ADDED TRAFFIC GENERATED DURING BUFFALO BILLS GAMES, AND DURING ERIE COUNTY FAIR WEEKS.

REQUIRED: A STUDY, INCLUDING TEST DRILLING OF THE SITE, FOR

NATURAL GAS POCKETS WHICH MAY EXIST. THE USGS MAP INDICATES A NATURAL GAS WELL ON ADJACENT PROPERTY. TEST WELLS SHALL BE DRILLED TO A DEPTH OF FIFTY ( 50 ) FEET UNDER ANY PROPOSED EXCAVATION AREAS. IF NATURAL GAS IS ENCOUNTERED OR EXISTING WELLS LOCATED, THEY MUST BE INDICATED ON THE SITE PLAN AND MUST BE DEALT WITH PER SPECIFICATION OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AND PROTECTED FROM DISTURBANCE DURING CONSTRUCTION AND FINAL SITE LAND USES.

#### 1.3.4.1 VEGETATION AND WILDLIFE

REQUIRED: A CONSULTATION WITH THE N.Y.S.D.E.C. AND A RESULTANT REPORT FROM THE D.E.C. ON THEIR FINDINGS REGARDING ANY THREATENED OR ENDANGERED SPECIES WHICH MAY HAVE RECENTLY TAKEN UP RESIDENCY ON THE PROPOSED SITE. ALSO THE AFFECT OF ANY NON-ENDANGERED SPECIES THAT WILL BE DISPLACED TO SURROUNDING AREAS AS THEIR HABITAT IS DESTROYED.

#### 1.3.4.2 WETLANDS

REQUIRED: A CONSULTATION WITH THE UNITED STATES ARMY CORPS OF ENGINEERS AND A RESULTANT REPORT FROM THE CORPS OF ENGINEERS ON THEIR FINDINGS. DO TO THE TYPES OF HYDRIC SOILS INDIGENOUS TO THE AREA, THEIR PRESENCE IS ONE OF SEVERAL INDICATORS OF WET SOILS WHICH MAY BE WETLANDS SUBJECT TO REGULATION BY THE CORPS OF ENGINEERS UNDER SECTION 404 OF THE CLEAN WATER ACT. AS NOTED IN SECTION 1.3.1 ABOVE, PARTICULAR ATTENTION SHOULD BE GIVEN TO THE AREA ALONG THE WEST BORDER WITH THE SCHOOL PROPERTY AND IN THE AREA OF OUT PARCEL NUMBER 1.

#### 1.3.5 IMPACT ON TRANSPORTATION

PAGE 4 OF THE SUBMITTED SCOPING DOCUMENT STATES "THE STUDY CONCLUDED THAT WHILE THE EXISTING ROAD NETWORK *IS CURRENTLY OPERATING AT ACCEPTABLE LEVELS*, FULL BUILD OUT

OF THE SUBJECT ACTION WILL CREATE DELAYS AT SOME INTERSECTIONS. THE STUDY ALSO CONCLUDED THAT WITH THE IMPLEMENTATION OF MITIGATION MEASURES, *ALL* INTERSECTIONS WILL BE BROUGHT TO **ACCEPTABLE** LEVELS OF SERVICE.”

SINCE, THE STATE POLICY REQUIRES THE DEVELOPER TO MITIGATE ANY IMPACTS TO MAINTAIN THE LEVEL OF SERVICE AT EXISTING LEVELS THE FOLLOWING SHALL BE REQUIRED WITH A NEW TRAFFIC STUDY.

REQUIRED: EXPANSION OF THE SUBMITTED TRAFFIC STUDY TO MAJOR INTERSECTIONS THAT WILL HAVE INCREASED TRAFFIC DUE TO THIS PROJECT. THESE SHALL INCLUDE:

- SEVEN CORNERS (INTERSECTION OF BIG TREE ROAD, SOUTHWESTERN BLVD. (RT.20), MCKINLEY PARKWAY, AND ROUTE 20A )
- SOUTHWESTERN BLVD. AND CAMP ROAD (RT.75)
- SOUTH PARK AVE. (RT.62) AND MILESTRIP (RT.179)
- BIG TREE ROAD AND ROUTE 5
- BAYVIEW ROAD AND ROUTE 5
- ALL INTERSECTIONS ALONG SOUTHWESTERN BLVD. (RT.20), SOUTH PARK AVE. (RT.62), BAYVIEW ROAD, AND BIG TREE ROAD FROM THE ABOVE INTERSECTIONS TO THE PROJECT SITE WILL BE INCLUDED TO DETERMINE IMPACT ON LEVEL OF SERVICE.
- THE ACCIDENT FIGURES FOR THESE INTERSECTIONS WILL INCLUDE ALL ACCIDENTS WITHIN 1/8 MILE ON ALL INTERSECTING ROADS AS WELL AS AT THE INTERSECTION ITSELF. THE ACCIDENT FIGURES WILL INCLUDE ALL ACCIDENTS ALONG SOUTHWESTERN BLVD. (RT.20), SOUTH PARK AVE. (RT.62), BAYVIEW ROAD, AND BIG TREE ROAD FROM THE ABOVE INTERSECTIONS TO THE PROJECT SITE

THE STUDY SHALL ASSUME THE WORST CASE TRAFFIC SCENARIO, OF FULLY SOLD OUT THEATERS, IN DETERMINING THE PROJECTED TRAFFIC IT WILL GENERATE AS WELL AS THE PROJECTED TRAFFIC OF THE SEVEN COMPLETED OUT

## PARCELS.

THE STUDY SHALL EXPLAIN THE REASONING OF ALL ASSUMPTIONS, SUCH AS THE FOLLOWING WHICH WERE MADE IN THE SUBMITTED STUDY, AND ANY NEW ASSUMPTIONS MADE.

- IT IS ASSUMED THAT TRAFFIC WILL NOT CUT THROUGH THE TINSEL TOWN PLAZA TO GO FROM SOUTHWESTERN BLVD. TO BAYVIEW ROAD AND VICE VERSA.
- IT IS ASSUMED THAT TRAFFIC WILL NOT CUT THROUGH BERKLEY SQUARE FROM THE TINSEL TOWN PLAZA TO BIG TREE ROAD.
- IT IS ASSUMED THAT TRAFFIC WILL NOT CUT THROUGH POLLY LANE AND MISTY MEADOW TO BIG TREE ROAD FROM BAYVIEW.
- IT IS ASSUMED THAT THE INTERSECTION OF SOUTH PARK AVE. AND BAYVIEW ROAD WARRANTS A TRAFFIC SIGNAL. THE 1990 BERKLEY SQUARE TRAFFIC STUDY SHOWED IT WAS WARRANTED ALSO, AND IT HAS NOT BEEN INSTALLED.
- IT IS ASSUMED MAPLEWOOD ESTATES WILL HAVE LESS THAN 50% OF THEIR UNITS ADDING VEHICLES TO PEAK TRAFFIC HOURS ( MANY OF WHICH ARE PROBABLY TWO WAGE EARNER HOUSEHOLDS).
- IF THE ASSUMPTION IS GOING TO BE MADE THAT NO SHOWS WILL BEGIN BEFORE 3:00 P.M. , WHAT GUARANTEES WILL CINEMARK BE GIVING THAT THEY WILL NEVER BREACH THIS AGREEMENT, EVEN IF ITS COMPETITORS BEGAN EARLIER. AN ADDENDUM TO THE STUDY SHALL BE MADE SHOWING TRAFFIC IMPACT IF SHOWS BEGAN AS EARLY AS 11:00 A.M.
- IF IT IS ASSUMED, AS THE SUBMITTED SCOPING DOCUMENT STATES "... THAT THERE WILL NOT BE LARGE AMOUNTS OF TRAFFIC LEAVING AT ONE TIME." THEN HOW DOES CINEMARK PLAN TO SHOW MORE THAN ONE SHOW PER SCREEN PER DAY? WITH 2 SHOWS PER SCREEN PER EVENING MULTIPLIED BY 20 SCREENS THAT IS 40 SHOWS,

WHICH PRODUCES 80 INGRESSES AND EGRESSES PER EVENING. A NORMAL 5 HOUR EVENING WOULD PRODUCE TRAFFIC EVERY (300 min/ 80) 3.75 MINUTES IF THE SHOWS COULD BE PERFECTLY STAGGERED WHICH IS IMPOSSIBLE IN A 5 HOUR PERIOD.

THE STUDY SHALL EXPLAIN WHY IT WAS STATED THAT THERE WOULD BE NO DIRECT ACCESS FROM THE OUT PARCELS TO EITHER SOUTHWESTERN BLVD. OR BAYVIEW ROAD. THEN SAY OUT PARCEL #1 WILL NEED DIRECT ACCESS TO SOUTHWESTERN BLVD. TO BE VIABLE.

THE STUDY SHALL INCLUDE TRAFFIC FIGURES FROM MAJOR SCHOOL AND COMMUNITY ACTIVITIES NOT PRESENTLY INCLUDED IN THE SUBMITTED STUDY, SUCH AS:

- MAJOR HIGH SCHOOL AND ELEMENTARY EVENTS
  - GRADUATIONS
  - PLAYS AND MUSICALS
  - FOOTBALL AND BASKETBALL GAMES
  - NIGHT SCHOOL CLASSES
  - SUMMER SCHOOL DISCHARGE
- BUFFALO BILLS FOOTBALL GAMES ( THIS WILL INCLUDE SUNDAY 1:00, 4:00, OR 8:00 STARTS; MONDAY 9:00 STARTS; THURSDAY 8:00 STARTS; AND SATURDAY 12:30 OR 4:00 STARTS AND THE RETURN TRAFFIC AS WELL)
- ERIE COUNTY FAIR WEEKS TRAFFIC

THE STUDY SHALL INCLUDE A REPORT OUTLINING THE DELAYS THAT WILL OCCUR IN RESPONSE TIMES OF EMERGENCY VEHICLES FROM THE ADJACENT BIG TREE FIRE HALL BOTH FOR PERSONNEL GETTING TO THE HALL AND THE TRUCKS OR AMBULANCE GETTING TO THE SCENE, WITH ROADS CONGESTED AT PEAK HOURS. IT SHALL DETERMINE WHETHER A SIGNAL IS WARRANTED IN FRONT OF THE FIRE HALL, WHETHER THE COUNTY CONCURS, AND IF THE DEVELOPER WILL INSTALL IT. THE REPORT SHALL BE REVIEWED BY THE BIG TREE FIRE COMPANY AND THERE COMMENTS ON ACCEPTABILITY OF THE DELAYS IN THE PROTECTION OF THEIR DISTRICT, BE ATTACHED AS AN

ADDENDUM OF THE REPORT.

THE STUDY SHALL STATE WHETHER IT INCLUDES THE 20 PLUS HOUSING DEVELOPMENT PROPOSED FOR THE BAYVIEW SOUTH PARK AREA.

THE STUDY SHALL STATE WHETHER IT INCLUDES THE PROJECTED SCHOOL POPULATION INCREASES ( 2,000 STUDENTS IN THE HIGH SCHOOL BY THE YEAR 2,000).

THE STUDY SHALL INCLUDE A REPORT ON THE PROPOSED ROADWAY FROM THE SCHOOL AND BUS TRAFFIC. IT SHALL INCLUDE AS A MINIMUM:

1. HOW IT WILL IMPACT SCHOOL PLAYING FIELDS, BOTH BY ITS LOCATION AND THE RESULTANT RAIN DRAINAGE AND SNOW PLOWING BUILD UP ON THE FIELDS.
2. WHAT THE PROPOSED YEARLY MAINTENANCE COSTS WILL BE.
3. WHO IS LIABLE IF ACCIDENTS TO SCHOOL BUSES OR STUDENTS OCCUR AS THEY ARE CROSSING THE SECTION OF TINSEL TOWN PROPERTY AS THEY CROSS FROM SCHOOL PROPERTY TO SOUTHWESTERN BLVD.
4. HOW WILL NON-SCHOOL TRAFFIC BE KEPT FROM USING THE ROADWAY AS A BYPASS, THUS ENDANGERING THE STUDENTS, FACULTY, AND LEGITIMATE SCHOOL VISITORS DURING SCHOOL HOURS INCLUDING AFTER SCHOOL ACTIVITIES (ATHLETIC PRACTICES, CLUBS, BAND PRACTICES, AND DETENTION DISMISSALS, ETC.) AS WELL AS NIGHT SCHOOL.

THE STUDY SHALL COMPLETELY EXPLAIN WITH TRAFFIC FLOW DIAGRAMS AND STATEMENT HOW A TRAFFIC LIGHT AT BAYVIEW AND SOUTH PARK WITH A RIGHT TURN LANE, RIGHT TURN LANE AT SOUTH PARK AND SOUTHWESTERN BLVD., AND JUST LEFT TURN ARROWS ( OR LEFT TURN LANES ) WILL MITIGATE TRAFFIC AT THESE INTERSECTIONS BACK TO THEIR EXISTING LEVELS OF SERVICE. ALSO, STATE WHAT WILL HAPPEN TO ADJOINING PROPERTIES ( THE TOWNE HOUSE, DELMONTE AUTO SALES, ETC.) IF THESE LANE ADDITIONS ARE MADE.

THE STUDY SHALL ALSO ANSWER ISSUES BROUGHT OUT BY THE 1990 BERKLEY SQUARE DEIS AND TRAFFIC STUDY AND COMMENTS FROM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING, AND THE N.Y.S.D.O.T. TO THE TOWN OF HAMBURG PLANNING DIRECTOR, SUCH AS:

- FROM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING:  
“ OTHER THAN SIGNALIZATION, WILL ANY ROAD IMPROVEMENTS TO COUNTY HIGHWAYS ( i.e. BAYVIEW-BIG TREE SEGMENT ) BE REQUIRED TO MITIGATE TRAFFIC CONGESTION. AT THIS TIME, ERIE COUNTY DOES NOT HAVE FUTURE ROAD IMPROVEMENTS PLANNED FOR THIS SEGMENT. TRAFFIC LEVELS FORECASTED IN THE DEIS ***MAY REQUIRE A 4 LANE HIGHWAY BASED ON CURRENT DESIGN STANDARDS.***” THIS COMMENT DOES NOT INCLUDE THE ADDITIONAL TRAFFIC OF THE LATER INSTALLED BIG TREE ELEMENTARY SCHOOL, THE COMPLETE BUILD OUT OF RAVENWOOD NORTH INDUSTRIAL PARK, OR THIS PROJECT.
- FROM THE N.Y.S.D.O.T.:  
“AT THE INTERSECTION OF SOUTH PARK AND BIG TREE THE CAPACITY ANALYSIS SHOWS A LEVEL OF SERVICE (LOS) = “D” FOR PHASE III DEVELOPMENT. THE TEXT STATES THAT LOS “D” IS CONSIDERED ACCEPTABLE. ***STATE POLICY REQUIRES THE DEVELOPER TO MITIGATE ANY IMPACTS ON THE STATE SYSTEM CAUSED BY THE DEVELOPMENT.*** AS THIS IS CURRENTLY OPERATING AT LOS “B”, ***THE DEVELOPER MUST MAINTAIN THE LEVEL OF SERVICE AT ITS EXISTING STATE.***” THIS MEANS ANY DECREASE IN LOS ON THE SUBMITTED TRAFFIC STUDY, AND THE DECREASES ON THE REQUESTED REDO WITH THE ABOVE CHANGES INCORPORATED, MUST BE MITIGATED BACK TO THE EXISTING LOS. THE REVISED STUDY SHALL INCLUDE THE MEANS OF MITIGATION TO BE USED IN EACH INSTANCE AND AN EXPLANATION OF THE PROJECTED TRIP DISTRIBUTION WITH THE FORM OF MITIGATION INCORPORATED. THE EXPLANATION SHALL BE

ACCOMPANIED BY FIGURES AND TRAFFIC FLOW DIAGRAMS ILLUSTRATING HOW THE MITIGATION WILL MAINTAIN THE LOS AT EXISTING STATES WHILE SHOWING ALL THE PROJECTED TRIP INCREASES.

### 1.3.6 IMPACT ON LAND USE AND ZONING

REQUIRED: A STUDY SHALL BE MADE OF TOWN, COUNTY, AND STATE ZONING LAWS AS THEY PERTAIN TO ARCADES AND THEIR REQUIRED DISTANCES FROM SCHOOLS AND RESIDENTIAL NEIGHBORHOODS.

### 1.3.7 IMPACT ON COMMUNITY SERVICES

REQUIRED: A REPORT OF PROPOSED WATER USAGE FOR THE COMPLEX WILL BE MADE, INCLUDING ACTUAL FIGURES FROM THE ROCHESTER AREA TINSEL TOWN AND PROPOSED USAGE OF THE OUT PARCELS. IT SHALL BE SUBMITTED TO THE ERIE COUNTY WATER AUTHORITY FOR REVIEW AND COMMENT TO THE IMPACT ON THE WATER SYSTEM AND THE NEIGHBORING COMMUNITIES. THE COMMENTS WILL BE INCLUDED AS AN ADDENDUM TO THE REPORT.

REQUIRED: THE STUDY REQUESTED IN SECTION 1.3.2 ABOVE SHALL BE SUBMITTED TO THE PROPER SEWER AUTHORITY FOR REVIEW AND COMMENT. THE COMMENTS WILL BE INCLUDED AS AN ADDENDUM TO THE STUDY.

REQUIRED: A REPORT STATING HOW A ROOF FIRE TO THE PROPOSED HIGH BUILDING WILL BE FOUGHT WITH LOCAL BIG TREE FIRE COMPANY APPARATUS. IF THE APPARATUS CAN NOT REACH THE ROOF, WHERE WILL PROPER EQUIPMENT HAVE TO RESPOND FROM, AND WHAT WILL BE RESPONSE TIME AT PEAK TRAFFIC TIMES BE? ONCE AGAIN THE REPORT SHALL BE REVIEWED BY THE BIG TREE FIRE COMPANY AND THERE COMMENTS ON ACCEPTABILITY OF THE DELAYS IN THE PROTECTION OF THE PATRONS INSIDE THE BUILDING WILL BE ATTACHED TO THE REPORT AS AN ADDENDUM TO THE REPORT.

REQUIRED: A REPORT ON THE NUMBER OF POLICE RESPONSES TO THE ROCHESTER AREA TINSEL TOWN COMPLEX AND NUMBER OF ADDITIONAL OFFICERS THAT HAD TO BE ADDED SINCE ITS INCEPTION THE REPORT SHALL BE REVIEWED BY THE TOWN OF HAMBURG POLICE DEPARTMENT AND ITS COMMENTS WILL BE ATTACHED TO THE REPORT AS AN ADDENDUM TO THE REPORT.

### 1.3.8 IMPACT ON CULTURAL RESOURCES

#### 1.3.8.1 NOISE

REQUIRED: THE STUDY SHALL INCLUDE A NOISE STUDY OF BOTH THE TRAFFIC WITHIN THE PROJECT, AS NOTED IN THE SUBMITTED SCOPE, AS WELL AS THE ADDITIONAL TRAFFIC VOLUMES ON THE ADJACENT ROADWAYS AND THEIR EFFECT ON THE NEIGHBORING COMMUNITIES. INCLUDE APPROPRIATE AGENCY NOISE REGULATIONS AND HOW THE REGULATIONS WILL BE MET.

#### 1.3.8.3 VISUAL RESOURCES

THE ZONED HEIGHT OF 35 FEET IS WHAT THE BIG TREE FIRE COMPANY CAN PROPERLY RESPOND TO. THEREFORE, A HEIGHT VARIANCE WOULD BE A DANGER TO THE CUSTOMERS OF THE MOVIE HOUSE. FROM AN AESTHETIC STAND POINT THIS HUMONGOUS CONCRETE BLOCK BUILDING SITTING IN THE MIDDLE OF AN OPEN FIELD IS UNACCEPTABLE. THE SUBMITTED SCOPE REFERS TO BETHEL ESTATES AS A NEIGHBORING BUILDING OF SIMILAR HEIGHT, WHEN IT IS ACTUALLY SHORTER THAN THE PROPOSED BUILDING, AND NEATLY TUCKED INTO A FULLY GROWN WOODED AREA.

REQUIRED: A STUDY OF THE AFFECT THE LIGHTING OF THE BUILDINGS AND PARKING AREA WILL HAVE ON THE NEIGHBORING COMMUNITIES. ACTUAL CANDLEPOWER READINGS SHALL BE TAKEN AT VARIOUS DISTANCE FROM THE ROCHESTER AREA TINSEL TOWN COMPLEX. THE STUDY WILL REPORT THE SIMILARITIES AND DIFFERENCES OF THE TWO SITES AND PROJECT ON A SITE NEIGHBORHOOD MAP

WHAT THE LIGHT READINGS FOR THE PROPOSED SITE SHOULD BE AT VARIOUS POINTS OF THE COMMUNITY ( SORT OF A CONTOUR MAP FOR LIGHT INTENSITY ). THE STUDY SHALL ALSO LIST ALL PLANNED MEANS FOR MINIMIZING THE AFFECT OF THE LIGHTS ON THE SURROUNDING COMMUNITY. e.g. LIGHTS POINTING DOWN AND IN ONLY; NO GLOBAL OR SKY SHINE TYPE LIGHTS; LIGHTS WILL BE SHUT DOWN TO A FEW SECURITY LIGHTS A HALF HOUR AFTER THE LAST SHOW; ETC.

1.3.8.4 (ADD THIS SECTION) EFFECT ON STUDENTS OF ADJOINING SCHOOLS

REQUIRED: A STUDY SHALL BE PREPARED OF THE EFFECTS OF A MOVIE/RETAIL COMPLEX BEING BUILT ADJACENT TO A SCHOOL. THIS WILL INCLUDE FIVE PROJECTS SIMILAR TO THIS IN BOTH SIZE AND PHYSICAL PROXIMITY, TWO OF WHICH SHALL BE CHEEKTOWAGA CENTRAL/WALDEN GALLERIA MALL AND GATES-CHILI CENTRAL/TINSEL TOWN. THE STUDY SHALL CONTAIN THE FOLLOWING:

1. TRUANCY RATES FOR THE 5 YEARS BEFORE INSTALLATION OF THE COMPLEX, FOR THE 3 YEARS AFTER INSTALLATION, AND FOR THE LAST 3 YEARS.
2. DROP OUT RATES FOR THE 5 YEARS BEFORE INSTALLATION OF THE COMPLEX, FOR THE 3 YEARS AFTER INSTALLATION, AND FOR THE LAST 3 YEARS.
3. PARTICIPATION RATES OF SPORT TEAMS, MUSIC GROUPS, AND SCHOOL CLUBS FOR THE 5 YEARS BEFORE INSTALLATION OF THE COMPLEX, FOR THE 3 YEARS AFTER INSTALLATION, AND FOR THE LAST 3 YEARS.
4. THE NUMBER OF TRUANT OFFICERS THAT WERE HIRED BY EACH OF THESE DISTRICTS AFTER INSTALLATION OF THE COMPLEX, AND AT WHAT SALARY AND BENEFITS COST.
5. WHAT INCREASES IN INSURANCE PREMIUMS DID THE DISTRICTS INCUR AFTER INSTALLATION OF THE COMPLEX.
6. WHAT LIABILITY CLAIMS ( BOTH NUMBER AND AMOUNTS ) DID THE DISTRICTS HAVE THE 5 YEARS

BEFORE INSTALLATION OF THE COMPLEX, FOR THE 3 YEARS AFTER INSTALLATION, AND FOR THE LAST 3 YEARS.

7. SCHOOL AND LOCAL COMMUNITY VANDALISM CASES THAT WERE DIRECTLY ATTRIBUTABLE TO THE STUDENTS 5 YEARS BEFORE INSTALLATION OF THE COMPLEX, FOR THE 3 YEARS AFTER INSTALLATION, AND FOR THE LAST 3 YEARS.

#### 1.3.8.5 (ADD THIS SECTION) EFFECT ON LOCAL COMMUNITY

REQUIRED: A REPORT SHALL BE MADE ON THE EFFECT OF INSTALLATION ON THE HOUSING WITHIN A ONE MILE RADIUS OF THE 5 COMPLEXES USED IN SECTION 1.3.8.4 ABOVE.

1. PROPERTY VALUES BEFORE AND AFTER INSTALLATION. (AVERAGE TAXED VALUE OF HOMES ONE YEAR BEFORE INSTALLATION AND EACH OF THE THREE YEARS AFTER; AND THE AVERAGE SALE PRICE OF THE HOMES ONE YEAR BEFORE INSTALLATION AND EACH OF THE THREE YEARS AFTER.
2. THE RATE OF HOME OWNER'S INSURANCE FOR THE AREA PER THOUSAND DOLLARS OF VALUE ONE YEAR BEFORE INSTALLATION AND EACH OF THE THREE YEARS AFTER.
3. THE NUMBER OF VANDALISM CLAIMS FOR THE AREA ONE YEAR BEFORE INSTALLATION AND EACH OF THE THREE YEARS AFTER.

#### 1.4 POTENTIALLY SIGNIFICANT ENVIRONMENTAL ISSUES

CONTRARY TO THE SUBMITTED SCOPE THE TRAFFIC IS NOT THE ONLY SIGNIFICANT ISSUE, BUT IS A MAJOR ONE. THE ABILITY FOR THE BIG TREE EMERGENCY VEHICLES TO BE ABLE TO RESPOND IS ONE. THE EFFECT ON OUR STUDENTS IS ANOTHER. AND THE OVERALL CHANGE OF THE QUALITY OF LIFE OF A QUIET SUBURBAN COMMUNITY IS ANOTHER.

ADDITIONAL COMMENTS TO BE INCORPORATED WHERE APPLICABLE:

- WE HEARD COMMENT OF SIDEWALKS BEING INSTALLED ON BAYVIEW FOR PEDESTRIAN ACCESS TO THE PROJECT. WHERE SPECIFICALLY WILL THEY RUN FROM/TO? IF THEY ARE FOR THE CONVENIENCE OF CUSTOMERS FROM THE NEIGHBORING COMMUNITIES, BERKLEY SQUARE, POLLY LANE/ MISTY MEADOW & STEELTON AREAS, HOW IS IT PROPOSED THEY SAFELY CROSS BAYVIEW WITHOUT THE INSTALLATION OF A TRAFFIC SIGNAL?
- AS PART OF THE SUBMITTED TRAFFIC STUDY IT WAS STATED THE TRAFFIC SIGNAL PROPOSED FOR THE WEST ENTRANCE ON ROUTE 20, WAS ALSO FOR CUSTOMERS WALKING FROM MAPLEWOOD APARTMENTS AND BETHEL ESTATES TO SAFELY CROSS ROUTE 20. ARE THEY ALSO GOING TO PUT SIDEWALKS ON ROUTE 20 FOR THEIR SAFETY, AND ALSO DOWN TO NOTTINGHAM TERRACE.
- CAN THE TRAFFIC STUDY BE REQUIRED TO STUDY WHETHER A LEFT TURN LANE, AND/OR RIGHT TURN LANES WOULD BE WARRANTED FOR ROUTE 20 WEST FROM MAPLEWOOD APARTMENTS TO HOWARD ROAD, AND POSSIBLY AS FAR AS CAMP ROAD, SO VEHICLES ARE NOT REAR-ENDED AS THEY SLOW TO TURN INTO NOTTINGHAM, BUCKINGHAM, HOWARD, OR THE MANY BUSINESSES ALONG THIS STRETCH. THIS IS A MAJOR CONCERN OF THE RESIDENTS, PARTICULARLY AT SUNRISE AND SUNSET WHEN THE LIGHTS OF THE VEHICLE AHEAD OF YOU ARE NOT AS VISIBLE.
- THE POSSIBILITY OF A WIND STUDY BEING PERFORMED TO DETERMINE WHETHER THIS HIGH BUILDING WILL CAUSE SNOW TO DRIFT ON ROUTE 20, BAYVIEW, AND ESPECIALLY THE SCHOOL ACCESS ROAD AS IT PASSES THE BUILDING. THIS COULD ALSO CHECK WHETHER WHITE-OUT CONDITIONS WILL OCCUR FROM SNOW BLOWING OFF THE COMPLEX ROOF WHERE THE ACCESS ROAD (SCHOOL BUSES) CROSS TINSEL TOWN PROPERTY.
- HAMBURG TRAFFIC DEPARTMENT SHOULD THOROUGHLY SCRUTINIZE ALL PROPOSED MITIGATIONS, AS TO, WHETHER THEY WILL INDEED RETURN THE LEVELS OF SERVICE TO EXISTING LEVELS. PARTICULAR ATTENTION SHOULD BE PAID TO WHETHER THE ONLY MITIGATION THAT WILL WORK FOR BAYVIEW IS TO CONVERT IT TO A 4 LANE HIGHWAY AT THE DEVELOPER'S EXPENSE.

- INDEPENDENT STUDIES BY TOWN OF HAMBURG CHOSEN CONSULTANTS, BUT PAID FOR BY THE DEVELOPER, TO VERIFY THE DEVELOPER'S STUDIES SHOULD BE DEFINITELY REQUIRED FOR THE TRAFFIC STUDY, THE EMERGENCY VEHICLE RESPONSE, THE AFFECT ON ADJOINING SCHOOLS, AND THE HOME VALUES OF ADJACENT COMMUNITIES.
- A MAJOR QUESTION: WHAT RECOURSE DOES THE TOWN OF HAMBURG HAVE, IF IN ACTUALITY, THE TINSEL TOWN IMPACT IS GREATER THAN THE PROJECTIONS? WILL THE DEVELOPER BE REQUIRED TO MITIGATE FURTHER?
- HAS A STORM WATER DISCHARGE PERMIT BEEN OBTAINED FROM D.E.C.?
- SINCE THIS LAND HAS PREVIOUSLY BEEN CLEARED, WHO WILL BE RESPONSIBLE FOR LITIGATION IF PRE-CLEARING AERIAL PHOTOGRAPHS SHOW THAT FEDERAL WETLANDS HAVE BEEN DESTROYED OR DEGRADED? WHAT FORM WOULD C.O.E. PENALTIES TAKE?
- WHAT GUARANTEES ARE THERE THAT CINEMARK WILL NOT APPLY FOR AND RECEIVE TAX CREDITS OR LOWER ASSESSMENTS IN THE FUTURE?

REFERENCES:

- PRELIMINARY TRAFFIC STUDY SUBMITTED TO THE TOWN FOR THE TINSEL TOWN COMPLEX (1997)
- THE TRAFFIC STUDY DONE FOR THE BERKLEY SQUARE DEIS (1990)
- LETTER TO THE TOWN OF HAMBURG, DIRECTOR OF PLANNING FROM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING ON 10-4-90. (A PART OF BERKLEY SQUARE (1990) DEIS REVIEW.)
- LETTER TO TOWN OF HAMBURG, DIRECTOR OF PLANNING FROM N.Y.S. D.O.T. ON 11-13- 90. (A PART OF BERKLEY SQUARE (1990) DEIS REVIEW.)

August 27, 1997

RE: Scoping Document

For: Tinsel Town Retail Center

In the scoping document submitted for the Tinsel Town project regarding item 1.3.5 Impact on Transportation: I have two areas of concern. The document states: "...the development is designed so that there will not be large amounts of traffic leaving at one time." It also says that "traffic related impacts will be reduced to insignificance."

Let me question, first, the statement that the development is designed so that large amounts of traffic will not be leaving at one time. This is a ludicrous and totally false statement. The design of the development has absolutely nothing to do with the amount of traffic arriving or leaving the theatre. The traffic is a direct result of show times. Obviously, people are going to leave when the movie ends and they are going to arrive at the theatre at least 15 minutes ahead of the feature start time. I have attached a listing of the Tinsel Town show schedule from the complex in Rochester, New York from Friday, August 22, 1997. For the purpose of my example, I am using the time span of the 7 O'clock round of shows and the 9 O'clock round. The first movie lets out at 8:35; followed by 8:40; 8:43; 8:47; 8:49. Five auditoriums have let out in a 14 minute span. The next exit occurs at 9:05; 9:07; 9:12; 9:13; 9:20; Five auditoriums in a 15 minute span. The next four

auditoriums exit in a 9 minute span. Keep in mind that while these shows are exiting, people are arriving for the next round, which starts at 9:20 and goes through 10:30.

With patrons arriving a **minimum** of 10 - 15 minutes before showtime, you have the arrivals and the departures all in the complex at the same time. The heavy traffic will start at 8:35 and continue until 10:30. This example is from a 16 screen complex, so add 4 more auditoriums to the traffic flow.

I believe that the vast majority of people would agree that this constitutes a "large amount of traffic" leaving at one time and that "traffic related impacts" will not be reduced to insignificance. The addition of two signal lights and turning lanes will not handle the increased volume in traffic. I feel that a traffic study is needed that will take in to account the unique aspects of a 20 screen theatre complex.

Submitted by:

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Hamburg, New York 14075

## Show Schedule from Tinsel Town (Rochester) 8/22/97

"Air Bud" (97 Min)	START 11:35 1:55 4:20 END 1:12 3:32 5:57
"Air Force One" (128 Min)	START 12:45 4:05 7:05 9:55 12:30 END 2:53 6:13 9:13 12:03 2:38
"Conspiracy Theory" (135 Min)	START 1:00 4:00 7:25 10:30 END 3:15 6:15 9:40 12:45
"Conspiracy Theory" (135 Min)	START 1:30 4:35 7:45 END 3:45 6:50 10:00
"Copland" (105 Min)	START 11:30 2:00 4:30 7:20 10:15 12:45 END 1:15 3:45 6:15 9:05 12:00 2:30
"How to be a Player" (112 Min)	START 7:50 10:10 12:25 END 9:42 12:02 2:17
"Event Horizon" (97 Min)	START 11:40 2:10 4:45 7:10 9:40 12:05 END 1:17 3:47 6:22 8:47 11:17 1:42
"George of the Jungle" (110 Min)	START 11:00 1:20 3:45 6:50 9:20 END 12:50 3:10 5:35 8:40 11:10
"G.I. Jane" (125 Min)	START 1:15 4:15 7:15 10:05 12:30 END 3:20 6:20 9:20 12:10 2:35
"Leave it to Beaver" (88 Min)	START 11:50 2:20 4:40 7:15 9:45 END 1:18 3:48 6:08 8:43 11:13
"Masterminds" (100 Min)	START 11:15 1:45 4:20 6:55 9:35 12:35 END 12:55 3:25 6:00 8:35 11:15 2:15
"Men in Black" (98 Min)	START 12:15 2:55 5:15 7:55 10:20 12:40 END 1:53 4:33 6:53 9:33 11:58 2:18
"Money Talks" (92 Min)	START 11:45 2:05 4:45 7:35 9:45 12:10 END 1:17 3:37 6:17 9:07 11:17 1:42
"Picture Perfect" (102 Min)	START 11:10 1:40 4:15 7:30 10:00 12:20 END 12:52 3:22 5:57 9:12 11:42 2:02

**"A Smile Like Yours" (109 Min)**

**START 11:20 1:50 4:10 7:00 9:30 12:00**  
**END 1:09 3:39 5:59 8:49 11:19 1:49**

**"Spawn" (97 Min)**

**START 8:05 10:25 12:35**  
**END 9:42 12:02 2:12**

**"Steel" (115 Min)**

**START 12:00 2:40 5:15**  
**END 1:55 4:35 7:10**

August 28, 1997

Mr. Richard Crandall  
Chairman, Town Planning Board  
Hamburg City Hall  
S-6100 South Park Road  
Hamburg, NY 14075

Dear Sir:

Having been away for most of the summer, I was unable to add my name to the petition by people in my neighborhood objecting to the project for 20 Screen Cinemas to be erected at the corner of South Park and Southwestern Blvd. Currently it is very difficult to just get across Southwestern in an easterly direction. The addition of this complex will further add to the danger and my property value will be adversely affected.

Please add my name to the list of those objecting to this project. I would appreciate receiving notice of any meetings concerning this proposed project.

Sincerely,



Suzanne Labreche  
4455 Buckingham Lane  
Hamburg, NY 14075-1903  
Tel: (home) 646-0395  
Tel: (bus.) 821-5400

4007 Tudor Place  
Hamburg, New York 14075  
July 27, 1997

Mr. Peter Blaauboer  
Town of Hamburg  
Zoning Board of Appeals  
S6100 South Park Avenue  
Hamburg, New York 14075

RE: Proposed Tinseltown Theater Complex Development

Dear Mr. Blaauboer:

I am writing to you as a concerned resident of the Town of Hamburg who is opposed to the proposed development of the Tinseltown Theater complex. As chairman of the Zoning Board of Appeals, your role in this process is very important as it pertains to the requested zoning variance for 60 Foot walls versus the current 35 foot zoning ordinance. There is concern among some residents of the Town that the zoning board of appeals will rubber stamp this variance as it is not a substantial issue. I believe this is a substantial issue, and I believe that the 35 foot zoning ordinance was put in place for good reason. It protects the aesthetic beauty of the area, and restricts development like Tinseltown from dominating a rural skyline. Further, nobody has mentioned the impact on the Volunteer Fire Department. Additional equipment requirements i.e. (hook & ladder trucks) needed to adequately protect a 88,000 sq. ft. facility with 5 story walls and the safety of the patrons of the movie complex. In addition, residents of the surrounding area may be at risk due to an increase in emergency response time due to traffic congestion.

As Chairman of the Zoning Board of Appeals, I am sure you realize that variances are not a formality because if not properly administered they can cause problems and expenditures like the bubble at South Shore Golf and Country Club.

We have submitted 250 signatures on petitions opposed to this development to the Town Planning Board and have lobbied numerous town officials on the negative impact this development will have on our community. In this regard, attached please find a copy of the letter I wrote to the New York State Department of Environmental Conservation concerning the last Planning Board Meeting on July 16, 1997 and issues surrounding a positive/negative declaration under the SEQR process.

I look forward to hearing your response on this issue.

Very truly yours,

  
Michael S. Betrus

To: Town Planning Board From: Peg Hermann  
S-6100 South Park S-5786 Pinehurst Ct.  
Hamburg, New York Lakeview, New York  
14075 14085

Thursday, May 22, 1997

Dear Mr. Crandall and Town Planning Board Members,

I am writing to express my own concerns in regards to the proposed 20 screen theatre complex proposed for development along the SouthWestern Blvd. highway. My own concerns are as follows:

1. Traffic safety issues where currently there is no turning lane in this area of the highway that would be more conducive to the heavier flow of traffic created by such a development.  
The town has seen its share of difficulties in simply achieving getting the speed limit reduced very slightly to accommodate the current flow, and also has had to do battle to be granted what signal lights do exist currently where I do see the matters of roadway safety as one of the largest negatives factors currently in regards to this proposal. Even if the developer, Mr. Chen, does agree to pay for a signal light and subsidize an egress onto the South Western Blvd., there are no guarantees that these things will occur in line with how the project progresses due to the fact that the highway is a state level roadway where these things must most likely be authorized by higher governmental personnel, and that could take a considerable amount of time, or not receive approval at all. I would be most hesitant to see this proposal to be given a go ahead until the town has actually gotten a turning lane in place, and the state's authorization for other steps needed to constructively deal with the traffic/safety issues.
2. The choice of site by the developer, to me is most inappropriate due to it's proximity to a major school district with a high school facility and an elementary facility on the premises. What concerns me most, again are traffic safety issues in lines with student pedestrian traffic, as well as student drivers. There are no sidewalks on Bayview on SouthWestern Blvd. to accommodate pedestrian traffic which must be taken into consideration. Currently youngsters walk along pathways on the Bayview Road, and also along the SouthWestern Blvd. Those pathways do serve to keep some of the youngsters off of two heavily traveled highways, and this development will result in losses of pathway area along the SouthWestern Blvd. which will create the situation of youngsters having to make use of the shoulder of the road for walking and bike travels where the risks of their being hit by cars will increase considerably unless sidewalk areas are provided to insure their safety.

con't 6. faced with the McKinley Mall emptying out and eventually becoming one huge abandoned business section left to deteriorate quite similar to what occurred with the Seneca Mall in West Seneca. One thing which a vast number of residents of Hamburg have expressed loudly and frequently is that they do not want Hamburg to be a community built of strip malls with its tax base being shakey due to being, one; dependent to intensely upon the retail businesses where often is the case that the jobs such provide are not ones sufficient for a person to make an independent living upon above poverty level incomes, with few or no benefits available to the employees. Nor do the residents of this community desire to see repeated scenarios of retail developers with little regard for the long range welfare of this community, coming into the area to build big, give little, raise Cain with the economics of our solid local smaller businesses economics putting them out of business, then pulling up stakes in a few years because they flooded ~~the~~ the market and depleted potentials in sales, hence leaving Hamburg stuck out on a limb with empty buildings, losses of local retailers, and a "SEE YA!" from the big ideas developers who sang and danced a tune of...false hopes for rejuvenation of business in the area. In some instances I personally think it is healthier to decline development versus say yes on a pretense of thinking something is better than nothing, and settling for a brief economic boom of construction, followed by a handful of low pay, no future jobs, followed by even those disappearing and a community stuck worse off than prior to a development.

In all of this, these merely are my own personal views of the proposal, and an expression of my own individual concerns which might or might not be shared with other people of Hamburg. A red flag in this project which leaves me really concerned about the economic impact; went up after listening to Mr. Chen's statement "We're just building a better mousetrap," This statement to me is interpreted as a matter of it is quite possible Mr. Chen's #1 concern is...Mr. Chen and his welfare...not that of the residents and local already established businesses of this community. I found his comment offensive, and my choice is a strong preference to patronize our already established movie areas, and restaurants versus visit a Tinseltown complex.

Enclosed are two reviews of a similar business to the Cinemark USA Inc. I couldn't find information on Mr. Chen's business in the books I have at home, but these reviews I do think are worth this town's planning leaders' attentions as they might provide some insights as to the well-being of such a proposed development in this community on an economic level where I do question just how long such a complex would stay in business in Hamburg. Thank you for taking the time to review this correspondence, and consider my concerns. God Bless!

Sincerely,

Peg Hermann

# REGAL CINEMAS, INC.

## OVERVIEW

The most profitable chain in the theater industry, Regal Cinemas believes that more means money. The company averages 8 screens per theater, compared to an average of 5 for its largest competitors. Regal also offers a wider variety of concessions, including pastries and cappuccino, than do most of its competitors. However, CEO Michael Campbell keeps a death grip on the company's pennies, even charging theater managers the price of a soft drink if they lose a cup. Regal's strategy seems to be working: it is one of the fastest-growing theater chains in the US, with 655 screens at 89 locations, mostly in the eastern US.

A former grocery store manager from New Tazewell, Tennessee, Campbell got into the cinema business in 1981 when the local movie theater closed down. Campbell and another grocery store manager, Neal Melton, bought the theater and reopened it. They soon began to expand and by 1989 their company, Premiere Cinemas, had 26 theaters. That same year Cinemark bought them out for \$21 million. A month later they started again, founding Regal Cinemas, which opened its first theater in Florida in 1990. The company has grown rapidly through acquisitions and construction. Regal went public in 1993.

Regal has prospered thanks to its "more" strategy. More screens per theater mean lower labor costs, and with a variety of screen sizes in each theater, the company can shift films to smaller auditoriums as their audiences shrink. Also, to garner free publicity, theater grand openings include appearances by the Nashville Flying Elvises, a group of sky-diving Elvis impersonators who usually get the openings a story on local newscasts.

Regal is now thinking even bigger. In 1994 it broke ground on its first mega-cinema complex. The complex will have movie theaters, restaurants, a miniature golf course, and virtual reality attractions.

## WHO

Chairman, President, and CEO: Michael L. Campbell, age 40, \$231,962 pay  
 VP, CFO, and Treasurer: Lewis Frazer III, age 29  
 VP Construction and Secretary: R. Neal Melton, age 34  
 VP Operations: Mark A. Jarvis, age 42  
 VP Concessions and Marketing: Gregory W. Dunn, age 34  
 VP Film and Advertising: Robert A. Engel, Jr., age 41  
 Payroll and Benefits Administrator (Personnel): Debbie Robertson  
 Auditors: Coopers & Lybrand

## WHERE

HQ: 7132 Commercial Park Dr., Knoxville, TN 37918  
 Phone: 615-922-1123 Fax: 615-922-6739

States	
Alabama	Ohio
Florida	Oklahoma
Georgia	Pennsylvania
Indiana	South Carolina
Kentucky	Tennessee
New Jersey	Virginia
North Carolina	West Virginia

## WHAT

	1993 Sales	
	\$ mil.	% of total
Admissions	39.7	69
Concessions	16.5	29
Other	1.0	2
<b>Total</b>	<b>57.2</b>	<b>100</b>

## KEY COMPETITORS

AMC Entertainment  
 Carmike Cinemas  
 Cinemark USA  
 Cineplex Odeon  
 GC Cos.  
 Mark III  
 National Amusements  
 Sony  
 United Artists  
 Viacom

## HOW MUCH

Nasdaq symbol: REGL FY ends: Thur. nearest Dec. 31	Annual Growth	1988	1989	1990	1991	1992	1993
Sales (\$ mil.)	205.8%	—	—	2.0	21.8	39.3	57.2
Net income (\$ mil.)	—	—	—	0.0	0.7	2.0	4.6
Income as % of sales	—	—	—	—	—	5.1%	8.0%
Earnings per share (\$)	—	—	—	(0.01)	0.38	0.75	1.30
Stock price - high (\$)	—	—	—	—	—	—	21.50
Stock price - low (\$)	—	—	—	—	—	—	13.25
Stock price - close (\$)	—	—	—	—	—	—	21.25
P/E - high	—	—	—	—	—	—	17
P/E - low	—	—	—	—	—	—	10
Dividends per share (\$)	—	—	—	—	—	—	0.00
Book value per share (\$)	133.0%	—	—	—	—	3.97	9.25
Employees	—	—	—	—	—	—	1,120

1993 Year-end:  
 Debt ratio: 21.9%  
 Return on equity: 21.7%  
 Cash (mil.): \$7.3  
 Current ratio: 1.06  
 Long-term debt (mil.): \$10.2  
 No. of shares (mil.): 4.2  
 Dividends:  
 1993 average yield: —  
 1993 payout: —  
 Market value (mil.): \$89.4  
 R&D as % of sales: —  
 Advertising as % of sales: 3.1%

# REGAL CINEMAS, INC.

## OVERVIEW

Regal Cinemas is the 9th largest movie theater chain in North America. Concentrated in mid-size urban areas and suburban fringes of major cities, Tennessee-based Regal has 113 theaters with 859 screens in 15 states, mostly in the eastern US. In 75% of its markets, it is the only cinema; consequently, the chain shows mostly first-run films. The company has become the US's most profitable and fastest-growing cinema chain. It acquired almost half of its theaters during 1994; another 33 were bought in early 1995. Regal also builds new theaters and adds screens to existing ones. CEO Mike Campbell, a former grocer, keeps a tight rein on spending, and the company keeps costs low by grouping several screens under one roof; more screens per theater means lower labor costs. Most of Regal's new theaters are built with at least 10 screens.

Campbell got into the cinema business in 1981 when the local movie theater in New Tazwell, Tennessee, closed down. He and another grocery store manager, Neal Melton, bought the theater, refurbished it, and re-opened in 1982 with the blockbuster *E.T., The Extra-Terrestrial*. With profits from their successful venture, they soon began to expand. Their company, Premiere Cinemas, had 26 theaters by 1989; that year Cinemark bought them out for \$21 million. A month later they founded Regal Cinemas and opened a 10-screen theater in Florida in 1990. Regal went public in 1993.

To attract more customers from a wider area, Regal built a 95,000-square-foot cinema complex in Virginia that opened in August 1995; 2 others are scheduled to open at the end of the year. Each features several movie theaters, restaurants, a food court, 2 miniature golf courses, and a high-tech video arcade. In mid-1995 Regal also agreed to buy 4 more theaters in Florida.

## WHO

**Chairman, President, and CEO:** Michael L. Campbell, age 41, \$410,917 pay  
**EVP:** Gregory W. Dunn, age 35, \$107,406 pay (prior to promotion)  
**VP, CFO, and Treasurer:** Lewis Frazer III, age 30, \$109,351 pay.  
**VP Construction and Secretary:** R. Neal Melton, age 35  
**VP Operations (North):** Mark A. Jarvis, age 43  
**VP Operations (South):** F. Leon Hurst  
**VP Film and Advertising:** Robert A. Engel Jr., age 42  
**Administrator Payroll and Benefits (Personnel):** Debbie Robertson  
**Auditors:** Coopers & Lybrand L.L.P.

## WHERE

**HQ:** 7132 Commercial Park Dr., Knoxville, TN 37918  
**Phone:** 423-922-1123 **Fax:** 423-922-6739

**States**  
 Alabama  
 Florida  
 Georgia  
 Indiana  
 Kentucky  
 Louisiana  
 New Jersey  
 North Carolina  
 Ohio  
 Oklahoma  
 Pennsylvania  
 South Carolina  
 Tennessee  
 Virginia  
 West Virginia

## WHAT

	1994 Sales	
	\$ mil.	% of total
Admissions	95.1	70
Concessions	38.1	28
Other	2.5	2
<b>Total</b>	<b>135.7</b>	<b>100</b>

## KEY COMPETITORS

Act III Communications  
 AMC Entertainment  
 Carmike Cinemas  
 Cinema 'N' Drafthouse  
 Cinemark USA  
 Cineplex Odeon  
 GC Ccs.  
 National Amusements  
 Sony  
 Storey Theaters  
 United Artists Theatre

## HOW MUCH

Nasdaq symbol: REGL FY ends: Thur. nearest Dec. 31	Annual Growth	1989	1990	1991	1992	1993	1994
Sales (\$ mil.)	185.3%	—	2.0	21.8	39.3	57.2	135.7
Net income (\$ mil.)	381.4%	—	0.0	0.7	2.0	4.3	7.0
Income as % of sales	—	—	0.6%	3.4%	5.0%	7.6%	5.1%
Earnings per share (\$)	—	—	(0.01)	0.25	0.50	0.87	0.64
Stock price - high (\$)	—	—	—	—	—	14.41	26.25
Stock price - low (\$)	—	—	—	—	—	8.88	13.50
Stock price - close (\$)	79.1%	—	—	—	—	14.24	25.50
P/E - high	—	—	—	—	—	17	41
P/E - low	—	—	—	—	—	10	21
Dividends per share (\$)	—	—	—	—	—	0.00	0.00
Book value per share (\$)	12.6%	—	—	—	—	6.17	6.95
Employees	142.5%	—	—	—	—	1,120	2,716

**1994 Year-end:**  
 Debt ratio: 33.1%  
 Return on equity: 12.0%  
 Cash (mil.): \$5.6  
 Current ratio: 0.55  
 Long-term debt (mil.): \$38.3  
 No. of shares (mil.): 11.1  
**Dividends**  
 Yield: —  
 Payout: —  
 Market value (mil.): \$283.4  
 R&D as % of sales: —  
 Advertising as % of sales: —

Mr. Crandall-

F.Y.I.

Kathie

May 22, 1997

Dear Residents of Berkley Square,

As you may have heard or already know, there is a developer proposing to build a 20 screen movie complex surrounded by individual business parcels on the land bordered by Bayview Dr., South Park Ave., Southwestern (Rt. 20) & the Frontier School. On the concept plan presented to the Town of Hamburg Planning Board last night (5/21/97), it appears that one of the exits for this complex would be opposite the Bayview entrance to Berkley Square. As an individual who is planning on purchasing a townhouse at Berkley, I am very concerned about the impact this would have on the development. The road through Berkley Square which connects Bayview with Big Tree would become a "cut-thru" road to anyone trying to avoid the traffic congestion problems on Bayview at South Park. In my opinion this would increase traffic within the development considerably and take away from the ambiance and quiet residential atmosphere of Berkley; one of the reasons you probably chose to live there.

The entire proposed movie complex development is surrounded by one of the biggest traffic problem areas in the Town of Hamburg. This complex would only add to what is now a traffic nightmare. Although the proposed land parcel is zoned properly to accommodate the movie complex I feel that area residents and the Town of Hamburg would be better served if the proposed development could locate in a more accommodating site.

There were many area residents in opposition to this development in attendance at last night's meeting. Residents of Berkley Square, the president of Berkley Square Association, and the developer of Berkley need to be in attendance at future meeting to protect your interests and to voice your opinions. We all need to work together to eliminate the problems and make this a safe traffic area. The Planning Board **WILL** listen to you and take your comments and concerns into consideration. You need to be there in numbers. **YOU CAN MAKE A DIFFERENCE IF YOU GET INVOLVED NOW. TAKE THE TIME TO PROTECT YOUR INVESTMENT.** Please get together with your neighbors and preserve what is now one of the best developments of its kind in Western New York State.

The Planning Board meets at 7:30 PM the 3rd Wednesday of every month in the lower level of Hamburg Town Hall on South Park Ave. The agenda for all meetings is advertised in the Hamburg Sun newspaper. I will try to contact you when I know that this developer is scheduled to come before the Board again. If you have any questions, I can be reached at 646-1720 evenings. Thank you and hope to see you at upcoming meetings.

Sincerely,

Kathleen Schallmo  
5239 Fairgrounds Road  
Hamburg, NY 14120

4007 Tudor Place  
Hamburg, New York 14075  
July 20, 1997

Ms. Dale Braden  
New York State Department of Environmental Conservation  
270 Michigan Avenue  
Buffalo, New York 14203

Re: Proposed Development of Tinseltown Theater in Town of Hamburg

Dear Ms. Braden:

I am writing this letter as a concerned Town of Hamburg resident opposed to the proposed development of the above referenced theater complex. Other concerned residents and myself attended the Town Planning Board Meeting conducted July 16, 1997 at the Town Hall. Mr. Dick Crandall chaired the meeting.

Numerous residents and myself noted inconsistencies which could be construed as bias towards the project and we would like to bring our concerns to your attention.

1. During the meeting the developer noted the School Board was in favor of the development. It wasn't until later in the meeting when a resident was given the floor and noted that her discussion with Dr. Gerald P. Glose, Frontier School Superintendent, who was present disclosed that the School Board was neutral. The Planning Board never requested Dr. Glose for his opinion until this obvious inconsistency was brought to their attention.
2. Early in the meeting, Mr. Crandall, Chairman of the Planning Board made references on several occasions to letters he received in favor of the project. He brought these letters to the meeting with him. All five of them were from businesses. He said that he had several letters from concerned citizens, but he made no reference to them. I had written one of the letters to the Planning Board as well as some of the other residents present at the meeting. Our concerns were not read to the board. Do you have to be in favor of the project or did Mr. Crandall "forget" to bring the remainder of the letters to the meeting?
3. During the meeting, Mr. Crandall made reference to his daughter who lives in Holland, New York and loves going to the Tinseltown Theater complex in Rochester, New York as his version of not everyone is against this project. This unsolicited opinion by the Chairman of the Planning Board delivers a serious blow to the credibility of his agency, who appointed itself on that night as the Lead Agency. A Lead Agency as Mr. Crandall said has to evaluate a project on its own merits. As concerned residents, we wonder how this Lead Agency is going to independently evaluate a project of this magnitude when its Chairman is listening to his daughter's opinion about a theater in another city which is not built near a school or within 1/4 mile of thousands of residents. I believe Mr. Crandall's comment damaged his credibility as the Town of Hamburg Planning Board Chairman on

this project as it appears he will not evaluate this project on what is good for the community.

4. During the meeting Mr. Crandall held up a voluminous traffic study which was done on this project. He said he hadn't read it, and due to its size was not sure when he would read it. It was also noted that the study was based in large part on a traffic study completed in 1992. My problems with this are numerous. First, if the taxpayers spend thousands of dollars on a traffic study the Planning Board should read it and know the facts about the study. Second, completion of a traffic study during the summer months is ludicrous because people are on vacation and school is not in session. Third, using a 5 year old study for a project of this magnitude is totally unacceptable. Development in the Town of Hamburg between McKinley and Rogers Road has been unbridled during this time period. The report completed 5 years ago is obsolete. A new traffic study should be completed this fall. The day and time of the study are also important considerations.

5. Finally, at the end of the meeting, the Planning Board had not decided if this project had a negative declaration or positive declaration under SEQR to the residents of the Town. It would be a disservice to make a negative declaration on a project of this magnitude when you consider the following environmental impacts.

1. Parking for 1,548 or more vehicles, which will result in a physical change to the project site.
2. Predominant land use(s) and zoning classifications within a 1/4 mile radius of the proposed action are residential and school property, which are not compatible with a theater complex.
3. Proposed action will result in the generation of traffic significantly above present levels, i.e. 1,000 or more vehicular trips in any given hour.
  - a. The existing road network is inadequate to handle the additional traffic.
  - b. The number of vehicles will have a significant negative impact on air quality, which is adjacent to an elementary and high school.
4. Proposed action will affect aesthetic resources.
  - a. Theater complex is in sharp contrast to current surrounding use patterns.
  - b. The 60 foot walls are going to significantly reduce the aesthetic beauty of the area. The current 35 foot zoning regulation was implemented to restrict buildings from dominating a rural skyline.
5. Proposed action will affect existing transportation system.
  - a. Proposed action will result in a decline in an already bad traffic area.
6. The Proposed action will affect the quantity and quality of existing or future open spaces and recreational opportunities.

7. The proposed action will produce noise exceeding the local ambient noise levels. the proposed action will remove natural barriers that would act as a noise screen.
8. Proposed action would alter drainage flow or patterns or surface water runoff. There is a stream running through the property.
9. Proposed action will have a substantial negative effect on non-endangered or non threatened species.
10. Proposed action appears to conflict with Town Master Plan.
11. Proposed Action will create an increased demand for Police and Fire Department Services. The Fire Department may need new equipment to deal with a 60 foot building complex.
12. Proposed action will lower surrounding residential real estate property taxes.

If this proposal does not demand a positive declaration under the SEQR Process, then we might as well rescind the state regulations because they are impotent and left to the arbitrary and capricious decision making of Lead Agencies which are biased.

The Town of Hamburg Residents would deeply appreciate New York State involvement in this process to insure a fair and open evaluation under SEQR of this proposed development.

Very Truly Yours,

Michael S. Betrus

c.c. Kathleen Hochul  
Mark Cavacoli  
Stanley Figiel, President, Frontier Central School Board

July 24, 1997

Richard Crandall  
Town Planning Board  
S-6100 Southpark Ave. 14075

Dear Mr. Crandall,

This letter is in concern to the proposed movie complex at the corner of Bayview and Southwestern Blvd. As a Hamburg resident and parent of two children who attend the Big Tree Elementary School I feel compelled to voice my opposition to this project.

My first and primary concern is that of the safety of the students and staff who utilize the already busy road space that surrounds this area. The potential for accidents would be greatly increased. The developers contention that traffic would not interfere with the school traffic is unfounded. Anyone who has a student in either the high school or the elementary school is aware of the multitude of evening activities and the number of people who attend these. I also have a concern with the large number of people that would be attracted and have easy access to the buildings and grounds of the schools. This is again a concern during the evening hours when supervision of the facilities are not as great. A fence is not going to deter someone who is entering the property for unlawful purposes.

Please be aware that I do not oppose the development of this property. It is the size and scope of this project that I oppose. It is of great temptation to accept the proposal and collect much needed tax revenue. However, we must remind ourselves that we need to preserve a quality of life in Hamburg that can easily be destroyed by over-development. This developer has no vested interest in our community other than to make money on the investment. The developer is not living, working, or raising a family in Hamburg. I thank you for allowing me to express my opinion. Please contact me should you have any concerns regarding this issue.

Sincerely,

  
Diane Pound Tighe  
4914 Sunway Lane  
Hamburg, N.Y. 14075  
648-3651

# AMOS ZITTEL & SONS, INC.

3065 Bley Road, Eden, New York 14057  
Office Phone (716) 992-4574 • FAX 992-3201

George Zittel  
Paul Zittel  
Bill Zittel  
David Zittel  
Mark Zittel

August 14, 1997

Richard Crandall, Chairman  
Town Planning Board  
S-1600 South Park Ave.  
Hamburg, NY 14075

Re: Proposed Cinemark Theater  
Southwestern-Bayview-Southpark Ave.

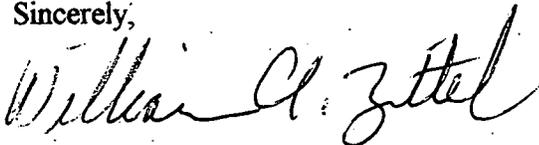
Dear Mr. Crandall,

As owner of Zittel's Country Market, located in close proximity to the proposed Cinemark Theater, we are naturally very concerned about the development in this part of Hamburg.

After having an opportunity to review with Mr. Burke the proposed Cinemark Theater and out parcel plan together with the July 1997 Traffic Impact Study for the area, we find it an acceptable addition to our community. The theatre will be an aesthetic improvement to that location and the increased traffic flow is something that will benefit our business. We understand that this could also create a traffic problem which is being addressed by the possibility of a traffic light at the westerly driveway to the complex. This traffic light would also help to lower the traffic speed and create a safer environment in our area of Southwestern Blvd.

As a taxpaying property owner and neighbor to this property, we endorse the proposed project and encourage your board to respectfully approve this development.

Sincerely,



Bill Zittel  
Zittel's Country Market  
Amos Zittel & Sons, Inc.

To: Town Of Hamburg Planning Board  
Hamburg Town Hall  
6100 South Park Ave.  
Hamburg, New York 14075

From: David L. Valyo  
4008 Nottingham Terrace  
Hamburg, New York 14075

I am writing you today to express my opinion on some of issues that will be discussed at the Planning Board on 7-16-97.

Tinseltown Plaza- Hamburg does not need a 20-theater complex with additional retail outlets.

This complex will cause more unnecessary traffic congestion at the corner of Route 20 and Southwestern Boulevard as well as the length of Southwestern Boulevard that runs from Seven Corners to Camp Road.

In case you have not noticed, there is plenty of empty plaza space in the Town of Hamburg and the Village of Hamburg, Hamburg does not need any more empty plazas.

As far as Tinseltown Plaza creating jobs for area, these jobs created will be low paying no benefit garbage jobs.

I seriously doubt that the construction of Tinseltown Plaza will lower my property and school taxes. My taxes go up every year.

The Mall, Palace and Camp Road theaters already established in Hamburg suffice Hamburg's theater needs.

Sears National Tire and Battery- allowing this building to be built is REDUNDANCY on Sears behalf.

In case you have not noticed Sears already has a place in the Mall to sell tires and batteries.

Their garage at the Mall is quite a large facility and if they

cannot draw enough customers to that garage then there is definitely something wrong with their marketing department. Allowing this unnecessary construction by Sears will just add to the traffic congestion at Seven Corners.

Auto Zone Discount Store- the former Tops store on Camp Road as well as the former WoolWorths store in the village of Hamburg as well the now mostly empty South Shore Plaza would accommodate a auto parts store in lieu of more unnecessary construction.

South Shore Dome- I knew that Dome would be a permanent fixture and a eyesore when the Town Planning Board gave its initial approval for its construction.

The Dome should be removed.

I applaud the efforts of the East Aurora planning board that stymied WalMart and Tops from building there.

Why cannot the Town of Hamburg and Village of Hamburg planning boards put a stop to unnecessary wanton construction in Hamburg?

I have talked to people in East Aurora and they do not want East Aurora to end up as Hamburg-OVER DEVELOPED.

At present we have a lot of empty commercial buildings in the town and village of Hamburg and cannot see why the Planning Boards continue to approve the building of more commercial buildings.

Little by little the forest lands of Hamburg are being eliminated by the unnecessary approval of more commercial and residential development.

When my father and mother first to moved Hamburg back in the

sixties Hamburg was a charming quaint little town, but due to irresponsible actions of the people who are in charge of the development of Hamburg, Hamburg as become "A BLACK TOP JUNGLE". May the quaint little town of Hamburg that me and others were raised in "REST IN PEACE".

*David L. Valyo*

David L. Valyo

CC Kathy Hochul

P.S. I started writing this letter to you at 7:00PM on 7-11-97.  
It is now 9:00PM on 7-11-97.  
My house is the fifth house down from Route 20.  
I could not tell you how many times since I have sat down to write this letter to you-I have heard the SCREECHING SOUND of tires from the cars that are using Route 20.  
Any more traffic congestion problems in this part of Hamburg will only result in spilling of more BLOOD from car accident victims.

8/27/97

David Fisher  
4258 Shaw Ln.  
Hamburg N.Y. 14075

Dear Hamburg Planning Committee

Regarding the issue of the proposed  
Tincoltown project I have concerns  
about the following issues.

- 1) How will the business effect the  
Frontier High School regarding
  - A) Traffic - How has the establishment  
of a major Movie Theater or Retail  
complex located close to (with  
in 1/2 mile) of a High School  
in other areas Example: Galleria  
Mall & Cheektowaga H.S.
  - B) Vandalism - Has vandalism increased  
at the High School as a result of  
the establishment.
  - C) Traffic Delays and Accidents within  
3 square miles of the School.  
Anticipated increase traffic flow  
at times of Movie Start <sup>Stop</sup> times  
through out the course of each  
24 hour day and each of 7 days  
per week.

8/27/97

Dear Mr. Crandall,

I would like to address some of my concern regarding the proposed "Dandelton".

I would like to know how the building of the 20 theater complex will affect the following areas:

1. Location - how well it affect the neighboring school regarding - absenteeism, delinquency. how well it affect nearby neighborhoods - as far as lighting, noise, traffic flow, vandalism & break-ins

2. Property value - what will happen to my property value being located next to a mega theater.

3. Storm run off

4. Police protection - is our police force large enough to handle the influx of people

5. Fire protection - is our Town

adequately equipped to handle a  
few and/or increased rescue calls  
6. Displaced animals - we already  
have a skunk living under our  
neighbors porch.

I would like to close by saying  
I feel very confident with you  
in charge of the planning board.  
You appear very level headed and  
knowledgeable! I feel that what  
ever decision is made, it will  
be the correct one.

Good Luck.

Mary R. Kyan  
4191 Polly Lane  
Horsby, NY 14075

James J. Lynch  
4316 Beetow Dr.  
Hamburg, N.Y. 14075

August 27, 1997  
5:45 PM

Planning Board  
Town of Hamburg  
Hamburg, N.Y. 14075

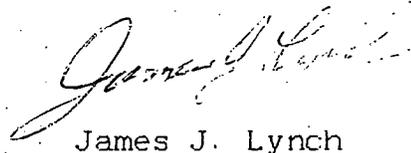
To Whom It May Concern:

I am deeply concerned about the plans to add a large theater complex with 7 outparcels to the area between Southwestern Blvd. and Bay View Rd. for a couple of reasons. They are as follows:

1. The plans show two large areas that are designated as Snow Storage, one near the Big Tree Fire Hall Substation and the other (the larger of the two) in an area which extends from just to the rear of the sign shop at the corner of Bay View to just to the rear of The Towne House at South Park and Southwestern Blvd. The intersection of Routes 20 & 62 is notorious for whiteouts in the winter, even with light snow and light winds, and putting huge mounds of snow in the areas designated will only cause more trouble since the whiteouts will be of a higher nature coming off and around the piles. Prevailing winds in our area are primarily Southwest, however, winds from any direction from Southwest thru West to North will cause visibility problems. Even with light snowfall the amount of snow piled will be considerable because of the size of the area being plowed (20+ acres?). Then there is the question of runoff from these piles when spring comes. Where does it go?

2. As I write this, two more people have been taken to a local hospital due to an accident, within the last hour, near the corner of Southwestern Blvd. and Bay View Rd. Need I say more.

Yours truly,



James J. Lynch

WE THE UNDERSIGNED RESIDENTS OF THE TOWN OF HAMBURG ARE OPPOSED TO THE BUILDING OF A 20 THEATER COMPLEX AT THE CORNERS OF BIG TREE ROAD, SOUTH PARK AND SOUTHWESTERN BLVD.

OUR REASONS FOR OPPOSITION ARE AS FOLLOWS:

1. TRAFFIC PROBLEMS WILL BECOME UNMANAGEABLE ON ROADS WHICH HAVE HEAVY TRAFFIC CURRENTLY.

2. WITH THE PLANNED EXPANSION OF THE MCKINLEY MALL THEATER COMPLEX AND THE NEARBY LOCATION OF THE HAMBURG CINEMA AND PALACE THEATERS, WE FEEL ADDITIONAL DEVELOPMENT OF MOVIE THEATERS IS UNNECESSARY.

3. DRAINAGE, SEWAGE AND ROAD ISSUES ARE A PROBLEM.

4. SIXTY TO SIXTY-FIVE FOOT HIGH WALLS IN AN AREA ZONED FOR 35 FT. MAXIMUM IS UNACCEPTABLE.

5. FIRE PROTECTION ISSUES.

6. DECREASED PROPERTY VALUES OF NEARBY RESIDENCES DUE TO REDUCTION OF QUALITY OF LIFE IN THE AREA.

7. ADJACENT TO DISTRICT ELEMENTARY AND HIGH SCHOOL.

NAME	ADDRESS
1. Elizabeth Edbauer	5467 Country Club, Hamburg N.Y.
2. MICHAEL EDBAUER	5467 Country Club Ln Hamburg NY 14075
3. Deborah O'Keefe	3646 Somerset Lane Hamburg 14075
4. Lynn Pullano	5560 Country Club Dr. Hamburg 14075
5. David F. Pullano	5560 Country Club Ln. Hamburg NY 14075
6. Mary Jo Sellers	184 Kenton Pl Hamburg NY 14075
7. Ruth H. J.	30 Woodview Ct. Hamburg NY 14075
8. Lisa Cummings	4201 Poney Lane Hamburg NY 14075
9. John Ryan	4191 Lolly Ln Hamburg NY 14075
10. Damer W. J.	4053 Tomus Pl Hamburg NY 14075

August 27, 1997

RE: Scoping Document

For: Tinsel Town Retail Center

In the scoping document submitted for the Tinsel Town project regarding item 1.3.5 Impact on Transportation: I have two areas of concern. The document states: "...the development is designed so that there will not be large amounts of traffic leaving at one time." It also says that "traffic related impacts will be reduced to insignificance."

Let me question, first, the statement that the development is designed so that large amounts of traffic will not be leaving at one time. This is a ludicrous and totally false statement. The design of the development has absolutely nothing to do with the amount of traffic arriving or leaving the theatre. The traffic is a direct result of show times. Obviously, people are going to leave when the movie ends and they are going to arrive at the theatre at least 15 minutes ahead of the feature start time. I have attached a listing of the Tinsel Town show schedule from the complex in Rochester, New York from Friday, August 22, 1997. For the purpose of my example, I am using the time span of the 7 O'clock round of shows and the 9 O'clock round. The first movie lets out at 8:35; followed by 8:40; 8:43; 8:47; 8:49. Five auditoriums have let out in a 14 minute span. The next exit occurs at 9:05; 9:07; 9:12; 9:13; 9:20; Five auditoriums in a 15 minute span. The next four

auditoriums exit in a 9 minute span. Keep in mind that while these shows are exiting, people are arriving for the next round, which starts at 9:20 and goes through 10:30.

With patrons arriving a **minimum** of 10 - 15 minutes before showtime, you have the arrivals and the departures all in the complex at the same time. The heavy traffic will start at 8:35 and continue until 10:30. This example is from a 16 screen complex, so add 4 more auditoriums to the traffic flow.

I believe that the vast majority of people would agree that this constitutes a "large amount of traffic" leaving at one time and that "traffic related impacts" will **not** be reduced to insignificance. The addition of two signal lights and turning lanes will not handle the increased volume in traffic. I feel that a traffic study is needed that will take in to account the unique aspects of a 20 screen theatre complex.

Submitted by:

Brian Durant  
4008 Essex Pl.  
Hamburg, New York 14075

## Show Schedule from Tinsel Town (Rochester) 8/22/97

"Air Bud" (97 Min)	START 11:35 1:55 4:20 END 1:12 3:32 5:57
"Air Force One" (128 Min)	START 12:45 4:05 7:05 9:55 12:30 END 2:53 6:13 9:13 12:03 2:38
"Conspiracy Theory" (135 Min)	START 1:00 4:00 7:25 10:30 END 3:15 6:15 9:40 12:45
"Conspiracy Theory" (135 Min)	START 1:30 4:35 7:45 END 3:45 6:50 10:00
"Copland" (105 Min)	START 11:30 2:00 4:30 7:20 10:15 12:45 END 1:15 3:45 6:15 9:05 12:00 2:30
"How to be a Player" (112 Min)	START 7:50 10:10 12:25 END 9:42 12:02 2:17
"Event Horizon" (97 Min)	START 11:40 2:10 4:45 7:10 9:40 12:05 END 1:17 3:47 6:22 8:47 11:17 1:42
"George of the Jungle" (110 Min)	START 11:00 1:20 3:45 6:50 9:20 END 12:50 3:10 5:35 8:40 11:10
"G.I. Jane" (125 Min)	START 1:15 4:15 7:15 10:05 12:30 END 3:20 6:20 9:20 12:10 2:35
"Leave it to Beaver" (88 Min)	START 11:50 2:20 4:40 7:15 9:45 END 1:18 3:48 6:08 8:43 11:13
"Masterminds" (100 Min)	START 11:15 1:45 4:20 6:55 9:35 12:35 END 12:55 3:25 6:00 8:35 11:15 2:15
"Men in Black" (98 Min)	START 12:15 2:55 5:15 7:55 10:20 12:40 END 1:53 4:33 6:53 9:33 11:58 2:18
"Money Talks" (92 Min)	START 11:45 2:05 4:45 7:35 9:45 12:10 END 1:17 3:37 6:17 9:07 11:17 1:42
"Picture Perfect" (102 Min)	START 11:10 1:40 4:15 7:30 10:00 12:20 END 12:52 3:22 5:57 9:12 11:42 2:02

**"A Smile Like Yours" (109 Min)**      **START 11:20 1:50 4:10 7:00 9:30 12:00**  
**END 1:09 3:39 5:59 8:49 11:19 1:49**

**"Spawn" (97 Min)**      **START 8:05 10:25 12:35**  
**END 9:42 12:02 2:12**

**"Steel" (115 Min)**      **START 12:00 2:40 5:15**  
**END 1:55 4:35 7:10**

To: Town of Hamburg Planning Board. 8-27-'97

Insect populations that might currently be inhabiting the area of the proposed Tinseltown Complex and other complimentary development sites:

Beetles: Longhorn, Stag, ground, metallic wood boring, click, soldier, scarab, leaf, water, flower, weevils, as well as possibly: blister beetles whose blood contains cantharidin, a dangerous poison which can irritate the skin; Japanese beetles which are a serious pest in the Eastern United States; deathwatch and furniture beetles which; when forced to relocate out of a natural setting; in turn can infest residential buildings by burrowing into wood, and furniture reducing wood to a fine powder form making it unsafe for the building structure or piece of furniture, hide and larder beetles can do extensive damage to carpets, and fabrics, stored food supplies, and meat and cheese products.

Moths and Butterflies serve as pollinators and the loss of this area's species habitats would be a tragic event. Some of this area's butterflies are: Luna moths, Swallowtails, Whites & Sulphurs, Gossamer Wings, Brush-footed Butterflies, Sphinx, Monarchs, Skippers, Tiger Moths, Owllet Moths, and the Cecropia Moths.

With water drainage challenges comes difficulties with flies, mosquitoes, and midges; some of which have painful bites, and others which are known to be disease carriers. Where there are horse and deer flies there is a good possibility that also can be found the deer tick which is known to be a carrier of the Lyme disease bacteria.

Other insects which might pose challenges are: sawflies which can devastate fruit plantlife, willows, roses, and native grass plant forms; red ants, fire ants, and carpenter ants which are with potentials for building damage; various bugs which are blood sucking and parasitic, frog hoppers and spittlebugs which suck sap out of a wide variety of plants and may cause considerable loss of vitality in plantlife's forms; grasshoppers, katydids, and crickets; earwigs; mayflies and stoneflies; caddisflies; fleas, lice, ticks, mites, and silverfish.

Two species of insects known in this area that might be endangered by the loss of habitat are the praying mantises which are beneficial in pest insect control, and also the walkingsticks.

In such an extensive proposed developmental project a very thorough environmental study needs to be done to deal with the impact of loss of habitat to species that dwell in the area to be developed, and also what sort of impact this might create on the current ecosystem of that area which is with potentials to have a negative impact upon the school properties and surrounding residential areas which could be dangerous should such development increase the risks of people coming into contact with destructive, or biting, or disease carrying insects, and also mammals. Consideration should be given to causes of Lyme's disease, rabies, feline's disease, possibly the meningitis and encephalitis illnesses and things like Hanta virus and other development induced illnesses.

Reg Hermann  
A-5786 Pinehurst Ct.  
Lakeview, NY 14085

Phone - 627-6335

To: Town of Hamburg Planning Board  
S-6100 South Park Avenue  
Hamburg, New York 14075

From: David L. Valyo  
4008 Nottingham Terrace  
Hamburg, New York 14075

On 7-16-97, I attended the planning board meeting that dealt with Tinseltown.

I am glad that I attended that meeting because I found out that I was not the only person that was having a hard time getting on to Southwestern Boulevard from Nottingham Terrace- especially attempting to make a left hand turn during congested periods of traffic traveling on Southwestern Boulevard.

It has been so hard for me to make a left hand turn on to Southwestern Boulevard sometimes that I have aborted my attempt to make a left hand turn and have opted instead to make a right hand turn to get where I was going in a round about way.

With construction of Tinseltown, my personal opinion is that it will be tougher for people from this area to have accessible access to Southwestern Boulevard without spilling blood from accident victims.

There is know doubt in my mind that the increase in traffic will cause traffic problems on all the roads that lead to Tinseltown.

I understand that this land is zoned for this construction and that free enterprise says that Tinseltown can build there. What I cannot understand is why the Planning Board ignores the rights of the taxpayers and the probable ill effects this construction will have on this area.

The property values in this area will probably drop due to this construction with no thought given to the rights of the home owners to maintain a fair market value for their homes.

The owners of Tinseltown will not care about devalued value of our properties. Their just going to care about their own bottom line with no consideration for our devalued property.

With the influx of and people and cars to area there will be more air pollution and liter that the people in this area will have to contend with.

Tinseltown when built will be a gathering point for kids, thus there will be problems that will develop when you have groups of kids gathered together. A good example of these problems that can be anticipated can be seen at the Mckinely Mall or any other commercial enterprise that draws kids.

What about the taxpayers right of having a peaceful and tranquil environment in which to live and raise their families.

In case you have not noticed, there is school building very close to the proposed construction of Tinseltown.

Tinseltown purposely targeted this area because they know that Tinseltown will be a draw for students during schools hours and after school.

This will be a distraction for the students who could make better use of their time at after school activities in lieu of wasting their time at Tinseltown and the peripheral stores that open up in the proposed plaza.

I have always considered schools institutions sacred and the learning that goes on inside very important.

The school does not need a distraction like Tinseltown to draw the students attention away from an education.

There is no doubt in my mind that a truancy problem will develop if Tinseltown is built.

I as a taxpayer do not want to see the Frontier school district have to shell out money to pay for truant officers to patrol Tinseltown for pupils committing truancy.

Do you think that Tinseltown would be interested in footing the cost of truant officers?

During the August 20, 1997, Mr. Crandall mentioned that he was not impressed with the number of people who signed petitions stating their disapproval on the construction of Tinseltown. He gave me the impression that the petitions had no validity and that the people who signed probably did so with little thought as to what they were about.

He was wrong for what he said and maybe was showing his ignorant side.

If there are people out there, who approve of the Tinseltown construction then why have they not come forward with their own petitions expressing approval of Tinseltown?

Where were these people at the 7-16-97 & 8-20-97 meetings of the planning board with their petitions in support of Tinseltown and why did they not come to meetings to show their support for Tinseltown?

At the two planning board meetings I attended, I can only remember two individuals coming forward to express their support for Tinseltown:

a: the owner of HCK furniture.

b: an unknown citizen expressing his support for Tinseltown.

It is quite evident to me that the people in this area do not want Tinseltown constructed and the ill effects that Tinseltown will have on this area will be ignored by a callous planning board.

*David S. Valyo*

David L. Valyo

4239 Polly Lane  
Hamburg, NY 14075  
August 26, 1997

Dear Sirs:

I have learned of the proposed Tinsel Town Retail Center development proposed for the Town of Hamburg, between Southwestern Boulevard and Bayview Road, and wish to state unequivocally that I am against this project. The primary reason that I am against this project is that the site proposed for this development borders directly on a residential area and is an inappropriate use for such a parcel. I have some grave concerns that I want the developer to address in the Environmental Impact Statement (EIS) required for this project. They are:

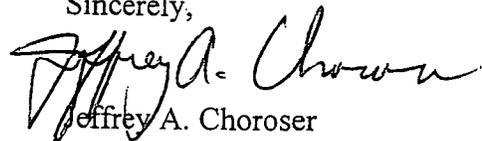
1. The developer should provide information on the increase in the crime rate associated with similar projects, and on the additional resources required of the Town of Hamburg, such as police resources. One similar project would be the construction and operation of the Galleria Mall and cinemas adjacent to the Cheektowaga High School.
2. Traffic safety related to the huge increase in traffic flow in and around the retail center must be evaluated. The study should include consideration of other factors affecting traffic flow such as events at Rich Stadium, the Erie County Fairgrounds, Frontier High School, and of traffic related to Ford Motor Co. plant shift changes. The traffic study should reference previous studies conducted in the area such as that prepared for the Berkeley Square development. The traffic study should also address the effect of high snowbanks in and around the complex on the frequency and severity of vehicular accidents.
3. Related to traffic, the impact on air quality in and around the proposed center must be addressed during the peak traffic flow periods. This becomes a major factor when considering the height of the center and its effect of local wind patterns and due to the additional traffic signals proposed for the area (i.e. with all those vehicles sitting idling at all the traffic lights they'll have to go through).
4. The impact on fire response, both for response to the proposed center and to other areas, must be addressed. This is especially vital since traffic is likely to back up to the fire station on Bayview Rd., hindering access to the fire station for the volunteer firemen, and hindering egress from the fire station for emergency response vehicles.
5. What impact will this retail center have on Frontier High School attendance, vandalism, safety, and overall quality of life for the students? Cite specific

examples of similar projects placed adjacent to schools, especially the Galleria Mall development located adjacent to Cheektowaga High School.

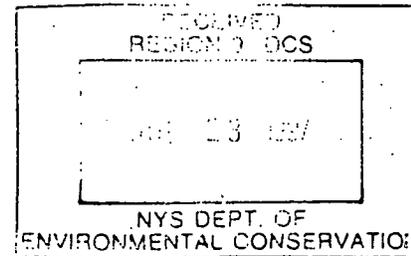
6. The impact of noise on the adjacent residential parcels must be evaluated during peak traffic flow and retail center attendance.
7. With the tremendous amount of trash to be generated during retail center operations, the impact of pests (rats, flies, raccoons, etc.) attracted to the trash on the adjacent residential parcels must be evaluated. The pest evaluation should be performed for the summer period when pest breeding rates are at their highest and pest-attracting odors are also at their maximum, and what the impact will be if pest access to trash is suddenly cut off due to mitigative measures put in place by the center operators. The developer should also address pest control measures proposed for the center, and if chemical pest control agents are used, what their impact on the environment will be.
8. Stormwater run-off impacts on downstream areas must be addressed both for its control (how will it be prevented from flooding downstream areas) and on its quality (oil and bacteria laden from vehicles and trash). This impact should be evaluated for peak flow periods associated with 300 year rainfalls.
9. What alternative locations were evaluated prior to proposing this site for development? How were environmental impacts weighted when evaluating these alternate locations?

To put it plain and simply, this is an inappropriate location for such a retail center. And whether it has a bearing or not, the area does not need additional movie theaters especially with the other facilities existing and proposed for the local area.

Sincerely,

  
Jeffrey A. Choroser

4007 Tudor Place  
Hamburg, New York 14075  
July 20, 1997



Ms. Dale Braden  
New York State Department of Environmental Conservation  
270 Michigan Avenue  
Buffalo, New York 14203

Re: Proposed Development of Tinseltown Theater in Town of Hamburg

Dear Ms. Braden:

I am writing this letter as a concerned Town of Hamburg resident opposed to the proposed development of the above referenced theater complex. Other concerned residents and myself attended the Town Planning Board Meeting conducted July 16, 1997 at the Town Hall. Mr. Dick Crandall chaired the meeting.

Numerous residents and myself noted inconsistencies which could be construed as bias towards the project and we would like to bring our concerns to your attention.

1. During the meeting the developer noted the School Board was in favor of the development. It wasn't until later in the meeting when a resident was given the floor and noted that her discussion with Dr. Gerald P. Glose, Frontier School Superintendent, who was present disclosed that the School Board was neutral. The Planning Board never requested Dr. Glose for his opinion until this obvious inconsistency was brought to their attention.
2. Early in the meeting, Mr. Crandall, Chairman of the Planning Board made references on several occasions to letters he received in favor of the project. He brought these letters to the meeting with him. All five of them were from businesses. He said that he had several letters from concerned citizens, but he made no reference to them. I had written one of the letters to the Planning Board as well as some of the other residents present at the meeting. Our concerns were not read to the board. Do you have to be in favor of the project or did Mr. Crandall "forget" to bring the remainder of the letters to the meeting?
3. During the meeting, Mr. Crandall made reference to his daughter who lives in Holland, New York and loves going to the Tinseltown Theater complex in Rochester, New York as his version of not everyone is against this project. This unsolicited opinion by the Chairman of the Planning Board delivers a serious blow to the credibility of his agency, who appointed itself on that night as the Lead Agency. A Lead Agency as Mr. Crandall said has to evaluate a project on its own merits. As concerned residents, we wonder how this Lead Agency is going to independently evaluate a project of this magnitude when its Chairman is listening to his daughters opinion about a theater in another city which is not built near a school or within 1/4 mile of thousands of residents. I believe Mr. Crandall's comment damaged his credibility as the Town of Hamburg Planning Board Chairman on

this project as it appears he will not evaluate this project on what is good for the community.

4. During the meeting Mr. Crandall held up a voluminous traffic study which was done on this project. He said he hadn't read it, and due to its size was not sure when he would read it. It was also noted that the study was based in large part on a traffic study completed in 1992. My problems with this are numerous. First, if the taxpayers spend thousands of dollars on a traffic study the Planning Board should read it and know the facts about the study. Second, completion of a traffic study during the summer months is ludicrous because people are on vacation and school is not in session. Third, using a 5 year old study for a project of this magnitude is totally unacceptable. Development in the Town of Hamburg between McKinley and Rogers Road has been unbridled during this time period. The report completed 5 years ago is obsolete. A new traffic study should be completed this fall. The day and time of the study are also important considerations.

5. Finally, at the end of the meeting, the Planning Board had not decided if this project had a negative declaration or positive declaration under SEQR to the residents of the Town. It would be a disservice to make a negative declaration on a project of this magnitude when you consider the following environmental impacts.

1. Parking for 1,548 or more vehicles, which will result in a physical change to the project site.
2. Predominant land use(s) and zoning classifications within a 1/4 mile radius of the proposed action are residential and school property, which are not compatible with a theater complex.
3. Proposed action will result in the generation of traffic significantly above present levels.  
i.e. 1,000 or more vehicular trips in any given hour.
  - a. The existing road network is inadequate to handle the additional traffic.
  - b. The number of vehicles will have a significant negative impact on air quality, which is adjacent to an elementary and high school.
4. Proposed action will affect aesthetic resources.
  - a. Theater complex is in sharp contrast to current surrounding use patterns.
  - b. The 60 foot walls are going to significantly reduce the aesthetic beauty of the area. The current 35 foot zoning regulation was implemented to restrict buildings from dominating a rural skyline.
5. Proposed action will affect existing transportation system.
  - a. Proposed action will result in a decline in an already bad traffic area.
6. The Proposed action will affect the quantity and quality of existing or future open spaces and recreational opportunities.

7. The proposed action will produce noise exceeding the local ambient noise levels. the proposed action will remove natural barriers that would act as a noise screen.
8. Proposed action would alter drainage flow or patterns or surface water runoff. There is a stream running through the property.
9. Proposed action will have a substantial negative effect on non-endangered or non threatened species.
10. Proposed action appears to conflict with Town Master Plan.
11. Proposed Action will create an increased demand for Police and Fire Department Services. The Fire Department may need new equipment to deal with a 60 foot building complex.
12. Proposed action will lower surrounding residential real estate property taxes.

If this proposal does not demand a positive declaration under the SEQR Process, then we might as well rescind the state regulations because they are impotent and left to the arbitrary and capricious decision making of Lead Agencies which are biased.

The Town of Hamburg Residents would deeply appreciate New York State involvement in this process to insure a fair and open evaluation under SEQR of this proposed development.

Very Truly Yours,

  
Michael S. Betrus

c.c. Kathleen Hochul  
Mark Cavacoli  
Stanley Figiel, President, Frontier Central School Board

# TOWN OF HAMBURG

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



Supervisor  
PATRICK H. HOAK

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

Town Clerk  
GEORGE DANYLUK

Supt. Of Highways  
JAMES F. CONNOLLY

Receiver of Taxes  
ROBERT A. MARS

August 20, 1997

## M.J. Peterson Rezoning

### Status:

1. The Hamburg Town Board in June of 1996, referred this rezoning request to the Planning Board and subsequently declared themselves Lead Agency under the SEQRA process. The Planning Board function is to generate information for the Town Board, and make a recommendation, so that the Town Board can make a SEQRA decision and a decision on the rezoning.

2. Based on review by the Planning Board, Town departments and Committees, and other involved agencies, many concerns were raised:

- (a) wetlands
- (b) Floodplain
- (c) Important woodlands
- (d) Infrastructure (water and sewer) availability
- (e) Stormwater
- (f) Traffic
- (g) Buffer to adjacent residential

3. The applicant at that time asked to be allowed to obtain additional information for the Board (under Part 3 of the Ful EAF), prior to a SEQRA determination being made.

4. The applicant since that time has revised the plan and done additional studies for the Town:

- (a) Traffic Impact Study completed by EMS< dated December 1996.
- (b) Preliminary wetland assessment completed by Nussbaumer & Clarke, Inc.
- (c) Depiction of the Floodplain on the plan.
- (d) Revised plan showing the preservation of some of the woodlands, avoidance of wetlands and floodplains, and buffers to adjacent residential properties.

5. Based on this additional information, the Planning Board still had concerns over the traffic situation and asked the applicant to obtain additional information or modify the plan

(another means of egress).

6. The applicant has now come back with a plan depicting an egress into the Liberatore property with a proposed roadway for the future leading through that property to the existing driveway on to Camp Rd.

#### **Traffic Situation and NYSDOT Meeting**

1. The Traffic Impact Study basically concludes that a traffic signal is not warranted even at complete build-out. Although the study does point out that there may be problems due to the traffic crossing Camp Rd. to gain access to the Thruway.

2. The Town's Traffic Safety Board has concerns about the entrance and increased traffic onto Camp Rd.

3. The Planning Board and its Consultant believe that the proposed access road through the Liberatore property does not provide a secondary means of egress (It is something that may never happen). It also would bring traffic to an already poor entrance onto Camp (we believed that this entrance was going to be moved-- not so per the NYSDOT). Therefore, we must still consider that all the traffic entering and leaving Commerce Park will do so by Commerce Place.

4. Drew Reilly and representatives of Commerce Place met with the NYSDOT on 8-18-97 and received the following input:

(a) The NYSDOT does not believe a signal is warranted at this time and may not be needed in the future. They stated that they would not allow a signal at this location and that most probably the Thruway Authority would have a problem with a signal.

(b) The NYSDOT project for Camp Rd. will have a northbound left turn lane on Rt. 75 at Commerce Place.

(c) They believe appropriate signage, pavement markings and turn lanes on Commerce Place will improve the situation.

(d) Mr. Reilly questioned how the Town could protect themselves from the possibility that Traffic could be higher than predicted by the study or that accidents could be greater than predicted.

(e) The NYSDOT suggested an agreement between the Town and developer, which would allow the Town the ability to stop site plan approvals if either of the two previously discussed situations occurred.

#### **Next Steps:**

1. The Planning Board must make a decision on the application

and make a recommendation on SEQRA and the rezoning.

2. Or the Planning Board can ask for additional information and table the action (with the applicant's agreement).

SUBJ: 8/20/97 PLANNING BOARD MEETING AGENDA  
MJ Peterson Rezoning Petition - Commerce Place

The following are review comments on the above-referenced rezoning petition (R-A to C-1):

- (1) The site is in the Hamburg Master Sewer District. Adequate capacity is available to service the site, based on the 40,000 gpd anticipated flow.
- (2) The site is not in a water district. A Town water district formation or extension, or other appropriate agreement with the Erie County Water Authority, will be required to service the parcel.
- (3) Storm water detention will be required for development of the parcel.
- (4) A wetlands delineation is required to be performed, in order to determine if any Federal wetlands are located within the site. The Town's Open Space Plan indicates that areas of high water table are present.
- (5) Additional information on the proposed future road through the Liberatore parcel to the north is required. When is this road proposed to be constructed? The connection into Camp Road should be moved further north, in order to avoid conflicts with the adjacent Thruway entrance. Access to the Liberatore parcel needs to be properly controlled. The proposed connection agreement should be reviewed and approved by the Town Planning Board and the adjacent owner.

All comments must be acceptably addressed for approval.

  
Gerard M. Kapsiak, P.E.  
Town Engineer

  
Richard J. Lardo  
Principal Engineer

RJL/dhp

In conclusion, Motion was made by Mr. Fitzpatrick, seconded by Mr. Pohlman to ask for additional data, to review the history of the site, and to format an agreement that further studies be completed as the park progresses. Comments should also be obtained from the Traffic Safety Board. Carried.

#### Sheldon Road Subdivision

Mr. Harry Watkins appeared before the Planning Board for preliminary approval of a 7 lot subdivision 500 feet east of Allendale on Sheldon Rd. The Town Board passed a resolution abandoning a portion of that area. Attorney Norm Walawender, representing his clients, John Palek and T. Polakiewicz, asked if part of the road could be put in on S.L. 4 and 5. Rick Lardo of Engineering explained that according to past practice, it is not acceptable to Engineering to have stub streets. They become a liability. Comments from **Engineering** are as follows:

- (1) The Town Board approved the abandonment of portions of the Pembroke and Highland Parkway paper streets at their 7/14/97 meeting. The abandonment must be recorded in the Erie County Clerk's office.
- (2) An existing waterline is located along Sheldon Road. The Erie County Water Authority should be contacted to determine if there is sufficient available capacity to service the subdivision.
- (3) The site is within Erie County Sewer District No. 3 (ECSD No 3). A mainline extension will be required to service the site. The district should be contacted to determine if there is sufficient available capacity to service the site.
- (4) The preliminary plat plan requirements included under Section 230-15 of the Town Subdivision Regulations have not been complied with. The plan drawing should be revised to incorporate all requirements.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to issue a Negative Declaration for the project, approve the preliminary as based on Engineering comments. Carried.

Robert Voigt - Part time bakery on Clark Street. Applicant did not appear.

Engineering Comments are as follows:

The following are review comments on a survey dated 7/12/95:

- (1) The driveway needs to be paved.
- (2) Does the joint driveway agreement allow a commercial business? Has the adjacent owner been notified of the proposed business?
- (3) There is a potential for parking problems at the site. Parking spaces should be delineated.

Preischel Bros. Expansion - 2890 Pleasant Avenue

Messrs. Larry Preischel, Bill Arlowe, and Marshall Black appeared before the Planning Board with revised site plans for their proposed warehouse expansion to be located on Pleasant Avenue. They have amended the drawing as required, however, no one has had the chance to review it as yet. They have parking for 9 spaces. The applicant was also advised that the storage area should be cleaned up from all tires. If tires are to be stored outside, they must be in some type of enclosure. Mr. Crandall is to do an on-site of the property.

Engineering comments are as follows:

- (1) Include an appropriate clearing, stripping, and erosion control (CSEC) plan and associated construction details.
- (2) The plan submitted does not match the existing conditions at the site. More area has been disturbed and used for parking and/or outside storage. There are several piles of tires, assorted material, and abandoned equipment on the site. The driveway has been widened. It is necessary that the site plan be revised to show the actual existing conditions, as well as proposed site improvements.
- (3) The site plan review checklist was not complied with in preparing these plans. The site plan should be revised accordingly.

Motion was made by Mr. Koenig seconded by Mr. Fitzpatrick to Table until the Sept. 3rd work session. Carried.

**Becker Subdivision**

Attorney Richard Sullivan appeared before the Planning Board on a revised concept plan for Becker Subdivision. We realize that what was submitted was only half the subdivision. The original proposal was for 41 lots and the drawing you have shows only 27. We will do the other side of the road as requested. The proposal will reflect single family and no more than 1/3 of the lots will be used for 2 family.

Engineering comments are as follows:

- (1) Erie County Sewer District No. 2 (ECSD No. 2) has determined that there is sufficient available capacity in their system to service the site.
- (2) The Erie County Water Authority (ECWA) has determined that there is adequate pressure and flow to service the site.
- (3) Specify on the plan the proposed type of dwellings to be constructed.
- (4) The land shown as "Passive Recreation Area" adjacent to the creek is subject to flooding, but is not in a designated flood plain. It will be necessary to clean and widen the creek as part of the development of the property.
- (5) Specify if the 0.80 acre parcel dedicated to the Town is for active or passive recreation.
- (6) Driveway access to Sublot Nos. 3, 4, 13, and 14 should be restricted to only the proposed new road.
- (7) The plan does not correspond with the Sketch Plan which the Planning Board approved on 2/19/97.

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

1. Other matters:

Dome status--still in bankruptcy. There should be some type of resolution within the next month.

2. VTG Warehouse Storage - The Board has reviewed the proposal to use man doors in lieu of roll up doors along the front of the facility on Southwestern Blvd. Man doors can be used provided that they do not exceed 3' x 7' 0" and that the doors flush panel be of the same color as the adjacent textured walls.

3. Jim Cleary Warehouse - landscaping is forthcoming

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

Respectfully submitted,

*Gerard Koenig*  
Gerard Koenig, Secretary  
Planning Board

Next Meeting: 9-3-97