

**Town of Hamburg
Planning Board Meeting
December 21, 2005
Actions Taken**

**Rezoning Petition submitted by
Elaine Granica for 6 properties
on South Park Avenue from C-2
to N-C**

**Favorable recommendation to be
submitted to Town Board to N-C
Neighborhood Commercial**

Ridgefield Terrace Subdivision

Remain tabled.

**Stone Bridge Sketch Plan
McKinley & Newton**

Concept acceptable.

K-Technologies - Abel Rd.

Tabled for Topo

**Pace Landscaping
Highland Parkway**

Site plan to be revised

**Best Buy Rezoning from R-2
to C-2, General Commercial**

**Favorable recommendation to be
Forwarded to Town Board**

**Town of Hamburg
Planning Board Meeting
December 21, 2005**

The Town of Hamburg Planning Board met for a regular meeting on Wednesday, December 21st, 2005 at 7:30 p.m. in Room 7B of Hamburg Town Hall. Those attending included: Chairman Gerard Koenig, Vice-Chairman David Phillips, Secretary Paul Eustace, Karen Rogers, Bob Reynolds, Steve McCabe. Others attending included: Drew Reilly, Rick Lardo, Michael Fruth, Attorney Don McKenna, and Terry Dubey, Stenographer. Excused: Sasha Yerkovich

N-C Zoning for residents on South Park Avenue

Ms. Elaine Granica appeared before the Planning Board on a rezoning petition for the 6 neighbors in their area of 4962 South Park Avenue to be changed from C-2, General Commercial, to N-C, Neighborhood Commercial. This would extend from Southwestern Boulevard to the Thruway on South Park Avenue. The N-C zone would make more sense since these residences have been on South Park for many, many years. This zoning would allow residential units as well as small business. The homeowner on Howard Road will remain commercial, as it is surrounded by commercial uses such as the music store, and the car wash. This rezoning petition was brought up by the residents and they do not want a heavy commercial zoning. The N-C would be more restrictive, and this zoning would maintain the flavor of residences and light commercial consistent with the master plan.

Arlene Morrow and her son of 5086 and 5090 South Park Avenue asked if they could be included in the rezoning. Mrs. Morrow has lived on South Park for 51 years and it would be difficult for her to sell her home as a residence. Commercial is also across the street. Mr. Reilly stated that if Mrs. Morrow would like to come in and talk to him about it, or to the Town Board, she should do so.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to forward a favorable recommendation to the Town Board to rezone these 6 lots from C-2, General Commercial to N-C Neighborhood Commercial as it will allow more restrictive uses, and maintain the flavor of the neighborhood which is in accordance with the Master Plan. Carried. A resolution is to be forwarded to the Town Board to set a Public Hearing.

Ridgefield Terrace Subdivision - Off East Eden Road

Mr. Reilly reported that nothing can be done with the subdivision as the DEC still has not forwarded a letter signing off on the wetlands. Only a partial delineation has been done due to the fact that there is snow on the ground. The applicant, however, plans to avoid any wetland areas. Motion was made by Mr. Phillips, seconded by Mr. Reynolds to table. Carried.

Stone Bridge Subdivision - Sketch Plan - McKinley off Newton Rd.

Messrs. Glenn Wetzel and Mark Ianello appeared before the Planning Board with a sketch plan for a cluster subdivision to be located on McKinley near Newton Rd. The last plan was presented in 2004 and the neighbors were concerned about the drainage. With this new sketch, the wetlands will not be affected. There is an option to purchase an additional 8 acres of land to the north. The land in the back would become a part of this project. Additional lots have been added to the subdivision. The wetland survey shows there is a stream nearby, and a narrow band of wetlands which is 75' in width. A permit will be required from the Army Corps of Engineers to cross the wetlands. In all, there will be 33 to 38 lots for development. This will also be a private road with a trail walk. Sample footprints are to be provided.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to entertain the cluster development on the condition that permission be granted by the Army Corps of Engineers to cross the wetlands with a connecting road. Carried.

K-Technologies - Abel Road

Mr. Joseph Kryszak appeared before the Planning Board on behalf of Jeff Kryszak's proposed expansion of K-Technologies on Abel Road. Mr. Kryszak noted that he has met with Rick Lardo of the Engineering Department and has resolved most of the outstanding issues. More detailed engineering will be done in the spring with required elevations. Parking bumpers will be required along the building to protect the creek, as well as an easement for the gas line, and a completed topo..

Motion was made by Mr. Phillips, seconded by Mrs. Rogers to table the proposed addition until the topo is submitted with exact elevations. Parking bumpers are also to be addressed. Carried.

Pace Landscaping - Highland Parkway

Mr. Reilly informed the Board that he has requested that Mr. Pace appear again before the Planning Board as the site plan that was submitted does not represent what is actually out there on his site on Highland Pkwy. Mr. Pace did not realize that it was necessary for him to obtain a site development permit and the Building Inspector has a problem with that. Either the plan must be amended or the applicant must comply with the drawing that was submitted. The site shows a paved area for storage of materials. There is no landscaped area in the front of the site. There is no building but rather a tube house. The storage area in the back that faces the Thruway shows large piles of debris, and looks unkept.

Mr. Pace responded that they got very busy during the summer months and never got around to completing all the requirements. At the present time, the piles are gone. The site

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Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM: Engineering Dept.

DATE: 12/21/05

SUBJ: 12/21/05 PLANNING BOARD MEETING AGENDA
Stone Bridge Subdivision - McKinley Pkwy. at Newton Rd.

The following are review comments on a cluster concept plan dated 2/2/04 and last revised on 11/16/05:

- (1) The site is located within Erie County Sewer District No. 3 (ECSD 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.
- (2) The site is not located in an existing water district. A Town water district extension or an Out of District Agreement with the Village of Hamburg will be required to service the site. The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.
- (3) The Erie County Highway Department should be contacted to determine if the proposed road connection to McKinley Parkway is acceptable.
- (4) The proposed roadway does not meet the Town code requirements regarding maximum dead end street length of 500 feet.
- (5) The roadway is to be labeled as a "Private Drive".
- (6) The proposed building setback line is to be dimensioned.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 12/21/05

SUBJ: 12/21/05 PLANNING BOARD MEETING 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 12/10/05:

- (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. Minus rod shots shown are not acceptable.
- (3) Upon completion of the topographic survey, the design engineer should contact this office to discuss the site drainage.
- (4) Provide curbing along the parking lot perimeter.
- (5) Provide site lighting locations.
- (6) Landscaping is to be approved by the Planning Board.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.

Town Engineer

Richard J. Lardo
Principal Engineer

(Pace Landscaping)

shows no green space in the front. The code requires that this be addressed, and that 15% of the site must be green space.

Motion was made by Mr. McCabe, seconded by Mr. Eustace to Table for a better site plan. Carried.

Burke Medical Building #2 - Amsdell Road.

Applicant received guidance at the last meeting. No further action can be taken. Motion was made by Mr. Phillips, seconded by Mr. Eustace to table. Carried.

Best Buy EIS - Milestrip Road

Mr. Reilly explained that a recommendation will be required by the Planning Board to the Town Board on this project. Mr. Koenig submitted his memo at the last meeting whereby he feels that the C-2 zoning is appropriate for this corridor. The Best Buy will be in keeping with the rest of retail development along that route and is in character with the existing neighborhood. Traffic is still an issue, especially at the failing intersection.

Mr. Reilly noted that when the McKinley Mall was built, the drainage was designed for a 100 year event. This would be part of the same system. The DEC feels that Benderson development has done a good job on this. One half of the property will be rezoned, and everything west of that will stay residential. The question was raised as to Benderson's vacancy percentage of empty buildings.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to forward a positive recommendation to the Town Board to rezone to C-2, General Commercial on the condition that an investigation be made on the failing intersection of McKinley and Milestrip. Carried.
Opposed: Bob Reynolds.

Minutes of the meeting of November 2nd were approved on motion by Mr. Reynolds, seconded by Mr. Eustace. Carried. Minutes of the meeting of 11-16-05 were approved on motion by Mr. Phillips, seconded by Mr. Reynolds. Carried.

Motion was made by Mr. Reynolds, seconded by Mr. McCabe to adjourn. Carried.
Meeting adjourned at 9:30 p.m.

Respectfully submitted,


Paul Eustace, Secretary
Planning Board

Gerard J. Koenig
4602 Mile Strip Rd.
Blasdell, NY 14219
716-825-0121
g.j.koenig@att.net

Memo

To: Andrew C. Reilly
From: Gerard J. Koenig
Date: 11/21/2005
Re: Proposed Retail (Best Buy Plaza) Milestrip Road at I-90

Comments regarding the Draft Supplemental Environmental Impact Statement (DSEIS)

This proposal will require a change of zoning from R-2 to C-2, which is similar in nature to most of the area on Mile Strip Rd. Provisions are made for protecting adjoining residential neighborhood with buffers and deed restrictions. The character of Mile Strip Rd. in this area is Commercial in nature and this project is in keeping with that character.

Parking is now sufficient for the size of retail building proposed, being a different use than originally proposed for this site.

Highway access is prohibited in this location by NYSDOT. Additionally the maximum driveway width allowable in this area is 30', far short of what is needed for this project. Approval will be required from the NYSDOT to change this intersection. A properly designed intersection may actually improve movement of traffic thru this intersection.

Secondary driveway is located directly opposite of the former Cracker Barrel driveway. If this is ever reopened, this will result in a traffic problem at this driveway. Plan shows this secondary driveway, as right in, right out only, anything else should be prohibited. The design of this driveway needs to be done so as to prohibit any left turns.

The DSEIS Storm drainage runoff is now designed for a 100 year storm event, which mitigates the previous design which was for a 25 year storm event. This should protect the residents downstream.

Portions of the property south of Blasdell Creek will be deeded to the Town of Hamburg which will potentially increase the recreation space in the Town.

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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 12/21/05

SUBJ: 12/21/05 PLANNING BOARD MEETING AGENDA
Quinby Drive Day Care Facility
Minor Subdivision & Site Plan Review

Site Plan

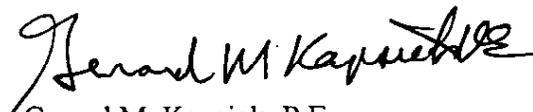
The following are review comments on a site plan dated 7/15/05 and last revised on 11/11/05:

- We will review the site plan when it is revised in accordance with the Town's site plan requirements and resubmitted for review.
- The site landscaping is to be approved by the Planning Board.

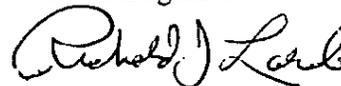
Minor Subdivision

- 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.


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Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM: Engineering Dept.

DATE: 12/21/05

SUBJ: 12/21/05 PLANNING BOARD MEETING AGENDA
Brierwood Medical Center Building No. 2 - Southwestern Blvd.

The following are review comments on a sketch plan last revised on 8/18/04:

- (1) The entrance off Southwestern Blvd. is a private driveway. All references to Glen Eagle Drive and Executive Drive are to be removed from the drawing.
- (2) It appears that an ingress and egress easement and/or cross access agreement will be required with the adjacent parcels.
- (3) Stormwater detention will be required for the site.
- (4) Minor subdivision approval may be required for the parcel.
- (5) Mainline water and sanitary sewer extensions may be required to service the site.
- (6) We will further review the proposed site plan when it is prepared and submitted in accordance with the site plan review checklist.

All comments are to be satisfactorily addressed for approval.

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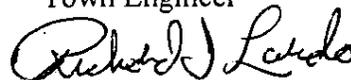
TO : Planning Board
FROM : Engineering Dept.
DATE : 12/21/05
SUBJ : 12/21/05 PLANNING BOARD MEETING AGENDA
Ridgefield Subdivision Part 3
Site Plan Review

The following are review comments on a site plan dated Nov. 16, 2005:

- (1) The site is not located in an existing Town water district. A water district extension and NYSDEC Water Supply Permit will be required to service the site.
- (2) The property lines for Sublot Nos. 1, 2, 22, and 23 are to be extended to the west property line.
- (3) Label the stormwater detention area on the plan.

All comments are to be satisfactorily addressed for approval.


Gerard M. Kapsiak, P.E.
Town Engineer


Richard J. Lardo
Principal Engineer

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December 21, 2005

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Supt. of Highways
JAMES F. CONNOLLY

To: Hamburg Town Board, Planning Board

From: Planning Department - Andrew Reilly

Re: Milestrip Road (Best Buy/Benderson) Rezoning

The following are my notes on the significant issues heard at the Public Hearing on 12-5-05. These notes will be added to the comments from other involved and interested agencies and to other public comments (public comment still open) to form the substantive comments that need addressing in the FEIS:

1. Village of Blasdell would like a more thorough drainage study (increase in duration of discharge could have a negative affect).
2. Village still has some concerns on fire flows and affect on their system (water system)
3. Need verification of sewer capacity.
4. Why would Town rezone - before was for something unique—now just retail—have plenty in the Town.
5. Benderson has vacant plazas—must evaluate why they can't use them.
6. Congestion is bad—don't need additional traffic. Why is additional curb-cut necessary?
7. Need better visual analysis, residents say they can see signal now—will only make it worse.
8. This greenspace is important to wildlife, aesthetics and the neighborhood—leave it alone.

I also spent over an hour with some of the residents after the public hearing. Although they are still opposed to the rezoning/project, they do have a better understanding of the issues.

-The property is split by the ravine—we agree everything to the south of the ravine should stay residential. Frontage area should probably be commercial—It is not suitable for residential, but what level of commercial is the issue in our opinion.

-We believe that applicant is providing good buffers to residential.

-I explained about the mitigations—lighting, traffic, drainage, greenspace, berms, grading of site, landscaping, etc.

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 luminaires, 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)

- 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?

December 21, 2005

To: Planning Board
From: Hamburg Planning Dept.

Re: 12-21-05 meeting

The following are the Planning Department's comments on the status of the projects on the 12-21-05 Planning Board agenda:

1. Debo Day Care Center - The applicant is not ready with his site plan. He will be on for the work session. -TABLE.
2. Burke Medical Bldg. 2 - The applicant has submitted a sketch plan of this proposal. He is looking for any additional comments on his sketch prior to completing a full site plan. Once submitted, we will complete a coordinated SEQR.
3. Zoning referral - South Park near Southwestern. Residents in the area of the South Park Garage proposal have requested the Town to investigate rezoning their properties to N-C. The Planning Board must make their recommendation to the Town Board (including any additional properties to be rezoned).
4. Ridgefield Terrace - Preliminary Subdivision - we are awaiting a decision from the NYSDEC on the wetlands prior to making a SEQR decision and proceeding to Preliminary Subdivision approval. This item will be on our January agenda.
5. Stone Bridge Sketch Plan - This cluster subdivision appeared before the Planning Board in 2004 and received direction from the Planning Board. The applicant has now acquired additional lands and presented a new sketch. They will need the Planning Board's approval to utilize a cluster development.
6. K-Technologies - site plan - The project was tabled to resolve some Engineering issues prior to site plan approval. At this time, it may be acceptable to give a conditional approval of this project.
7. Pace Landscaping - The project received conditional site plan approval from the Planning Board in July of 2004. The project was constructed (made into storage area), without getting final site plan approval or with any other permits or approvals. The project was not constructed in accordance with the plan and the applicant is looking to explain the project to the Planning Board and possibly get your approval for an amended plan.

8. Best Buy/Benderson rezoning - SDEIS comments—The project requires a rezoning and site plan approval. The Town Board acting as Lead Agency issued a Positive Declaration and a DEIS was prepared. After the public hearing, the applicant asked for the project to be tabled. A new action including a Best Buy and not a Tops supermarket was next proposed. A supplemental DEIS was then completed and a public hearing held.

The Town Board now needs your comments on the SDEIS and your recommendation on the rezoning.

Pre-file Cavalcoli

For Jan. 23, 06 meeting

Resolved, that the Town Board set a Public Hearing for the rezoning of properties on South Park Avenue from C-2, General Commercial to N-C, Neighborhood Commercial on February 13, 2006 at 7:00 p.m.

TOWN OF HAMBURG

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



Supervisor
PATRICK H. HOAK

Town Attorney
VINCENT J. SORRENTINO

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

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

January 3, 2006

To: The Hamburg Town Board

From: G. Koenig - Planning Board

Subject: Rezoning of properties of residences at 4962 South Park Avenue, and 4954, 4950, 4215 Howard Rd. 4227 Howard Rd. from C-2, General Commercial to N-C, Neighborhood Commercial.

At the Planning Board meeting of December 21, 2005, the following favorable recommendation was made on the properties on South Park Avenue:

1. Neighborhood Commercial will allow more restrictive uses.
2. The proposed change will maintain the flavor of the residential area.
3. The N-C zone is in accordance with the Master Plan.

Very truly yours,

Town of Hamburg Planning Board

Gerard Koenig
Gerard Koenig, Chairman

GK:tad

Attachment

REZONING APPLICATION

In The Matter Of The Application

- of -

Rezoning of 5 properties on South Park Ave
beginning at 4962 South Park Ave.
4954 South Park, 4950, 4215, 4227 Howard Rd.

Petitioner(s)

For Amendment of Ordinance

To the Honorable Town Board of the Town of Hamburg, New York

The Petition of Town of Hamburg Planning Board

of the Town of Hamburg in the County of Erie and State of
New York, respectfully shows:

That your petitioner(s) is/are the owner(s) of certain premises situated in the Town of Hamburg, County of Erie and State of New York, and more particularly described as follows: (Use additional sheet if necessary) include name of nearest cross street and distance to it.

South Park from Howard Rd to 4962 South Park

Zoning change from C-2, Gen. Commercial to N-C, Neighborhood Commercial

Record Title Owner and Address: Gen. (vacant) 4962, E. & M. Dlugowski 4954 S. Park

4950 South Park - J. Moran, S. & J. Sokolowski 4215 Howard

4227 Howard Rd. D. & P. Schinzel
Petitioner's Interest in Land Title

That your petition(s) desire(s) that the said premises or so much thereof as the Town Board shall approve, be zoned for the following uses, for the following reasons: _____

Residential area on S. Park

That your petition(s), enclose(s) herewith, the sum of \$ _____ to pay the cost of publishing a notice of a public hearing which your petitioner(s) request(s) be called by your Honorable Body pursuant to the provisions of the said Zoning Ordinance.

That no previous application has been made for the relief herein sought except: _____

Dated this 3rd of Jan. day of _____ 19 2006.

Laura Planning Bd.
S-6100 S. Park Ave
Hamburg, N. Y.
B. Zoenig Planning Bd. Chairman
Owner's Signature

STATE OF NEW YORK)
COUNTY OF ERIE)
TOWN OF HAMBURG)

I, B. Koenig being duly sworn say that he or she has/have read the foregoing petition and knows the contents thereof, that the same is true to the knowledge of deponent, except as to matters herein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

B. Koenig

Subscribed and sworn to before

me this 3rd day of Jan. 19 2006

Theresa Ann Dubey

Notary Public, in and for Erie County
Commission expires 7-31-06

B D Form No. 19

Telephone No. Representative 649-2023

NOTE: Failure to submit and/or complete any part of this application may result in delay.

2006-1

Appendix C
State Environmental Quality Review
Short Environmental Assessment Form
For Unlisted Actions Only

Part I-Project Information (to be completed by Applicant or Project Sponsor)

1. Applicant/Sponsor <i>Town Planning Bd.</i>	2. Project Name <i>Rezoning Pet.</i>
3. Project Location Municipality	County

4. Precise Location (Street Address) Or Provide Map
4962 South Paul, 4954, 4950, 4215 Howard 4227 Howard

5. Proposed Action

New Expansion Modifications

6. Describe Project Briefly:
Rezoning of C-2 to N-C, neighborhood Comm.

7. Amount of land affected:

Initially _____ acres Ultimately _____ Acres

8. Will Proposed Action Comply with Existing Zoning or other existing land use restrictions?
Yes No _____ If no, describe briefly _____

9. What is present land use in vicinity of project?

Residential _____ Industrial _____ Commercial _____ Agricultural
 _____ Partial Forest/Open Space _____ Other

10. Does Action involve a permit approval, or funding, now or ultimately from any other governmental agency—Federal, State or Local?

_____ Yes No If yes, what agencies are participants _____

11. Does any aspect of the action have a currently valid permit or approval?

_____ Yes No If yes, list agency involved and participants _____

12. As a result of proposed action, will existing permit approval require modification?

Yes No _____

I Certify that the information provided above is true to the best of my knowledge

Applicant/Sponsor Name _____ Date: *1-3-66*

Signature *B. Kenig, Chairman Planning Bd.*

If the action is in the coastal area, and you are a State agency, complete the Coastal Assessment Form before proceeding with this assessment.

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

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

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

C. Could action result in any adverse effects associated with the following: (answers may be handwritten, if legible). C-1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems. Explain briefly:

C2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources or community or neighborhood character? Explain briefly.

C3 Vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4 A community's existing plants or goals are officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6 Long term, short term, cumulative, or other affects not identified in C-1, C5. Explain briefly.

C7 Other impacts including changes in uses of either quantity or type of energy? Explain briefly.

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

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

Yes: No If yes, explain briefly.

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

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

the environmental characteristics of the CEA.

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

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

Name of Lead Agency

Print or type name of responsible
officer in Lead Agency.

Title of Responsible Officer

Signature or responsible officer
in Lead Agency

Signature of Preparer (if different from
Responsible officer)

Date: -----

000089

TO: The Hamburg Town Board

FROM: Irene Granica, Eugene and Murielle Dlugonski, Tom Moran, Scott and Tina Pokornowski, Dan and Patricia Schizel

Dear Board Members,

We, the above property owners, respectfully request that our properties (listed below) be re-zoned from C2 (commercial) to NC (neighborhood commercial) for the following reasons: These properties were mistakenly zoned C2 in the 1986 Town of Hamburg Master Plan. Each of these properties has been occupied by a single family home for 50 or more years. The properties are all adjacent to each other and form a small community. These homes are not easily converted to commercial uses. This re-zoning would also be in compliance with the 2010 Town of Hamburg Master Plan. The owners would prefer a residential zoning but because of the now close proximity of commercial structures a NC zoning was deemed more feasible by the Planning office. The enclosed map has the properties in question high-lighted in yellow. Also, should consideration be given to re-zoning the water tower property? This property is totally surrounded by our homes and abuts most of the back yards.

Thank you for your time and consideration in this matter.

Sincerely,

Irene Granica
4962 South Park Ave.
Hamburg, NY 14075

Irene M. Granica 9/16/05

Eugene and Murielle Dlugonski
4954 South Park Ave.
Hamburg, New York 14075

Eugene D Dlugonski 9/18/05

Tom Moran
4950 South Park Ave.
Hamburg, New York 14075

Thomas G Moran 9/18/05

Scott and Tina Pokornowski
4215 Howard Road
Hamburg, New York 14075

Scott Pokornowski 9/18/05

Dan and Patricia Schizel
4227 Howard Road
Hamburg, New York 14075

[Signature] 9/18/05

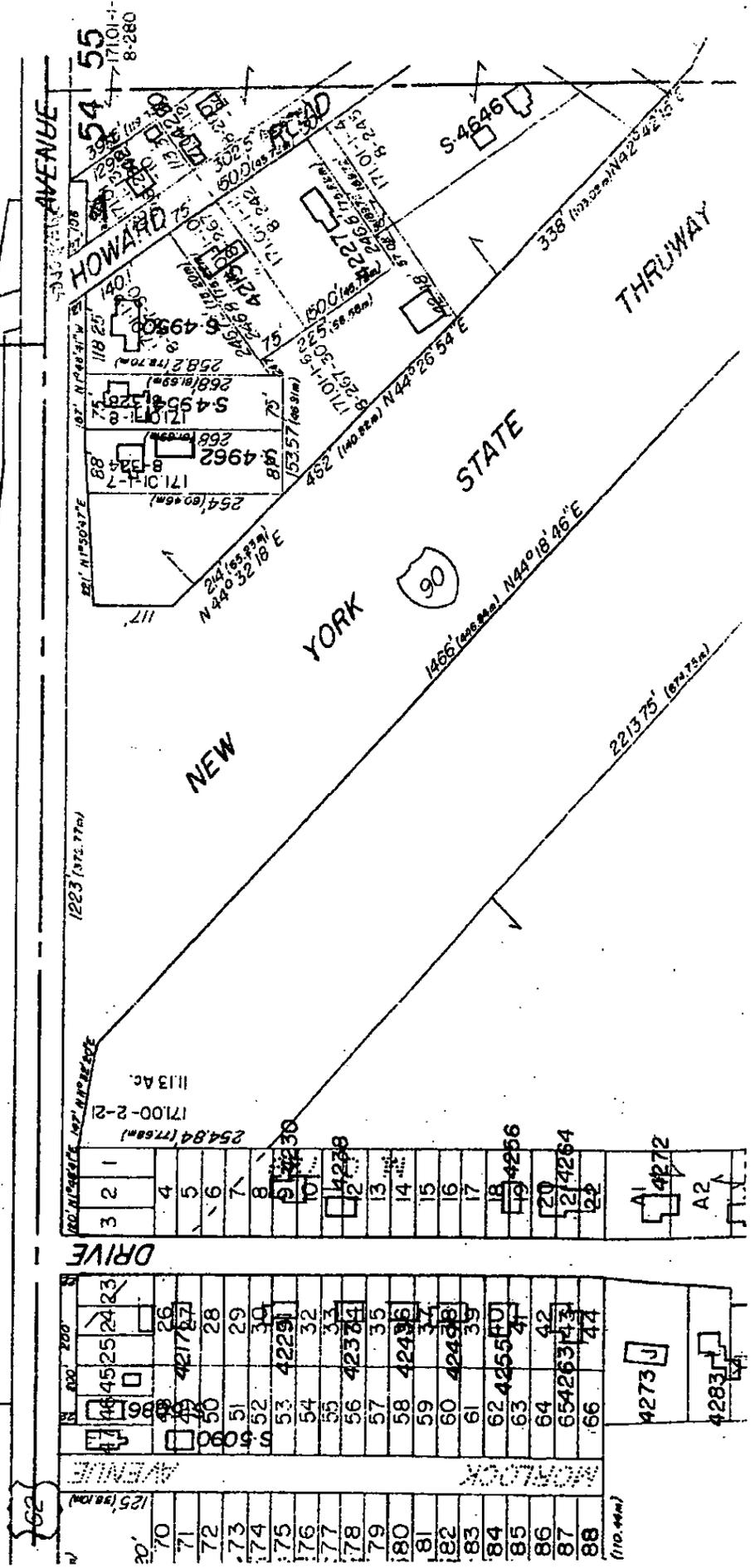
TOWN CLERK

SEP 21 9 52 AM '05

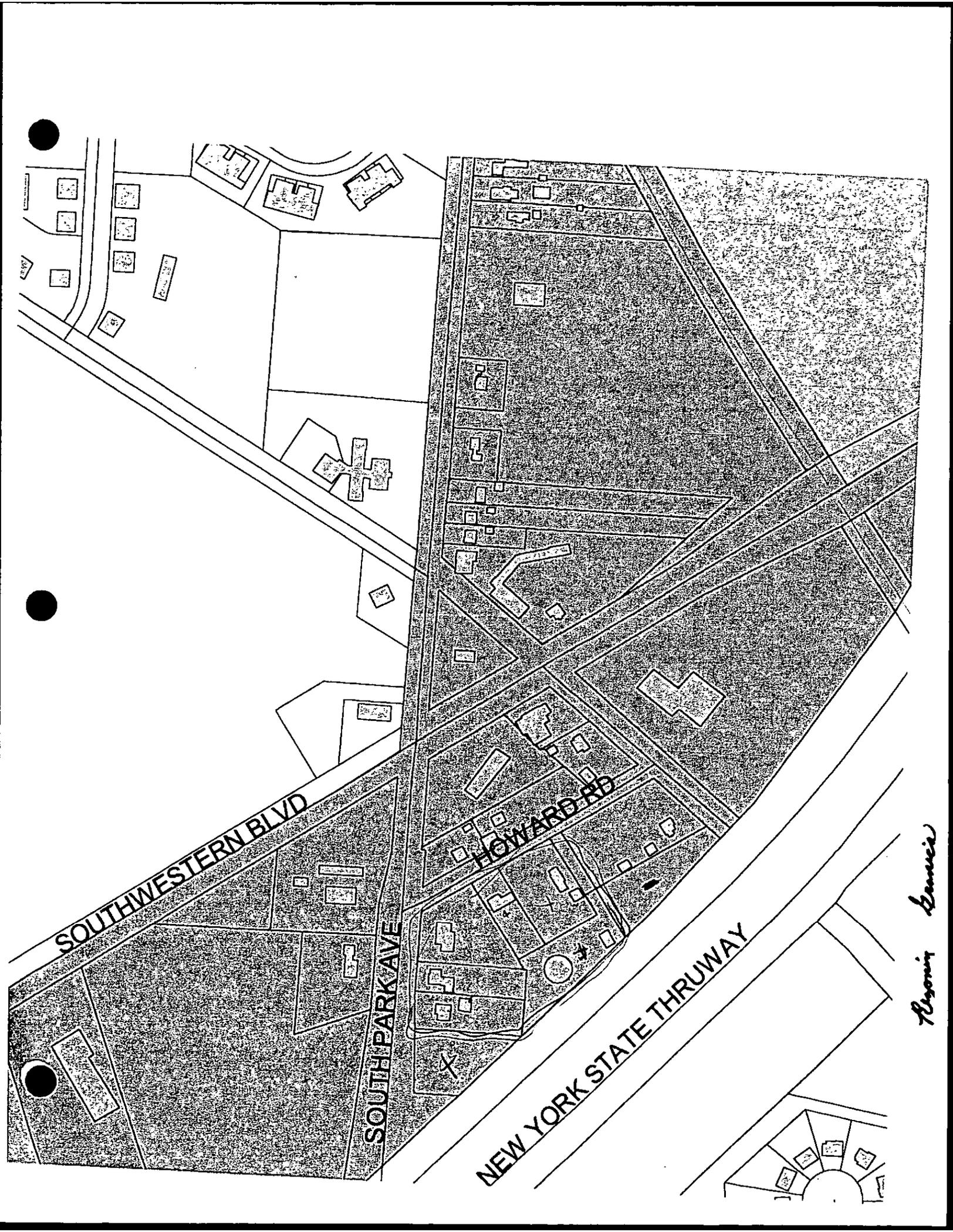
CC: TB
Planning

2005 SEP 21 A 9 53
TOWN CLERK

6-9-8 7-9-8



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Byronia Lewis