

**Town of Hamburg
Planning Board Work Session
September 7, 2005**

The Town of Hamburg Planning Board held a Work Session in the Conference Room at S-6122 South Park Avenue at 7:30 p.m. Those attending included: Chairman Gerard Koenig, Vice-Chairman David Phillips, Secretary Paul Eustace, Steve McCabe, Sasha Yerkovich, Bob Reynolds, Karen Rogers. Others attending included Wendy Salvati, Attorney Michael Fruth, and Terry Dubey, Stenographer. Excused: Don McKenna

Ms. Salvati reviewed the items that have been removed from the agenda.

Lake Shore Woods - Old Lake Shore Road

Governed by a homeowner's association, one property owner wants to build a home on a parcel and is asking for open development. This is another technique for the subdivision of lots on a parcel that shares a common driveway and has no frontage. The idea is to split off 3 lots that have been partially developed. There is a provision in the general town law that provides for something like this. Applicant is to contact the Town Board.

Burke DEIS - Not acceptable. Mr. Burke has withdrawn the document and will have Nussbaumer & Clarke prepare the items that are deficient. The DEIS will be resubmitted in October.

Benderson DEIS - Best Buy Project

A draft and supplement has been prepared for this rezoning for presentation to the Town Board on September 12th, 2005. Item will then be referred to the Planning Board for review.

Matusick Rezoning - This rezoning was attempted once before and wound up in the courts. A recommendation is needed to submit to the Town Board.

Motion was made by Mr. Phillips, seconded by Mr. McCabe to forward a favorable recommendation on the rezoning from R-2, General Residence, to H-C, Hamburg Commercial. This is in conformance with the Master Plan and as requested by the Supreme Court. Carried.

K-Technologies Addition - Abel Road

Mr. Jeff Kryszak appeared before the Planning Board on a proposed 4900 s.f. addition for K-Technologies on Abel Road. A variance from the 25% rule was granted on Oct. 5, 1999 to allow expansion up to 5,000 s.f. or 50%. The present building is 4900 s.f. The parking requirements have been met. Presently, there are 30 employees and with the addition, there will be 50.

Mr. Koenig noted that the existing building is 4900 s.f. and the addition 5400 s.f. That brings the total to 10,000 s.f. Landscaping was also discussed. In one area, there is a berm with 3 trees. Pine trees have been planted along the property line. Item will be on for September 21st.

Engineering comments are attached.

TOWN OF HAMBURG

ENGINEERING DEPARTMENT

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Town Engineer
GERARD M. KAPSIK, P.E.



Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 9/7/05

SUBJ: 9/7/05 PLANNING BOARD WORK SESSION AGENDA
Addition to K-Technologies - 5424 Abel Road

The following are review comments on a site plan dated 4/9/04 and last revised on 8/1/05:

- (1) Site plans for this parcel were previously approved by the Planning Board on 8/22/91, 11/17/93, and 11/18/94. The parking area has been enlarged and modified from the 1994 approved plan.
- (2) Provide existing and proposed site elevations.
- (3) Upon completion of the topographic survey, the design engineer should contact this office to discuss the site drainage.
- (4) Provide a typical pavement section.
- (5) Provide curbing along the parking lot perimeter.
- (6) Provide site lighting locations.
- (7) Landscaping is to be approved by the Planning Board.
- (8) Show the location of the roof drains.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

ABASCO Addition - Southwestern Blvd.

Applicants appeared to update the board on the status of their project. A variance on parking was granted at the Zoning Board meeting of 9-6-05. Rick Lardo has visited the site and has determined the clearing space around the building. They spoke of the necessity of the overhead door on the east side of the building. This door is essential for ventilation, and tractor trailer deliveries will be made at least once a month. The applicants are concerned as it is getting late in the season and they would like to start the foundation.

The Public Hearing on the subdivision has been set for September 21st, 2005 at 7:30 p.m. They are hoping for a contingent approval at that time. They are incurring additional costs at this particular time. As for the compressor, it will be located inside when the addition is complete. Item will be on in 2 weeks.

Krone 4 lot Subdivision - Willett Road

Mr. Jay Pohlman appeared on behalf of this application. The first thing he provided is a letter from James Balcarczyk of Erie County Sewer District #6 for permission to connect to the #6 system. (See attachment).

The existing home has been hooked up to a private line. There is potential hydric soil on Lot 1. Since this borders along the City of Lackawanna, a coordinated review will need to be done. Paper work has been prepared on this with a return date of October 21st. Planning Board will act as lead agent. This is a five acre parcel. S.L. 2 is a flag lot. An investigation is to be made if there will be a problem with the sewer lateral. The soil should be adequately defined.

Engineering Comments are attached.



County of Erie

JOEL A. GIAMBRA
COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT & PLANNING

LAURENCE K. RUBIN
COMMISSIONER

CHARLES J. ALESSI, P.E.
DEPUTY COMMISSIONER
Sewerage Management

September 1, 2005

Eric & Lynn Krone
373 Willet Road
Blasdell, NY 14219

Re: Sewer District #6 Board conceptual approval
for Out-of-district service for proposed sublots on South
side of Willet road.

To Whom It May Concern:

Sewer District #6 has received a request from Eric and Lynn Krone of 373 Willet Avenue, Blasdell regarding two undeveloped properties on the south side of Willet road, west of the NYS Thruway.

Prior to selling these two lots, they were seeking assurances from the District that sewer service would be provided when these properties are developed. Typically, sewer service is provided after an Out-of-District agreement is reached with the property owner at time of development of the property. As the Town of Hamburg has no existing sanitary sewer on the south side of Willett Rd. west of I-90, there have been a number of properties in this area that have previously requested, and have been granted, permission to connect to the ECSD #6 system.

I have asked the District #6 Board of Managers to grant conceptual approval for future Out-of-District agreements for these properties at the next meeting scheduled on September 20, 2005.

I expect that at the time of development, with permission from the Town of Hamburg, the Board will agree to provide sewer service to these two lots on the south side of Willet Rd.

Sincerely,

James E. Balcarczyk

Sewer District Manager

Cc: T.Whetham/6.2.3.14

TOWN OF HAMBURG

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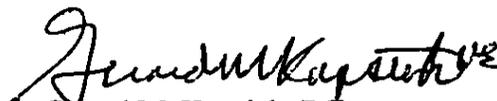
Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board
FROM: Engineering Dept.
DATE: 9/7/05
SUBJ: 9/7/05 PLANNING BOARD WORK SESSION AGENDA
Krone Minor Subdivision - Willett Road

The following are review comments on a survey dated 8/10/05:

- (1) The legal description is acceptable.
- (2) Public water service is available to the site.
- (3) There are no public sidewalks in the area. We have no objection to waiving the sidewalk requirement.
- (4) We have no objection to waiving the map cover requirement.
- (5) Public sanitary sewer service is available from Erie County Sewer District No. 6 (ECSD No. 6). An Out-of-District Service Agreement with ECSD No. 6 is required for sewer service.

All comments are to be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.
Town Engineer


Richard J. Lardo
Principal Engineer

TOWN OF HAMBURG

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September 7, 2005

To: The Town Board
Cindy Conolon-Legal Department
Rick Lardo - Engineering

Subject: Rezoning of Mitchell Matusick on property on McKinley Parkway
from R-2, to H-C, Hamburg Commercial.

The Planning Board made the following favorable recommendation for the Mitchell Matusick rezoning from R-2 to H-C, Hamburg Commercial at their meeting of 9-7-05.

Motion was made by Mr. Phillips, seconded by Mr. McCabe to forward a favorable recommendation for this rezoning on property on McKinley Pkwy. From R-2 to H-C, Hamburg Commercial as it is compatible with the Master Plan.

Carried.

Public Hearing is to be set for October 24, 2005 at 7:00 p.m.

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 9/7/05

SUBJ: 9/7/05 PLANNING BOARD WORK SESSION AGENDA
Quinby Drive Day Care Facility

The following are review comments on a sketch plan (Option1) dated 7/15/05:

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

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

MEMORANDUM

TO: Hamburg Planning Board

FROM: Planning Department

DATE: September 7, 2005

SUBJECT: September 7, 2005 Work Session Agenda

The following are the Planning Department's general comments on the September 7, 2005 Planning Board Agenda Items.

1. Matusick Rezoning: This rezoning request is in conformance with the Town's Comprehensive Plan, the recommendation of the Planning Department (now and in the Town's previous attempt to rezone this area), and with the court decision on this rezoning. The Planning Board must make their recommendation to the Town Board.
2. K-Technologies Addition: Site Plan Application. This project (or a very similar project) has been before the Planning Board in the past. Issues included access to Southwestern, aesthetics, parking and the "use" of the site.
3. Ridgefield Cluster Development – Preliminary subdivision and SEQR. The applicant has requested the action be tabled until an official letter concerning wetlands has been received from the Army Corp.
4. Krone 4 Lot Subdivision – Minor Subdivision – Preliminary Plat. If sewers are made available across the street in Lackawanna, then the applicant meets all zoning requirements (lot 2 will require the home to be built back ≈ 242 feet from the centerline of the road). No further subdivision to be allowed should be considered as a condition of approval.
5. Dennis Debo Day Care Center – Site Plan, Sketch. No new information since last plan submitted and direction given.
6. Lakeshore Woods – Open Development Area – Direction to Applicant.
7. Burke Industrial Park – DEIS submittal. The Planning Department has determined that the DGEIS is inadequate for public review and based on verbal comments to the applicant, they have withdrawn it for revisions.
8. Gullo's Rezoning – Report Item. This application may be referred to the Planning Board at the Town Board July 12, 2005 meeting. If referred, will be placed on the September 21, 2005 agenda.
9. Milestrip Road – DGEIS submittal. This DGEIS may be accepted at the September 12, 2005 Town Board meeting. If accepted as complete, the Planning Board members will be able to review the document at the Planning office for discussion at the September 21 meeting.

RESOLUTION

Whereas, the Town of Hamburg began an Environmental Impact Statement process for the proposed rezoning and subsequent development of a Tops Supermarket facility on Milestrip Rd., across from the Thruway entrance in 2003, and

Whereas, the Town Board acting as Lead Agency accepted as complete a DEIS for this project dated August 2003, and held the appropriate Public Hearing, and

Whereas, the applicant after the Public Hearing asked for the project and process to be put on hold, and

Whereas, the applicant, Benderson Development Co., would like to restart the process for a modified project that does not include a supermarket but a retail development including "Best Buy" of approximately the same size building as the previous proposal, and

Whereas, the applicant has submitted a Supplemental Draft Environmental Impact Statement (SDEIS) identifying the changes in the project, and

Whereas, the Planning Department has reviewed this SDEIS and has recommended that the SDEIS and referenced DEIS are complete and in accordance with the scoping document.

Now Therefore Be It Resolved That, the Town Board has determined that the SDEIS and referenced DEIS are complete and adequate for public review (this does not mean that the Town agrees with the conclusions of the document or that we have completed our technical reviews), and

Be It Further Resolved, that a Public Hearing be scheduled for this SDEIS on _____ at _____ p.m., and

Be It Finally Resolved That, the Planning Department perform all the required mailings, filings, and modifications required under the SEQR regulations.

RESOLUTION

Whereas, the Town of Hamburg has received a rezoning application from Gullo's Garden Center LLC, for the rezoning of property located behind their garden center at 4767 Southwestern Blvd., from R-2 single-family residence, attached district to C-1 local retail business district, and

Whereas, this is an existing, growing business in the Town, and the expansion would allow them to remain at their current site, and

Whereas, the property along Southwestern Blvd. is currently zoned C-1 but, the Comprehensive Plan does not clearly state support for the expansion of commercial development in this area outside of the currently zoned commercial properties, and

Whereas, the code review committee has reviewed this rezoning request and has recommended that the Town Board entertain this rezoning application.

Now Therefore Be It Resolved That, the Town Board hereby entertains this rezoning request and refers it to the Planning Board with the following concerns:

- 1 That the project must be shown to minimize any impacts to the surrounding residential areas.
- 2 Traffic and internal circulation issues.
- 3 Dust, odor and noise issues.
- 4 Zoning issues related to this proposed use.

Be It Further Resolved That, in accordance with the SEQR regulations, the Town Board authorizes the start of the coordinated review process, and requests Lead Agency designation for this process.

Legal Notice
Town of Hamburg Planning Board
Agenda - September 7, 2005

The Town of Hamburg Planning Board will meet for a Work Session on Wednesday, September 7th, 2005 at 7:30 p.m. in the Conference Room at S-6122 South Park Avenue to discuss the following items:

1. Referral from Town Board on Matusick rezoning - McKinley Pkwy.
2. K-Technologies Addition - Abel Road
3. Ridgefield Cluster Development
4. Krone 4 lot Subdivision - Willett Road
5. Dennis Debo Day Care Ctr. - Quinby Drive
6. Lake Shore Woods - Open Development area - Chris Henrich
7. Burke Industrial Park DEIS

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

Dated: 8-16-05

Legal Notice
Town of Hamburg Planning Board
Abasco 2 Lot Subdivision
5225 Southwestern Blvd.

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a 2 lot subdivision known as ABASCO Subdivision located at 5225 Southwestern Blvd. On September 21, 2005, at 7:30 p.m. in Room 7B of Hamburg Town Hall.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number 21, Township 9, Range 8, of the Holland Land Company's Survey, described as follows;

BEGINNING at a point in the southeast line of Southwestern Boulevard, as deeded to the County of Erie by deed recorded in the Erie County Clerk's Office in liber 2040 of Deeds at page 354, at the southwest corner of lands conveyed to Gateway Plaza, Inc. by deed recorded in said Erie County Clerk's Office in liber 6251 of Deeds at page 398; **THENCE** northeasterly along the east line of Southwestern Boulevard, a distance of 72.0 feet to a point; **THENCE** southeasterly at right angles, a distance of 20.0 feet to a point; **THENCE** northeasterly parallel with the east line of Southwestern Boulevard, a distance of 400.0 feet to a point; **THENCE** northwesterly at right angles, a distance of 20.0 feet to a point in the east line of Southwestern Boulevard; **THENCE** northeasterly along the east line of Southwestern Boulevard, a distance of 1063.79 feet to a point; **THENCE** southeasterly at right angles to Southwestern Boulevard, a distance of 1172.19 feet to a point in the south line of lands conveyed to Gateway Plaza, Inc., by deed recorded in the Erie County Clerk's Office in liber 6251 of Deeds at page 398; **THENCE** west along said south line of lands conveyed to Gateway Plaza, Inc., a distance of 1931.98 feet to the place or point of beginning, containing 20.48 acres of land, more or less.

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

Dated: 8-18-05

**LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD**

AGENDA — SEPTEMBER 7, 2005

The Town of Hamburg Planning Board will meet for a Work Session on Wednesday, September 7th, 2005 at 7:30 p.m. in the Conference Room at 56122 South Park Avenue to discuss the following items:

1. Referral from Town Board on Matusick rezoning — McKinley Pkwy.
2. K-Technologies Addition — Abel Road
3. Ridgefield Cluster Development
4. Krone 4 lot Subdivision — Willett Road
5. Dennis Debo Day Care Ctr. — Quinby Drive
6. Lake Shore Woods — Open Development area — Chris Henrich
7. Burke Industrial Park DEIS

Dated: 8-16-05

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

8-25

**LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD**

**ABASCO 2 LOT SUBDIVISION
5225 SOUTHWESTERN BLVD:**

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a 2 lot subdivision known as ABASCO Subdivision located at 5225 Southwestern Blvd. on September 21, 2005, at 7:30 p.m. in Room 7B of Hamburg Town Hall.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number 21, Township D, Range 8, of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the south-east line of Southwestern Boulevard, as deeded to the County of Erie by deed recorded in the Erie County Clerk's Office in liber 2040 of Deeds at page 354, at the southwest corner of lands conveyed to Gateway Plaza, Inc. by deed recorded in said Erie County Clerk's Office in liber 6251 of Deeds at page 398; **THENCE** northeasterly along the east line of Southwestern Boulevard, a distance of 72.0 feet to a point; **THENCE** southeasterly at right angles, a distance of 20.0 feet to a point; **THENCE** northeasterly parallel with the east line of Southwestern Boulevard, a distance of 400.0 feet to a point; **THENCE** northwesterly at right angles, a distance of 20.0 feet to a point in the east line of Southwestern Boulevard; **THENCE** northeasterly along the east line of Southwestern Boulevard, a distance of 1063.79 feet to a point; **THENCE** southeasterly at right angles to Southwestern Boulevard, a distance of 1172.19 feet to a point in the south line of lands conveyed to Gateway Plaza, Inc., by deed recorded in the Erie County Clerk's Office in liber 6251 of Deeds at page 398; **THENCE** west along said south line of lands conveyed to Gateway Plaza, Inc., a distance of 1931.98 feet to the place or point of beginning, containing 20.48 acres of land, more or less.

Dated: 8-18-05

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

8-25