

**Town of Hamburg  
Planning Board Meeting  
October 19, 2005  
Actions Taken**

**Krone 4 lot subdivision  
Willett Road**

**Approved preliminary**

**Burke Industrial Park  
Southwestern Blvd.**

**DEIS to be accepted by Town Board**

**Dennis Debo 2 lot subdivision  
Quinby Drive  
Special Use Permit Day Care Ctr.**

**To be approved at Nov. 16<sup>th</sup> meeting**

**Larry's Transmission  
3794 Lake Shore Road**

**Approved**

**Gullo's Expansion and  
Rezoning to R-A parcel  
Southwestern Blvd.**

**Approved contingent on Eng. & Town Board  
Approval on rezoning**

**Parker Ridge Emergency Access**

**Waived requirement**

**Town of Hamburg  
Planning Board Meeting  
October 19, 2005**

The Town of Hamburg Planning Board will meet for a regular session on Wednesday, October 19, 2005 in Room 7B of Hamburg Town Hall. Those attending included: Chairman Gerard Koenig, Vice-Chairman David Phillips, Secretary Paul Eustace, Sasha Yerkovich, Steve McCabe, Karen Rogers,. Others attending included Drew Reilly, Rick Lardo, Michael Fruth, Esq., Don McKenna, Esq., and Terry Dubey, Stenographer. Excused: Bob Reynolds

**Krone 4 lot Subdivision - Willett Rd.**

Secretary Eustace read the following Legal Notice of Public Hearing:

**LEGAL NOTICE  
TOWN OF HAMBURG  
PLANNING BOARD  
KRONE 4 LOT SUBDIVISION  
WILLET RD.**

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a 4 lot Subdivision known as "Krone" Subdivision located on Willett Road to be held on October 19, 2005, at 7:30 p.m. in Room 7 B 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 437, Township 10, Range 7 of the Buffalo Creek Reservation, and further bounded and described as follows:

BEGINNING at a point in the center line of Willet Road (49.50 feet wide) said center line being the north line of Lot No. 437, at a distance of 75.00 feet west of the northeast corner of Lot No. 437;

Thence westerly along the center line of Willet Road a distance of 364.60 feet to the northeast corner of land deeded to Jeremiah Sullivan by deed recorded in the Erie County Clerk's Office in Liber 4801 of Deeds at page 178;

Thence southerly at an interior angle of 89°23" and along the east line of Sullivan by aforesaid mentioned deed a distance of 689.18 feet to the northwest corner of land deeded to Niagara Mohawk Power Corporation by deed recorded in the Erie County Clerk's Office in Liber 7687 of Deeds at page 541;

Thence easterly at an interior angle of 90°46'43" and along the northerly line of land deeded to Niagara Mohawk Power Corporation by aforesaid mentioned deed a distance of 108.03 feet to the Southwest corner of land deeded to Niagara Mohawk Power Corporation by deed recorded in the Erie County Clerk's Office in Liber 7874 of Deeds at page 453;

Thence northeasterly at an interior angle of 129°48'17" and along the northwesterly line of land deeded to Niagara Mohawk Power Corporation by aforesaid mentioned deed a distance of 478.48 feet to a point; Thence westerly at an Interior angle of 50°02" and along a line parallel with Willet Road a distance of 54.72 feet to a point;

Thence northerly at an exterior angle of 90°37' a distance of 322.75 feet to the Point or Place of Beginning, containing within said bounds 4.921 acres (214,358.76 sq. ft.) of land more or less, according to a survey performed by Paul G. Pagano, Registered Land Surveyor- No. 050520, in August of 2005.

**GERARD KOENIG, Chairman  
PAUL EUSTACE, Secretary  
Planning Board**

Dated: 9-21-05

Chairman Koenig declared the hearing open:

Jay Pohlman, Attorney, appeared before the Planning Board on the proposed 4 lot subdivision located at the residential portion of Willett Road. Revised drawings have been submitted, and they are looking for preliminary subdivision approval. The existing Krone residence is being sold to their children with 3 more lots provided. There is a line drawn showing areas that are not to be developed as there is a potential for hydric soil (Canadian silt loam) and wetlands. Nothing has been received from the City of Lackawanna relative to this proposal. An out of district agreement has been obtained for the sewer.

Chairman Koenig asked 3 times if anyone wished to be heard for or against the subdivision. Hearing no comment, the hearing was declared closed.

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

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



Supervisor  
PATRICK H. HOAK

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

Town Engineer  
GERARD M. KAPSIK, P.E.

Town Attorney  
VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO : Planning Board  
FROM : Engineering Dept.  
DATE : 10/19/05  
SUBJ : 10/19/05 PLANNING BOARD MEETING 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

(Krone Continued)

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to approve the 4 lot subdivision having reviewed the plan with the various boards, and receiving comments that this will not be detrimental to the environment, issue a Negative Declaration, approve the subdivision contingent on the Engineering memo dated 10-19-05; waive the sidewalk requirement and filing of a map cover; and receive a declaration with a legal description that there is to be no building in the wetlands. Carried.

### **Burke Industrial Park DEIS - Southwestern Blvd.**

Mr. Reilly informed the board that no action will be taken on this proposal. This is just a report that there is a resolution to the Town Board to accept the DEIS as to completeness. The review process can then commence within 30 to 60 days. There is a traffic study available.

### **Dennis Debo 2 lot subdivision - Quinby Drive**

Secretary Eustace read the following legal notice of public hearing.

**LEGAL NOTICE  
DENNIS DEBO  
2 LOT SUBDIVISION  
QUINBY DRIVE**

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on the Dennis Debo Subdivision on Quinby Drive on October 19, 2005 at 7:45 p.m. in Room 7B of Hamburg Town Hall.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot No. 53, Township 9, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point in the center line of Quinby Drive which point is on the south line of Lot No. 53 and is a distance of 665.92 feet westerly and along the said center line of Quinby Drive from the center line of Fairgrounds Road; thence northerly at a 90° angle from the said center line of Quinby Drive

a deeded distance of 408.60 feet by Liber 9062 of Deeds at Page 625 and a measured distance by Nussbaumer & Clarke, Inc. of 418.75 feet to an iron pipe; thence westerly at a 90° angle and parallel with the said center line of Quinby Drive and the south line of Lot No. 53 a deeded distance of 433.05 feet by the aforementioned deed and a measured distance of 432.11 feet by Nussbaumer & Clarke, Inc. to a point; thence southerly at a measured angle of 95°-13'28" a deeded distance of 410.31 feet by said aforementioned deed and a measured distance by Nussbaumer & Clarke, Inc. of 420.50 feet to a point in the center line of Quinby Drive, being the south line of Lot 53; thence easterly along said center line a distance of 470.41 feet to the principal point or place of beginning containing 4.34 acres of land more or less.

**GERARD KOENIG, Chairman  
PAUL EUSTACE, Secretary  
Planning Board**

Dated: 9-21-05.

Chairman Koenig declared the hearing open: Mr. Dennis Debo appeared on behalf of this 2 lot subdivision. The proposal meets all zoning requirements. A variance was granted on the side yard requirement by the Zoning Board of Appeals. Chairman Koenig asked 3 times if anyone wished to be heard for or against the proposal. Hearing no comment, the hearing was declared closed.

Issues to be resolved are with Engineering. Motion was made by Mr. Phillips, seconded by Mrs. Rogers to table. Carried.

**Special Use Permit for a Day Care Center - (Dennis Debo) Quinby Drive**

Secretary Eustace read the following Legal Notice on the Special Use Permit.

Mr. Dennis Debo stated that they have provided the same plan. Trees will be noted on the next drawing. However, 80% of the trees in the front are diseased. Whatever is taken down will be restored. Chairman Koenig asked 3 times if anyone wished to be heard on this proposal.

Mr. Reilly went over the criteria for a special use permit. More engineering detail is required. Approvals can be granted for all 3 items at the November 16th meeting. The proposed day care center will be in harmony with the surrounding neighborhood. It will not create a hazard to the health, safety, and general welfare of the residents thereof; the day care center will not alter the essential character of the neighborhood. The day care center must be licensed thru the State of New York. An outdoor play area for children must be provided. Since they are adjacent to a residence, proper buffering and screening is to be provided. The area of discharge is located in front of the building. There will be one entrance to the property for the day care center. The Conservation Board has outlined what trees are to be preserved. The information that is on the survey should be the same on the site plan.

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to Table till November 16th. Carried.

**Larry's Transmission - Lake Shore Road**

Mr. Larry Green appeared before the Planning Board on a proposed auto transmission shop to be located in a former gas station on Lake Shore Road near Woodlawn. This is a non-conforming use that has not been operating for years. A use variance was granted by the Zoning Board of Appeals at their most recent meeting. Mr. Green went to Nussbaumer & Clarke to update the drawing. Signage is to be approved by the Building Inspection Department. There are underground storage tanks that are to be removed by the owner. A proposed dumpster is to be removed from the drawing. The correct address is to be noted on the revised drawing.

Mr. Green pointed out that he is in the process of cleaning up the property so that he can move in and get started

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the site as a transmission shop; issue a Negative Declaration, contingent on Engineering approval; correct the address, show the location of the existing septic system, and if he purchases the property, will tie in to the sewer. Carried.

**LEGAL NOTICE  
TOWN OF HAMBURG  
PLANNING BOARD  
SPECIAL USE PERMIT  
QUINBY DRIVE  
DAY CARE CENTER  
QUINBY DRIVE**

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing for a Special Use Permit for the Quinby Drive Day Care Center for Dennis Debo on October 19, 2005 at 8:00 p.m. in Room 7B of Hamburg Town Hall.

All interested parties are invited to attend.

**GERARD KOENIG, Chairman  
PAUL EUSTACE, Secretary  
Planning Board**

Dated: 9-21-05

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

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

Supervisor  
PATRICK H. HOAK

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

Town Engineer  
GERARD M. KAPSIK, P.E.



Town Attorney  
VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 10/19/05

SUBJ: 10/19/05 PLANNING BOARD MEETING AGENDA  
Quinby Drive Day Care Facility  
Minor Subdivision & Site Plan Review

### Site Plan

The following are review comments on a site plan dated 7/15/05 and last revised on 9/20/05:

- The entire site is currently wooded. Trees to be removed or preserved should be shown or noted on the plan.
- We will review the site plan when it is revised in accordance with the Town's site plan requirements and resubmitted for review.

### Minor Subdivision

- The legal description is acceptable.
- There are no public sidewalks in the area. We have no objection to waiving the sidewalk requirement.
- We have no objection to waiving the map cover requirement.

All comments are to be satisfactorily addressed for approval.

  
Gerard M. Kapsiak, P.E.

Town Engineer



Richard J. Lardo  
Principal Engineer

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

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

Supervisor  
PATRICK H. HOAK

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

Town Engineer  
GERARD M. KAPSIK, P.E.



Town Attorney  
VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

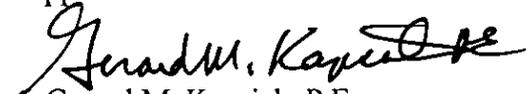
DATE: 10/19/05

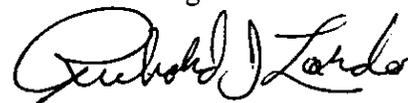
SUBJ: 10/19/05 PLANNING BOARD MEETING AGENDA  
Larry's Transmission & Auto Service - 3794 Lake Shore Road

The following are review comments on a site plan last revised on 10/6/05:

- (1) The Planning Board on 6/16/99 granted Kowal Automotive Repair conditional site plan approval for this parcel that was never signed, nor were the required site improvements implemented. Kowal Automotive went out of business and vacated the site in March 2001.
- (2) The address on the plan is incorrect.
- (3) The garbage dumpster is to be completely enclosed by fencing and set on a concrete pad.
- (4) Removal of the underground storage tanks should be verified or required for approval.
- (5) Show the location of the existing sewer lateral or septic system. The building should be connected into the public sewer system on Hoover Road (if not already connected).
- (6) There should be only one curb cut and driveway to the site.
- (7) Remove the existing asphalt and landscape the parking setback area.

All comments are to be satisfactorily addressed for approval.

  
Gerard M. Kapsiak, P.E.  
Town Engineer

  
Richard J. Lardo  
Principal Engineer

**Gullo's Expansion on Southwestern Blvd.**

Dave Dercarz, Russell Gullo, and Daryl Martin, appeared before the Planning Board on their proposed rezoning and expansion of Gullo's Garden Center on Southwestern Blvd. A Public Hearing on the rezoning has been set for November 21st, at 7:00 p.m. Conditional approval can be granted pending approval of the rezoning.

Motion was made by Mr. Phillips, seconded by Mr. Eustace, to approve Gullo's expansion subject to Engineering requirements and approval of the rezoning, and issue a Negative Declaration. Carried.

**Southtown's Sports Center - Commerce Place - Jeff Walker**

A letter was submitted to the Planning Board for an extension for the Southtown's Sports Center on Commerce Place.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to grant a 6 month extension for the Southtown's Sports Complex. Carried. Extended to April 19th, 2006.

**Best Buy Project - Milestrip Road**

Drew Reilly submitted a memo to the Board outlining the contents of the revised supplemental DEIS for Benderson Development. Review process can begin after it is accepted by the Town Board.

**Armor Fire Company Addition - Clark Street**

To be added subject to Engineering approval.

**Parker Ridge Emergency Access.** Motion was made by Mrs. Yerkovich, seconded by Mr. McCabe to waive the requirement for the emergency access as a secondary means of egress. Carried.

Motion was made by Mr. McCabe, seconded by Mrs. Yerkovich to approve the Work Session minutes of Sept. 7<sup>th</sup>. Carried.

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to approve the minutes of the September 21st meeting. Carried.

Motion was made by Mr. Phillips, seconded by Mrs. Yerkovich to adjourn the meeting. Carried. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Paul Eustace, Secretary Planning Board

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

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

Supervisor  
PATRICK H. HOAK

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

Town Engineer  
GERARD M. KAPSIK, P.E.



Town Attorney  
VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 10/19/05

SUBJ: 10/19/05 PLANNING BOARD MEETING AGENDA  
Gullo's Garden Center, 4767 Southwestern Blvd.  
- Proposed Rezoning to RA  
- Site Plan Expansion

### Rezoning

- The legal description and survey drawing are acceptable.

### Site Plan

- The existing waterline crossing the site is not shown correctly.
- Drainage calculations for the storm sewer and detention pond are to be provided.
- The Design Engineer should contact this office to discuss the site drainage.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

Town of Hamburg  
Planning Department  
6122 South Park Ave.  
Hamburg, New York 14075

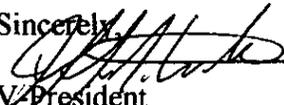
October 18, 2005

Dear Mr. Drew Reilly,

I'm Writing this brief letter to ask for an extension of what has been accepted so far by the Planning Department, regarding the South Towns Sports Complex. We have obtained financing thru a local Bank and NYBDC. We are currently working on all the contingences that the lending institution has required. We are looking to get this project off the ground as soon as the weather breaks in February or March, this will put the Grand Opening in the beginning of September.

Please grant us the extension listed above for 1-year time. We will notify the Planning and Engineer Departments when we are ready for finial approval.

Sincerely,



V. President  
Jeff Walker

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

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



Supervisor

TRICK H. HOAK

Councilmen

D. MARK CAVALCOLI

KATHLEEN COURTNEY HOCHUL

JOAN A. KESNER

THOMAS J. QUATROCHE, JR.

Town Engineer

GERARD M. KAPSIK, P.E.

Town Attorney

VINCENT J. SORRENTINO

Town Clerk

CATHERINE A. RYBCZYNSKI

Supt. of Highways

JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 10/19/05

SUBJ: 10/19/05 PLANNING BOARD MEETING AGENDA  
Southtowns Sport Complex - Commerce Place Extension

The site plan for this project was previously approved by the Planning Board on 5/19/04 contingent upon addressing all Engineering issues and several Planning Board requirements. To date, the plans have not been satisfactorily revised. We have no objection to granting a time extension for the project with the same conditions.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

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

Supervisor  
PATRICK H. HOAK

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

Town Engineer  
GERARD M. KAPSIK, P.E.



Town Attorney  
VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 10/19/05

SUBJ: 10/19/05 PLANNING BOARD MEETING AGENDA  
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)  
Hamburg Business Park - Southwestern Blvd.

The following are review comments to be addressed on the September 2005 DEIS for the above-referenced project:

- (1) Sanitary Sewers (pages 15 & 21)  
The Town of Hamburg Master Sewer District has recently taken ownership of the existing 8-inch diameter sanitary sewer extending to the proposed park property. The sewer was previously owned by the Frontier Central School District. This sewer discharges into the Town's 18" trunk line on Nottingham Terrace. Recently performed flow monitoring in this area has indicated that there may be a capacity issue with the trunk sewer that could affect the approval of future sanitary sewer extensions serving the proposed park. This needs to be further studied and addressed in order to satisfy NYSDEC requirements.
- (2) Storm Water (pages 19 & 20)
  - Town of Hamburg storm water and drainage requirements need to be addressed.
  - Drainage calculations for the project will be required with the development construction plans and when the individual parcels are submitted for site plan review. The Town will not accept maintenance for any of the detention ponds. A revision to "Detention Parcel A" will be required.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

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

Supervisor  
PATRICK H. HOAK

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

Town Engineer  
GERARD M. KAPSIK, P.E.



Town Attorney  
VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 10/19/05

SUBJ: 10/19/05 PLANNING BOARD MEETING AGENDA  
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)  
Proposed Retail Plaza Milestrip Road at I-90

The following are review comments on the DEIS for the above-referenced project, dated 8/17/05:

- (1) The DEIS needs to address that the existing sanitary sewer main and building extension are located within the Town of Hamburg's Osborne-Sagamore Sewer District and not in Erie County Sewer District No. 3 (ECSD No. 3). The Town sewer district is tributary to ECSD No. 3.
- (2) Water service to the site will be provided by the Village of Blasdell Water Department and not the Erie County Water Authority. Blasdell's water requirements, procedures, and review need to be included.

All comments are to be satisfactorily addressed for approval.

  
Gerard M. Kapsiak, P.E.  
Town Engineer

  
Richard J. Lardo  
Principal Engineer

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

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



Supervisor  
PATRICK H. HOAK

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

Town Engineer  
GERARD M. KAPSIK, P.E.

Town Attorney  
VINCENT J. SORRENTINO

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

TO : Planning Board  
FROM : Engineering Dept.  
DATE : 10/19/05  
SUBJ : 10/19/05 PLANNING BOARD MEETING AGENDA  
Ridgefield Subdivision Part 3  
Concept Plan Review

The following are review comments on a cluster layout plan dated Feb. 2005:

- (1) The width of the gas line easement is to be shown.
- (2) The site is not located in an existing water district. A water district extension will be required to service the site.
- (3) The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.
- (4) Erie County Sewer District No. 3 (ECSD No. 3) should be contacted to determine if there is currently sufficient capacity in the sanitary sewer system for the anticipated sewage flows.
- (5) The proposed passive recreation area located west of Sublot Nos. 1, 2, 22, 23, and 24 should be eliminated. This area abuts existing subdivision sublots. Previous developments with narrow strips of open space have become difficult to police the requirements or have become eye sores.
- (6) One street name (not two) is to be submitted for review and approval.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

## MEMORANDUM

**TO:** Hamburg Town Board and Planning Board  
**FROM:** Andrew C. Reilly, PE, AICP, Planning Department  
**DATE:** October 1, 2005  
**SUBJECT:** Proposed Best Buy Plaza – SDEIS Review  
**WD PROJECT NO.** 300805RHAM

### *History of the Project*

The project location is on Milestrip Road, at I-90 (the Thruway). The applicant initially submitted a Draft Environmental Impact Statement (DEIS) for a proposed Tops Supermarket in August 2003. The DEIS was accepted for agency and public review in December 2003, and a public hearing on that project was held on January 26, 2004. Before proceeding to a FEIS, however, the initial project proposal was withdrawn, due to Tops' decision to not construct new stores at this location.

The applicant has revised the project, and is now proposing a Best Buy store and two additional, unnamed, retail outlets. Accordingly, the applicant submitted a Supplemental Environmental Impact Statement (SEIS) on August 17, 2005. (Determined by the Town and NYSDEC as the best procedural step.) The SEIS addresses only those issues where impacts differ from those identified in the DEIS for the Tops Supermarket. The original DEIS still pertains for other issues. For example, all discussions regarding existing conditions remained unchanged. In addition, because public comments were received during the prior review period, the applicant has explicitly addressed substantive comments on the project, where relevant. Once the SDEIS is determined as complete, a new public hearing can be held and then the FEIS completed and findings made on the project.

The current proposed use is a lower intensity use than a supermarket, with lower expected traffic volumes, fewer required parking spaces, and reduced hours of operation. Due to these changes, the current project is expected to have reduced potential impacts, which the SEIS discusses.

The Town must take several actions for the project to move forward:

- The project requires rezoning of the site, from its current designation as R-2. The applicant is requesting designation as a C-2 zone.
- The project will require a variance for the proposed parking setback.
- The project will require variances for proposed signage, which exceeds size limits in the zoning code.
- It appears the project may require a height variance, although conflicting information is provided in the SEIS.

The following comments are provided for the Town's consideration.

**Description of Proposed Action, Revised Plan:**

The proposed action is understood at this time to be the approval and construction of a 65,939 square foot commercial structure which will house a Best Buy electronics store (30,668 square feet) and two additional retail outlets (28,671 square feet and 6,600 square feet) with no tenants identified. Based on Town parking regulations, the development requires 330 parking spaces; a total of 343 parking spaces are proposed. Two access drives to Milestrip Road are proposed: one at the Thruway exit ramp, and a secondary drive to the east.

The SEIS clearly addresses the question of expansion impacts, and delineates land to be rezoned C-2 to allow the proposed development. Additional lands will remain as R-2 zoning with attached deed restrictions, and certain lands, generally south of Blasdell Creek, are proposed to be deeded to the Town of Hamburg. Given topography and access, these provisions should be adequate to prevent future expansion outside the proposed developed area (area to be rezoned C-2). Outparcel development within the developed area would not be feasible without losing required parking spaces.

The SEIS clearly illustrates the changes to the site plan in Figure 1.7a. Changes include reconfiguration of parking and circulation, the addition of a detention pond, and changes to the building footprint.

Although the consideration of secondary economic impacts was not part of the scoping, the SEIS notes that the change in use from a supermarket to an electronics store will reduce these impacts.

**Zoning:**

The proposed development still requires rezoning, as noted above. Certain variances will also be required. The project requires variances to reduce the minimum front yard setback to 10 feet (35 feet required) and for the amount of signage being proposed. The amount of signage being requested is significantly higher than allowed under the zoning. Due to the proposed changes, a parking variance (number of spaces) is no longer required. The document does not make it clear whether a variance for height restrictions is needed. On page 1-2, the applicant notes that a height variance will be needed, but on page 107, the applicant claims that the project will have a maximum height of 35 feet, and does not need a height variance. While elevations are provided on page 1-8, proposed heights are not clear. This discrepancy needs to be resolved, and the FEIS should clearly note if a height variance is being requested.

**Drainage:**

The proposed on-site stormwater treatment and detention system for the development has been significantly changed. It now consists of catch basins that drain to a wet pond, with an underground detention basin and an outlet control system. Due to the reduced parking requirements for general retail (instead of a supermarket), the amount of impervious surface (pavement and roof surfaces) has been reduced by approximately .5 acres. The applicant argues that the new system reduces 10-year and 100-year outflows by 10% below existing conditions, resulting in positive impacts to stormwater flow on Blasdell Creek. Wendel Duchscherer has not confirmed the calculations, and the Town Engineer will further review the stormwater section of the SEIS.

**Sanitary:**

Concerns were raised during the comment period for the original DEIS regarding capacity for sanitary sewer. In the interim, Erie County has taken over the sanitary sewer system from the Village. Correspondence from Erie County Department of Environment and Planning indicates adequate capacity. The County Health Department will need to approve extension of service to the site.

**Topography:**

Site clearing and grading is altered in the new site plan, in order to accommodate a storm water detention basin. Also, because the new use is projected to generate lower traffic volumes, the access road has been reduced to four, instead of five, lanes, reducing the amount of grading required to accommodate the roadway.

The NYSDEC had raised concerns about the grading required to accommodate the parking in the so-called "transition zone" between the creek and the plaza, and suggested a retaining wall as an alternative. The applicant has rejected this suggestion, with the argument that the "proposed plans depict the maximum amount of proposed retaining walls needed to have the least amount of impact on the creek."

**Vegetation:**

The proposed landscape plan has been modified to accommodate the new site plan (plantings appropriate to a detention basin) and to address comments from the NYSDEC. Areas of existing woodland (along creek banks), proposed native species ("transition areas"), and proposed NYSDOT recommended species (along Milestrip) remain essentially unchanged. Wetland seed mix and an erosion control mix are recommended for the detention basin, and there are slight modifications to the ornamental parking lot plantings, due to the reconfiguration of the parking. A new landscape plan and new lists of proposed seed mixes/ plants is provided. The changes were made to replace plant species that have been found to be susceptible to insects and disease, and substitute hardier varieties.

**Visual Resources:**

The views of the site will be essentially the same from most vantage points, with the exception of the view from Milestrip Road. A visual simulation of the view from Milestrip Road is provided in the SEIS. The proposed pylon sign at the entrance has been relocated to the east, closer to the structure. Otherwise, visual impacts from Milestrip Road are similar. The development of the project will alter a vacant, semi-wooded parcel to suburban retail character.

Site lighting layout has been modified slightly to reflect the reconfiguration of the parking lot. Proposed mitigations (sharp cut-off luminaries, glare shields) remain in place. A photometric plan and a diagram showing foot-candle levels is provided.

**Circulation and Parking:**

The circulation and parking plan has been altered. The main driveway into the site has been reduced from five lanes (two inbound and three outbound) to four lanes (one inbound and three outbound), based on expected traffic levels. The secondary driveway has been reconfigured from left-in/ right-out only drive to a right-in/ right-out only driveway. The parking lot is reduced to 343 spaces, which exceeds required parking for the use.

The following transportation improvements are proposed: (Input from TSAB and NYSDOT is needed)

- New site access drive (4 lanes)
- Signal faces and vehicle detectors for outbound driveway traffic (main drive)

# MEMORANDUM

- Second left turn lane constructed on the eastbound Milestrip Road for vehicles turning left onto the Thruway ramp (left-turns protected with green arrow)
- Exclusive right turn lane constructed on eastbound Milestrip Road for vehicles turning right into the proposed development
- Existing two-way center turn lane on Milestrip will be designated as exclusive westbound left turn lane into site driveway (protected by advance green arrow)
- Coordination of green signal phase for Thruway ramp and drive to site
- Adjustments to signal timings.

Milestrip Road is currently a five-lane thoroughfare. Proposed changes would make it seven lanes west of the main access drive (two westbound lanes, two eastbound through lanes, two eastbound left-turn lanes for Thruway access and one eastbound dedicated right-turn lane for plaza access). East of the main access drive, Milestrip would have five lanes: three westbound lanes, including a dedicated left-turn lane into the plaza; and two eastbound through lanes. East of the main access drive, a center median would separate east- and west-bound traffic. The second eastbound left-turn lane (into the Thruway ramp) is being provided by the applicant as a mitigation based on recommendations from NYSDOT Region 5.

Expected traffic generation from the new use is significantly lower (27%) than from a supermarket, resulting in fewer traffic impacts. The applicant states that in most cases, levels of service (LOS) will be the same or better than existing levels. Certain individual movements will see minimal reductions (from Level A to Level B), while for eastbound through traffic on Milestrip Road will be reduced to Level C, due to new signal timing, which reduces eastbound green time to accommodate the westbound left-turn arrow.

Mitigations are also recommended away from the site:

- Milestrip Road at the signalized entrance to BJ's Plaza and Home Depot Plaza: redesignation of lanes and possibly retiming the light. This would need to be worked out with current owners of those plazas (no longer owned by Benderson).
- Milestrip Road at McKinley Parkway: level of service at this intersection will fall to "F" for some types of movements as a result of the proposed development. However, direct mitigation is not feasible, due to insufficient width of right-of-way. The project sponsor has agreed to install dual left-turn lanes to the Thruway, described above, as mitigation, per NYSDOT's recommendation.

The SEIS addresses 32 comments in reference to transportation or parking issues. Some issues are now moot (e.g. amount of parking). Some issues are non-controversial (e.g. providing a list of public transportation routes to site). However, we note the following:

- Pedestrian Access: there is still no pedestrian access along the main entrance drive. Applicant states that due to the unlikelihood of pedestrian traffic to a Best Buy, it is not needed.
- Several permits from NYSDOT will be required, including approval of locating main drive opposite the Thruway ramp, curb cuts and work permits.
- Several mitigation measures are requested by NYSDOT.
- *Comment from G. Koenig notes that the maximum driveway width allowable is 30 feet. (source?? If rezoned to C-2 is this still true? Will variance be required?)*
- Traffic figures are generic, based on ITE category "shopping center". Would different potential tenants have an impact on these figures? (specifically, would a restaurant use have different impacts?)

Further review of the Traffic Impact Study (provided in Appendix B), and coordination with NYSDOT, the Town Traffic Safety Advisory Board and the Thruway Authority will be needed prior to the FEIS.

# MEMORANDUM

Page 5 of 5

## **Additional Issues:**

- The SEIS argues that noise and air quality issues are expected to be lessened, due to reduction in amount of truck delivery traffic to the site. As noted above, would different uses make a difference in impacts?
- Alternatives – should a lower intensity commercial district be considered?

## 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 Further Resolved, that this Public Hearing also represents the public hearing required under the Rezoning Process, and

Be It Finally Resolved That, the Planning Department perform all the required mailings, filings, and modifications required under the SEQR regulations, and the Town Clerk and Legal Department perform the required notifications and publications required for rezoning.

DRAFT RESOLUTION- BURKE DEVELOPMENT, SOUTHWESTERN BVD.

Draft – 10-5-05

WHEREAS, the Town of Hamburg received a site plan application and rezoning request from Burke Development Company to construct the Hamburg Business Park at the property generally located at the intersection of Bayview Road and Southwestern Boulevard. The project will require the rezoning of this 28 acre parcel from C-1 (Local Retail Business District to C-2 (General Commercial District), and

WHEREAS, the Hamburg Town Board has declared itself Lead Agency, pursuant to Part 617.6 NYCRR Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), and

WHEREAS, certain significant adverse environmental impacts were identified and are likely to occur as a result of the proposed development, and the Town Board made a Determination of Significance for a Positive Declaration, requiring that an Environmental Impact Statement (EIS) be prepared, and

WHEREAS, in conformance with the SEQR regulations, a Draft Generic Environmental Impact Statement (DGEIS) that fully evaluates the potential large and important environmental impacts associated with this proposal has been prepared and submitted to the Town.

WHEREAS, the Planning Department has reviewed the DGEIS and has determined that the DGEIS meets the requirements of the scoping document in terms of materials that have been reviewed,

NOW THEREFORE BE IT RESOLVED that the Town Board has determined that the DEIS is complete and adequate for the purposes of commencing public review, but may not agree with all the conclusions reached in the document and will have to complete a full technical review of the document, and

BE IT FURTHER RESOLVED, that a Public Hearing be scheduled for this DGEIS on November 21st, 2005 at 7:15 p.m. and

BE IT FINALLY RESOLVED that the Planning Department be authorized to perform all the required paperwork, mailings and filings as required under the SEQR regulations, and the Town Clerk to publish the Public Hearing notice, and complete the notifications required for a rezoning public hearing.