

**Town of Hamburg**  
**Planning Board Work Session**  
Meeting - 6-7-06

The Town of Hamburg Planning Board met for a Work Session on Wednesday, June 7<sup>th</sup>, 2006 at 7:30 p.m. in the Conference Room at S-6122 South Park Avenue. Those attending included: Chairman Gerard Koenig, Vice-Chairman David Phillips, Secretary Paul Eustace, Steve McCabe, Sasha Yerkovich, Richard Taber. Others attending included Drew Reilly, Don McKenna, Esq., Michael Fruth, Esq. & Terry Dubey, Stenographer. (Excused: Karen Rogers)

**Vanderbilt Properties - Southwestern Blvd. And Amsdell Road**

As requested, Mr. Reilly prepared a report on the pros & cons of having an active, senior condo complex on Amsdell Road & Southwestern Blvd. (See attached report). Mr. Steve McCabe prepared his thoughts on the proposed rezoning and amendment to the Master Plan. Item is to be on the agenda for recommendation to the Town Board on June 21st, 2006

**Tom Gorcyka - Split of two parcels on Pleasant & Wildwood**

Mr. Tom Gorcyka appeared before the Planning Board on an approved, old subdivision, known as Pleasant Acres. The problem at the time, is that no sewer taps were available and he was given permission to have lots 1 thru 5 approved. In the meantime, he sold off one of the lots (150' x 375") which is less than an acre. The R-A zone requires 2 acres. The Town refused to grant a building permit, as these are considered unbuildable lots by the Town departments. Mr. Gorcyka still wants to pursue the development of 2 more lots. The only solution at the present time is for the applicant to go to the Zoning Board for variances, or take some of his land to make the lots buildable.

**Johnson's Country Store** - Mr. Al Johnson appeared before the Planning Board with a request to have an additional curb cut on Southwestern Blvd. for his Country Store. Originally, the site plan was approved with a condition that Gullo's and the Country Store share a driveway. Since that time, Gullo's is expanding in leaps and bounds, and Mr. Johnson would like another curb cut for a parking lot on the other side. Mr. Johnson discussed the matter with the NY State Dept. Of Transportation and they are willing to pave the apron while doing remedial work on Southwestern Blvd. if it is okay with the Planning Board. Members agreed that this is a possibility. Item will be on the next agenda.

**Tractor Supply - Burke Business Park - Southwestern Blvd.**

The Town Board has approved the architectural rendering for Tractor Supply as well as a minor area for outdoor display of tractors. At the present time, they are shy some parking spots. It was suggested that since there will not be that much required for parking, an attempt should be made to go to the Zoning Board for a variance. Applicant was advised to speak with Kurt Allen, Building Supervisor to determine his interpretation on the parking area. This may fall under the category of warehousing. The landscape plan has been reviewed. Also, the turn around that has been provided

May 24, 2006

To: Planning Board—Drew Reilly

From: Conservation Advisory Board

Subject: Vanderbilt Properties - Southwestern Blvd.

On 5-20-06, Ms. Rockwood & Messrs. Lorquet , Nichols, & Spittler reviewed the Vanderbilt site. We noted that the site is listed in the Southwestern Overlay District and the Agricultural District.

The site condition was slightly wet, and from the soils map it appears that the area is seasonally wet. The depth to bedrock is generally 2-4' and suggests a perched water table. Surface drainage is generally downslope to the north, and is intercepted by a stream at the north edge of the property. That stream flows west to the box ditch on Southwestern Blvd. And drains to a 24" culvert that crosses Southwestern. From evidence of outwash on the edges, the ditch we concluded that the existing culvert is not handling the peak wet flows. Added sheet flow and storm sewer outflow will only worsen that problem. We also noted that south of the site is an existing mink farm which could produce objectionable odors.

The tree and open space preservation areas are adequate, but not significant enough to justify a PUD in an R-A zone.

**Rezoning Report  
Vanderbilt Property  
Southwestern Boulevard near Amsdell Road**

I. Introduction

Vanderbilt Properties has requested that the Town of Hamburg rezone property that is located to the southeast of the intersection of Southwestern Blvd. and Amsdell Rd. (see site location map). The request is to rezone 42 acres of land from R-A, Residential Agriculture to PUD, Planned Unit Development to allow for the construction of 148 condominium units and 12,000 sf of commercial space.

The Hamburg Town Board entertained this request and referred it to the Planning Board for their review and comment. It has been noted that this rezoning would require the Comprehensive Plan to be amended.

During the initial review of this proposed rezoning, the Planning Board noted its concerns about amending the Comprehensive Plan, and was also concerned about setting an unsupportable precedent for future rezoning requests further down Southwestern Blvd.

The Planning Board then instructed the Town Planner to put together a report to illustrate how a rezoning could be supported for this property, but illustrate how it would not support further rezonings down Southwestern. At this time the Planning Board has not recommended for or against the rezoning; they would just like to see how a rezoning could be supported, and why this property and not others would warrant such a request.

The following report is the Planning Dept.'s attempt to meet the Planning Board's request. This is not a recommendation of the Town Planner, just a report as requested by the Planning Board.

II. Town of Hamburg 2010 Comprehensive Plan  
(1997 Master Plan Update)

A. Related Goals and Objectives

1. "The Town will encourage balanced growth to provide for a diverse living environment for its people, at all income levels, that builds upon past development and creates a safe environment for the future:
  - Provide for adequate buffering of future development.
  - Accommodate a variety of residential housing types in the community."
2. "The Town will promote the full utilization of public facilities and services through the orderly development of future growth:

- Encourage the "infilling" of appropriate vacant developable areas by directing future growth into lands with adequate public services.

3. "The natural resources of the Town will be protected by respecting the development limitations of environmentally sensitive areas and preserving their integrity.

B. Land Use

The 1997 Master Plan update shows these lands as "Vacant Land" with commercial and residential (single family) nearby (see land use map).

C. Environmental

Mapping in the Master Plan update does not show any mapped Federal or State wetlands, but the land does show potential for hydric inclusions. There are no flood hazard areas or flood plains shown on this property, but the Open Space and Recreation Plan does show an area of high water table (corresponds to the potential for hydric inclusions). The Open Space and Recreation Plan shows no other features on the proposed property. Further south of this property are large areas of "Local Wildlife Habitats and Management Areas."

D. Infrastructure

1. Southwestern Blvd. is considered a Major Arterial, which provides circulation into and through the Town.
2. There is public water available on all of the surrounding roads.
3. Public sewer is only available on Southwestern north of Amsdell and along Amsdell west of Southwestern. The sewer district is only located to the northwest of the Southwestern/Amsdell intersection. It is also located on the east side of Southwestern, but up towards Rogers Rd.

E. Conclusions / Recommendations in the Master Plan Update

1. The property in question is shown in the Generalized Land Use Area defined as the Lakeview Area (northern bounds of this area is Amsdell Rd.)
2. "This area has been separated from the surrounding areas by these physical boundaries (in this case Amsdell Rd.), and is perceived to have a rural atmosphere from the rest of the Town. This atmosphere has fostered an "independence" in many of the people who live in this rural area. Most of Lakeview is residential and undeveloped land, with a small scattering of commercial properties and recreational uses. Recently, the area has come

under more and more development pressures, with several subdivisions presently being constructed and proposed."

3. Generally, residents in Lakeview feel that maintaining "rural" characteristics of this area is critical, and are not in favor of creating a suburban community.
4. Residential rezonings (in the Lakeview area) would only be considered for extenuating circumstances to preserve important features. The area has proper density; therefore any rezonings should be only considered for use, and not increased density.
5. Do not promote extensions of sewers in this area.
6. The Lakeview Overlay District is proposed for this area

### III. Zoning

The zoning of the properties in question is R-A, Residential Agriculture. The general zoning in the area of these properties is as follows (see map):

1. Mostly all of the lands to the Northwest of the Southwestern/Amsdell intersection are zoned PUD, Planned Unit Development (The Brierwood PUD). This area is bounded by Rogers Rd., Southwestern, Amsdell and the railroad tracks. There are a few properties in this area zoned R-1, Single Family Residence and C-1, Local Retail Business District.
2. Northeast of the site, the properties along Southwestern are zoned C-2, General Commercial District, and the remaining lands (bordered by Amsdell and Rogers Rd. are zoned R-4, General Residence – Mobile Home Court, and R-1.
3. The lands across the street from this site are zoned R-A, but further to the west they are R-1 and R-2, Single-Family Residence, attached. There is also one property at the Southwest corner of Southwestern and Amsdell zoned B-1.
4. South of this site, the properties surrounding the Southwestern/Pleasant Ave. intersection are zoned C-2.
5. On the same side of the road as the site, almost all the properties between Southwestern, Pleasant and Amsdell are zoned R-A. There is a property adjoining this site on Southwestern that is zoned B-1.

### IV. Issues to Resolve

- As can be seen from the existing 2010 Comprehensive Plan outtakes noted in Section II, the existing plan would not support the proposed rezoning of the subject property. Under the current plan, any rezoning if allowed, would not allow for an increase in density, which presently is 1 unit per 2 acres.

- If an amendment to the Comprehensive Plan is considered, where would the "new line" for the Lakeview Area be drawn?
- How far should any sewer and sewer district extensions be allowed in this area?

#### IV. Potential Supportive Rezoning Reasons

- The generalized land use and zoning in the vicinity is similar to the proposal. The large Brierwood PUD is located northwest of this site – large commercial zoning areas exist to the north and south (Southwestern and Pleasant) of the site.
- The project could be buffered from the surrounding rural residential properties on Pleasant Ave. through good design.
- Sewer, although not directly in "front" of the site, could easily be accessed at the intersection of Southwestern and Amsdell. This would be a private sewer system. It also may be possible to access this sewer without extending it down Southwestern.
- There are few environmental limitations on this property and no important lands were identified in the Open Space and Recreation Plan.
- This area, although shown in the 2010 Comprehensive Plan as in the Lakeview Area, is really not part of the true Lakeview neighborhood.
- The rezoning would support the goal of the Town to provide a diverse living environment. The type of housing proposed is different than much of the housing in the Town. It would also support a growing demographic in the Town (over 60 years of age).
- Larger areas of sensitive lands, as indicated in the Open Space and Recreation Plan, are located further south of this site.

#### VIII. Area Rezoning Concept/Comprehensive Plan Update

The Town would rezone the properties with the reasoning elaborated in Section V.

The Comprehensive Plan would be updated to remove these lands from the Lakeview Area, and also remove the 3 properties to the north of this site (all fronting Southwestern). We would also recommend removing from the Lakeview Area, those properties on the other side of Southwestern that have frontage on Amsdell.

We believe that this is a supportable amendment to the Comprehensive Plan and would not induce further changes south of this area (protected by the lack of sewers, environmentally sensitive lands, and isolation of the remaining Lakeview area).

**Memorandum To:** Hamburg Town Board

**From:** Steve McCabe

**Regarding:** Proposed 148-unit "Villas at Briarwood" condominium project

**June 7, 2006**

I would like to share a number of concerns I have regarding the proposed Villas at Briarwood condominium project that have led me to not support an amendment to the *Town of Hamburg 2010 Comprehensive Plan* to facilitate its rezoning by the Town Board. While I appreciate and respect the mechanisms built into our comprehensive plan for enabling us to deviate from it, I have found no compelling reason for doing so in this instance and have identified several reasons why it would represent a substantial risk to the planning of our community.

Primarily, I'm concerned that this project's required changes to the town's comprehensive plan and subsequent rezoning from R-A to PUD represent a significant deviation from the letter and spirit of that plan, particularly regarding the Lake View Area. While I firmly believe the project could be an asset to the town *if it were located in an appropriately zoned district within the town*, I cannot find substantial planning reasons to justify amending the comprehensive plan to facilitate the project in its proposed location.

The following are some specific concerns that underlie my recommendation against amending the comprehensive plan for this project:

**This project contradicts the comprehensive plan.** The comprehensive plan was drafted and approved only after a great deal of work, citizen input, debate, and forging of a consensus for how our community would grow. Regarding the Lake View Area, the comprehensive plan states:

"Residential rezonings would only be considered for extenuating circumstances to preserve important features. The area has proper density; therefore, any rezonings should be only considered for use and not increased density."

I can discern no extenuating circumstances surrounding this project, and, to the extent that it would effectively eliminate the parcel's most important feature—greenspace—it is in clear contradiction with the comprehensive plan.

The argument has been posited that because a sewer line has been installed that could service the project, the parcel is better suited to high-density development. This argument ignores the clear admonition in the comprehensive plan: "Do not promote extensions of sewers in this area." The fact that the comprehensive plan was ignored in allowing sewers to be built in the area certainly doesn't justify using their presence as justification for new development. The comprehensive plan recognizes how sewer

installation will attract development and clearly warned of the potential that held for compromising and disrupting effective planning.

The comprehensive plan should not be amended without extraordinary cause and without involving the full opportunity for input from the community. The comprehensive plan is clear in reflecting the community's intention that Lake View "retain its rural look and feel." Preventing the intrusion of R-3 zoning density into an R-A district seems to me to be precisely why we have a comprehensive plan.

**This project will effectively create a *de facto* spot-zone with more than a seven-fold increase in residential land-use density.** This leap in density will create a poor transition between land uses. Up-zoning the parcel from R-A to the same density as R-3 represents a quantum jump in zoning designations. This jump from lowest density to one of the highest eliminates any prospect for the smooth transition between zoning districts that is a cornerstone of sound community planning.

**This project will intrude into the remnants of Hamburg's rural/agricultural community.** While the parcel's nearest boundary to the zoning district border of Amsdell Road is only several hundred feet north, the furthest boundary of the parcel will extend more than 0.4 mile south into the Lake View Area. Moreover, if the development were to be built, it would probably require entrances and exits onto Pleasant Avenue and/or Amsdell Road, effectively impacting both. This project would effectively push the higher-density development line southward to Pleasant Avenue from Amsdell Road, further diminishing the remaining stock of greenspace in the area and, in all probability, inflating assessment valuations on neighboring farmland. This seems to me to be an almost textbook-case representation of suburban sprawl.

In fact, the growth issues and concerns that were identified and alluded to in the comprehensive plan at its adoption in June 1997 and articulated in delineating the Lake View Area seem to be even more compelling and clear today, almost a decade later. I feel that the comprehensive plan needs to be upheld more strongly than ever, and I would therefore respectfully request that we do so by declining to amend the comprehensive plan to facilitate this project.

Respectfully,

Steve McCabe



# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

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Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 6/7/06

SUBJ: 6/7/06 PLANNING BOARD WORK SESSION AGENDA  
Vanderbilt Properties, Southwestern Blvd. near Amsdell Road  
Proposed Rezoning RA to PUD.

The following are review comments on the above-referenced rezoning application dated 3/10/06:

- (1) The site is not located within a water district. A water district extension will be required for the project, due to a public watermain extension being necessary to service the site.
- (2) Per 5/19/06 correspondence from the Erie County Water Authority (ECWA), the developer's engineer is to determine if there is adequate pressure and flow to service the site.
- (3) The site is not located in a sanitary sewer district. A sewer district extension will be required to service the site. A downstream sewer capacity analysis is necessary to be performed in compliance with NYSDEC requirements.
- (4) The parcel is located within the Southwestern Overlay District.
- (5) Storm water detention will be required for the development.
- (6) A secondary access roadway to the condominium area should be provided.

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 : 6/7/06

SUBJ : 6/7/06 PLANNING BOARD WORK SESSION AGENDA  
Adam Gorczyca - Pleasant Acres Subdivision

We have not received a submittal for this project. Attached for your reference please find our 1/12/06 and Drew Reilly's 2/25/03 correspondence to Mr. Gorczyca.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

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Supt. of Highways  
JAMES F. CONNOLLY

January 12, 2006

Mr. Thomas Gorczyca  
3205 Pleasant Avenue  
Hamburg, New York 14075

RE: VACANT PARCELS ON PLEASANT AVE. NEAR AMSDELL ROAD

Dear Mr. Gorczyca:

As a follow-up to your 1/11/06 meeting with Rick Lardo, relative to the above-referenced matter, we have further investigated the situation and determined the following:

- (1) Andrew Reilly, the Town's Planning Consultant, previously informed you of the Planning Board's subdivision status regarding the property in his 2/25/03 letter (copy attached). This issue needs to be submitted to and addressed by the Planning Board.
- (2) The parcels do not currently have access to public water. A public 8 inch water main extension would be required to be installed for water service and fire protection, at your expense.
- (3) The parcels are not located within a sanitary sewer district. The closest existing sanitary sewer does not have sufficient depth to allow a gravity sewer main extension to service the parcels. We would consider allowing one connection to the public sewer system for the parcel immediately adjacent to the existing dead-end manhole. This connection would require an out-of-district agreement with the sewer district and installation of a privately maintained grinder pump system.

We trust that this satisfactorily clarifies this matter for you. However, if you should have any further questions, please contact our office (649-6111, ext. 2350).

Very truly yours,

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

GMK/RJL:ch  
cc: Drew Reilly, Planning Department  
Kurt Allen, Bldg. Inspection

# TOWN OF HAMBURG

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



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February 25, 2003

Supt. of Highways  
JAMES F. CONNOLLY

To: Thomas Gorczyka

From: Hamburg Planning Dept. - <sup>ACR</sup> Andrew C. Reilly, Plaintiff Consultant

Re: Pleasant Acres Subdivision

I have reviewed the information you presented to me on 2-19-03, and have researched the files on this subdivision. I also spoke to the Engineering office, and would like to offer the following:

1. You informed me that the Pleasant Acres Subdivision was a 7 lot subdivision with two lots fronting on Pleasant Avenue and (5) lots fronting on Amsdell. You wanted to know the procedure to re-arrange the land on Pleasant to make three (3) lots out of the two (2). The land is presently zoned R-A, which requires 2 acre lots with 100' frontage and 200' lot width.

2. It is my understanding that the property was zoned R-A in 1985, but R-A zoning allowed smaller lots where sewer was available in 1985. The present code gives no reduction to the lot requirements with sewer or without.

3. Our records indicate that a five (5) lot subdivision was approved in 1985, but the lots on Pleasant were **not** approved (no sewer available). The signed plat is noted that the lots on Pleasant were not being approved. We have no record of those lots ever being approved.

Based on this research, and the current zoning of the property, not only could you not create 3 lots on Pleasant, you technically do not have two (2) lots. The Town Engineer's records show that those two (2) lots were not legally created.

If you have some information different than this, please provide that information to the Town. If you have any questions or would like to submit additional information, do not hesitate contacting this office.

AMSDELL RD

PLEASANT AVE

subject parcels

subject parcels



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Supt. of Highways  
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 6/7/06

SUBJ : 6/7/06 PLANNING BOARD WORK SESSION AGENDA  
Revisions to Johnsons Country Store - 4783 Southwestern Blvd.

The following are review comments on a plan for a proposed parking lot layout for the above-referenced property dated 7/05:

- (1) The 1990 rezoning of this parcel and 6/13/90 site plan approval provided site access for this property through one common driveway with the Gullo Garden Center.
- (2) The drawing does not show any proposed changes on the east side of the building. What use is intended for this area?
- (3) The site is located within the Southwestern Boulevard Overlay District. Landscaping for the site should be reviewed accordingly by the Planning Board.
- (4) Show the existing sidewalk and curbing along Southwestern Blvd. on the drawing. The proposed driveway and drainage work within the Southwestern Blvd. right-of-way are to be approved by the New York State Dept. of Transportation (NYSDOT). We are unable to approve the plan prior to NYSDOT review and approval of the work in their right-of-way.
- (5) Upright concrete curbing is to be provided along the driveway and adjacent to the parking spaces in front of the store. Remove the notes regarding future parking area.
- (6) Include the appropriate detail drawings for the sanitary sewer vents and cleanouts located within the pavement area.
- (7) Show the locations of the parking lot lighting.

- (8) Show the proposed garbage dumpster location properly fenced and placed on a concrete pad.

All comments are to be satisfactorily addressed for approval.



Gerard M. Kapsiak, P.E.  
Town Engineer



Richard J. Lardo  
Principal Engineer

*Tractor Supply*

May 25, 2006

Memo To: Planning Board

From: Planning Department

1. The project is in the Southwestern Boulevard Overlay District. The required 50' of green area along Southwestern is provided, as is a landscape plan for the entire site.
2. The number of required parking spaces for this project is 141. One hundred spaces are provided, making a variance necessary for the reduction in spaces.



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JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 6/7/06

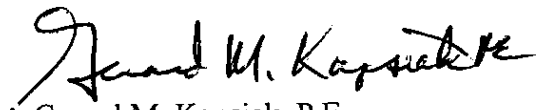
SUBJ: 6/7/06 PLANNING BOARD WORK SESSION AGENDA  
Tractor Supply - Southwestern Blvd.

The following are review comments on a site plan issued 5/12/06:

- (1) We are unable to approve the site plan prior to the Planning Board's approval of the subdivision to create the parcel.
- (2) We are unable to approve the site plan prior to approval of the construction plans for the Hamburg Business Park Development Project.
- (3) The Planning Board previously approved a cross-access easement on the south side of the Meridia parcel west of this site that is not being utilized.
- (4) Concrete curb is required for both entrances and for the parking spaces along Southwestern Blvd. and the building.
- (5) Curbing or other appropriate protective measures are required between the parking area driving lane and the stormwater detention basins.
- (6) The cul-de-sac off the Southwestern Blvd. entrance driveway serves no purpose and should be eliminated.
- (7) Show the location of any proposed garbage dumpsters. They are to be placed on a concrete pad and fenced.
- (8) Concrete aprons are required for both entrance driveways.
- (9) A New York State Department of Transportation (NYSDOT) permit is required for work within the Southwestern Blvd. right-of-way. We are unable to approve the site plan prior to NYSDOT review and approval of the work within their right-of-way.

- (10) We will review the sanitary sewer and water services to the site after approval of the construction plans for the Hamburg Business Park utilities.
- (11) The site is located within the Southwestern Overlay District.
- (12) The landscape plan is to be approved by the Planning Board.
- (13) The Design Engineer should contact this office to discuss the stormwater management plan and drainage calculations.

All comments are to be satisfactorily addressed for approval.



Gerard M. Kapsiak, P.E.  
Town Engineer



Richard J. Lardo  
Principal Engineer

Tractor Supply (cont.)

may not be necessary. The State Dept. Of Transportation would like another point of access to Southwestern Blvd. for this business. It was explained that the building will have two colors, a dark reddish block and off white. Item to be on the agenda in two weeks.

*No just that could have  
restricted or not ?*

**Parker Commons Cluster of Patio Homes.**

Messrs. Mike Borowiak and John Kalstek appeared before the Planning Board with a revised drawing for a cluster development off Parker Road. Mr. Borowiak explained that they have added some walking trails, added a sidewalk to the gate, and complied with the request to provide 2 lots at the front. There will also be berms, a community garden, and a retention pond. The Engineering Department noted that the proposed street horizontal curves are to have a minimum radius of 150 feet. The applicant is to work this out with Rick Lardo. The Conservation Board has requested that some of the land be dedicated to the Town. Item to be on next agenda.

**Hopevale Sketch Plan - Burke Project - Extension of Heatherwood**

Mr. Borowiak presented a sketch for a town house development off Heatherwood behind the Hopevale complex. The property is zoned R-3 which allows town houses. The minimum lot size is 2,000 s.f., 26' x 75'. Some concern will be expressed by neighbors about added traffic. Perhaps a secondary means of egress should be provided using the Hopevale exit. A walking trail to the park should be considered. There is no problem with density. Item to be on for June 21st.

**World Gym - Camp Road**

Mr. Tony Battista of Benderson Development represented Mark Messina of World Gym on his proposed relocation to the classic car facility on Camp Road. They will be taking off a building and have removed the center curb cut. Landscaping is to be held in abeyance as there is another proposed tenant for the property. Right now, they should provide trees across the front until the other parcel is completed (6 mos. To a year)

Motion was made by Mr. Phillips, seconded by Mr. Eustace to approve the site for World Gym with the condition that the center curb cut be removed; that the landscape plan be approved when the other tenant is situated, and contingent on Engineering approval. Carried.

**Mission Hill Development of Single Family Homes - Camp Road**

Mr. Cliff Krumm appeared before the Planning Board on a proposed single family development to be located in what was the former mobile home park next to Brook Gardens. Mr. Reilly explained the history of the project and that the mobile home park never went forward. Zoning is R-4. When the Piotrowski's came back to the Town, it was the consensus that another mobile home park is not needed. The applicant has decided to do a mixture of residential and single family units.



# Town of Hamburg Conservation Advisory Board

3-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075

May 24, 2006

To: Planning Board - Drew Reilly

From: Conservation Advisory Board

Subject: Mission Hills Subdivision

On 5-20-06, Ms. Rockwood & Messrs Lorquet, Nichols & Sittler reviewed the Mission Hills site. The site conditions ranged from slightly wet to significant areas of standing water in the wetland area. There is a sizable wetland on the site which has been recently delineated. Due to the dense brush, we were unable to determine the accuracy of the delineation. In looking at the soils map and comparing it to the developer's soil survey, we note that the Canadice silt loam (CB-Erie County soils 80-Hamburg soils) comprises 11.5 acres of the site. This would be the approximate area of wetlands and may qualify it for a NYSDEC wetland designation.

We are requesting that the DEC be contacted and asked to delineate the site prior to any approval of site plans. The floodplain area that parallels Camp Road appears to be accurately described as we have previously mentioned, we feel that the buffer along the Norfolk & Western tracks is inadequate and presents a significant danger to lots 11 through 26. Again, there is a potential for a disaster in the event of a roll over or projectile accident. While time did not permit a significant observation period, we noted that many tank cars, or passing trains were placarded with red and yellow placards.

With strong concerns over the wetlands and the public safety issue, and the size of this project, we recommend that the developer provide the Town of Hamburg with a complete Environmental Impact Statement. Further supporting that request is that there is some anecdotal evidence that there may be artifacts on the subject site.

# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

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Town Attorney

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Town Clerk

CATHERINE A. RYBCZYNSKI

Supt. of Highways

JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 6/7/06

SUBJ : 6/7/06 PLANNING BOARD WORK SESSION AGENDA  
Hopevale Town Homes - Heatherwood Drive

The following are review comments on a sketch plan dated May 12, 2006:

- (1) The site is located in a sanitary sewer district. A downstream sewer capacity analysis is necessary to be performed in compliance with NYSDEC requirements.
- (2) The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.
- (3) The proposed one outlet street layout exceeds the maximum street length of 500 feet, required in Town Subdivision Regulations Section 230-22. A secondary or emergency outlet should be provided.
- (4) The segment of the private drive to the south is to terminate as a 50 feet radius cul-de-sac.
- (5) Stormwater detention will be required for the project.

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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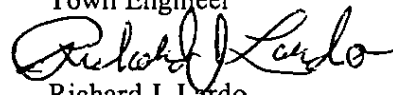
TO: Planning Board  
FROM: Engineering Dept.  
DATE: 6/7/06  
SUBJ: 6/7/06 PLANNING BOARD WORK SESSION AGENDA  
World Gym - 5110 Camp Road

The following are review comments on a site plan dated 5/12/06 and last revised on 6/6/06:

- (1) The site is located within the Camp Road Overlay District.
- (2) A New York State Department of Transportation (NYSDOT) permit is required for work within the Camp Road right-of-way. We are unable to approve the site plan without their prior review and approval.
- (3) Include the existing storm sewer size and invert elevations. Provide a minimum of two (2) feet of cover over the new pipes.
- (4) The proposed new sanitary sewer service lateral is to be approved by the Erie County Dept. of Environment and Planning (ECDEP). A comment letter was sent by ECDEP to the developer's engineer on 5/22/06. Their comments are to be appropriately addressed, and the revised plans submitted to ECDEP for further review and approval. We are unable to approve the site plan prior to approval by the ECDEP.
- (5) It appears that the building may not meet the 400 feet fire hydrant requirement of the New York State Fire Code. Contact the Building Inspector for direction.
- (6) We are unable to approve the site plan prior to review and approval of the RPZ Back Flow Preventer as required by the Erie County Water Authority (ECWA).
- (7) The site landscaping is to be approved by the Planning Board

All comments are to be 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 : 6/7/06

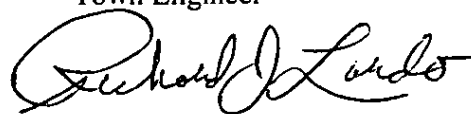
SUBJ : 6/7/06 PLANNING BOARD WORK SESSION AGENDA  
Mission Hill Subdivision - Camp Road

The following are review comments on a sketch plan dated May 2006:

- (1) The site is located in a sanitary sewer district. A downstream sewer capacity analysis is necessary to be performed in compliance with NYSDEC requirements.
- (2) The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.
- (3) A portion of the site is not located in a water district. A water district extension may be required for this project.
- (4) The proposed one outlet street layout exceeds the maximum street length of 500 feet, required in Town Subdivision Regulations Section 230-22. A secondary or emergency outlet should be provided.
- (5) New York State Department of Transportation (NYSDOT) approval is required for work within the Camp Road right-of-way.
- (6) Stormwater detention will be required for the project.

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: 6/7/06

SUBJ: 6/7/06 PLANNING BOARD WORK SESSION AGENDA  
Parker Ridge Phase 4 Subdivision

The following are review comments on a cluster subdivision sketch plan dated 2/17/06 and last revised on 4/17/06:

- (1) The site is tributary to Erie County Sewer District No. 3 (ECSD No.3). The district should be contacted to determine if there is sufficient available capacity in their system to service the site.
- (2) The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.
- (3) Storm water detention will be required for the development.
- (4) The proposed one outlet street exceeds the maximum street length of 500 feet, as required in Town Subdivision Regulations Section 230-22. A secondary or emergency outlet should be provided.
- (5) The proposed street horizontal curves are to have a minimum radius of 150 feet, as required in Section 230-22.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.

Town Engineer

Richard J. Lardo  
Principal Engineer



The Conservation Board has concerns about the wetland areas. They would like to see an Environmental Impact Statement and a wetland delineation completed. Mr. Nichols, Chairman of the Conservation Board, noted that they did an on site inspection of the property which shows areas of standing water. Due to the dense brush, we were unable to determine the accuracy of the delineation. The soil is Canadice silt loam comprising 11.5 acres. Also, we noticed that by standing near the railroad tracks, there was a lot of vibration and homes that close, would notice.

There should also be a secondary means of access to the site in case of an emergency, which could be worked out thru Waterfalls Village, as this park abuts to the Mission Hill property. There is a floodway on the site and the Engineer will have to provide a crossing as outlined by FEMA. A dual signal system as well as a parkway style entrance should be provided in order for the site to work

Chairman Koenig noted that the Town has been asking for a signal at Howard Road for years and the DOT has never complied. Mr. Krumm responded that they are hopeful that DOT will accommodate their request.

Mr. Reilly stated that there probably should be a Supplemental EIS to be added to the one that was done for the Mission Hill Mobile Home Park a few years ago..

Item to be on June 21st meeting.

#### **Walmart & Benderson Development - Southwestern Blvd.**

Mr. Reilly noted that the discussion this evening is the process and the schedule. At the last meeting, the environmental concerns were reviewed and all Planning Board members have a packet. There is a Table of Contents provided for the EIS, as determined by the EAF review at the meeting. The applicant is putting together an enhanced Part III and is looking for a Negative Declaration. A schedule of events is to be reviewed and the documents will be made available in the near future. A decision will have to be made based on the documents presented, as to whether it will be negative or positive declaration. If the Planning Board determines that a Positive Declaration is in order, there will be special meetings to review the documents. Public hearings will be held on special nights. A schedule is being prepared both ways, for a Negative Dec or Positive Dec. so that the process will be completed by the end of the year.

Mr. Reilly then reviewed the DEIS Table of Contents. (See attachment)

Mr. Steve Cleason noted that what the applicant is looking for is a comfort level. The worst thing that they can do is to get in front of the board, spend two months spinning wheels uselessly. I realize there are issues, and if you are not comfortable at all, I would like to have an idea where we stand.

**Wal-Mart #2405-04 Hamburg, NY**  
**DEIS Table of Contents**

(Text in *italics* represents information presented to Town Planning Board in Enhanced EAF Proposed Scope on 5-17-06 and additional items Town requested we address after reviewing the proposed scope).

- I. Introduction and Purpose
  
- II. Description of Proposed Action
  - A. Project Location
  - B. Project Description

*(Project description will include discussion of proposed site features, including buildings, parking, and access, as well as proposed demolition. Information on conformance to zoning and existing and proposed building height will also be provided. Information about the Tire Lube Express including petroleum bulk storage, environmental cage capacity, and general operations and uses within the TLE will also be discussed.)*
  - C. Project Purpose, Need and Benefits
  - D. Permits and Approvals
  
- III. Existing Environmental Setting
  - A. Geology and Topography
  - B. Utilities

*(Utilities section will include discussion of existing utilities including sanitary, water, gas, electric, and phone. Details will be provided for proposed utilities, including demands, connection points, and impact to existing area. This will also include analysis of existing water system and proposed water system, including Benderson projected uses.)*
  - C. Transportation and Traffic

*(Traffic assessment will include analysis of existing highway network including existing traffic volumes and operating characteristics. A full traffic report will be prepared, including project trip generation, post development traffic volumes and operating characteristics, and conclusions. The analysis will include the intersection of Amsdell & Rt. 5, and Rogers & Rt. 5. A discussion of NYSDOT project for Southwestern Blvd, and realignment of Abel Street/Southwestern Blvd will be included. A discussion regarding safety of children due to increased traffic and local schools will be included. A discussion on delivery trucks (number, hours, routing), and also include routing from highway to local streets will be included)*
  - D. Drainage and Stormwater Management

*(A full stormwater management report will be prepared, including analysis of existing conditions, details of proposed conditions, comparison of peak discharge rates, and conformance with Town and NYSDEC regulations.)*
  - E. Wetlands

*(A wetland delineation report will be provided, as well as a description of the proposed impacts to existing wetlands. This will include all correspondence with ACOE and NYSDEC as required.)*

F. Cultural Resources

*(A Phase IB Archeological Report will be provided, as well as a summary of findings. This will include all correspondence with SHPO.)*

G. Visual

*(The visual section will include a description of the proposed enhancements to the site as well as proposed architectural elevations. A discussion on lighting will also be provided. A discussion regarding the visuals for proposed Benderson project will be included.)*

H. Noise

*(A noise study, including calculations, will be provided, as well as a narrative detailing proposed impacts to neighbors.)*

I. Social and Economic Setting

*(A discussion of number of jobs anticipated will be included and a discussion on redevelopment of existing plaza/empty store.)*

J. Community Services

*(A discussion of potential impacts to community services (police, fire, etc.) will be included.)*

K. Air Quality and Odors

*(A discussion of air and odor impacts for neighbors in the rear will be included.)*

L. Threatened and Endangered Species

IV. Assessment of Potentially Significant Environmental Impacts and Proposed Mitigation Measures

A. Geology and Topography

B. Utilities

C. Transportation and Traffic

D. Drainage and Stormwater Management E. Wetlands

F. Cultural Resources

G. Visual

H. Noise

I. Social and Economic Setting

J. Community Services

K. Air Quality and Odors

L. Threatened and Endangered Species

V. Reasonable Site Alternatives

A. No Action

B. Use of Existing Wal-Mart Site

C. Other Potential Sites

D. Alternative Layout of the Project Site

E. Alternative Use of the Wal-Mart Supercenter Store Space

Figures

Appendices

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Supt. of Highways  
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.


DATE: 5/17/06

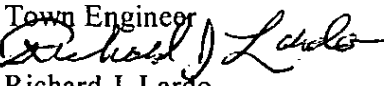
SUBJ: 5/17/06 PLANNING BOARD MEETING AGENDA  
Wal-Mart - Southwestern Blvd. near Rogers Road

The following are review comments on a sketch plan dated 11/21/05 and last revised on 3/17/06:

- (1) It appears that an additional parcel is being created along Route 20. Minor subdivision approval may be required.
- (2) The site location map has several errors. Revise as necessary, removing the private driveways.
- (3) The site is located within the Southwestern Overlay District.
- (4) Curbed landscape islands should be provided along the front of the building.
- (5) The proposed traffic signal and other work within the Route 20 right-of-way are to be reviewed and approved by the New York State Department of Transportation (NYSDOT).
- (6) We have concerns regarding infiltration/inflow into the existing private sanitary sewer servicing the site that will need to be addressed. It is necessary that the private sewer be studied and repaired/replaced as necessary up to its connection to the Town sewer system on Rogers Road.
- (7) Existing utility lines (sanitary sewer, storm sewer, and water) are to be relocated so that they are not running beneath the building.
- (8) We will review the site plan when it is properly prepared and submitted in accordance with the site plan review check list.

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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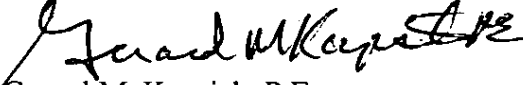
TO : Planning Board


FROM : Engineering Dept.

DATE : 6/7/06

SUBJ : 6/7/06 PLANNING BOARD WORK SESSION AGENDA  
Wal-Mart & Benderson Projects  
Brierwood Plaza - Southwestern Blvd.

We have not received any new information on the above referenced projects. Our previous 5/17/06 comments regarding these projects are attached.

  
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: 5/17/06

SUBJ: 5/17/06 PLANNING BOARD MEETING AGENDA  
Brierwood Plaza, Southwestern Blvd. at Rogers Road

The following are review comments on a sketch plan dated June 2005 and last revised on 4/25/06:

- (1) Public sanitary sewer is available along the west side of Rogers Road.
- (2) The Erie County Water Authority (ECWA) should be contacted to determine if there is adequate pressure and flow to service the site.
- (3) The site is located within the Southwestern Overlay District.
- (4) We will review the 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.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

Chairman Koenig responded that he is comfortable with the way we are proceeding at this point.

Mr. Battista noted that if the board has any information to which answers are needed, if the board could funnel them to the applicant as soon as possible, it would help.

Mr. Reilly noted that they are concerned about the aesthetics of the back of the buildings facing Rogers Road. Mr. Battista responded that they are addressing this request. The out parcel will belong to the Walmart Company and should be included in the EIS.

Mr. Cleason noted that they have discussed all engineering issues with Rick Lardo and are preparing studies that will not be available for a few months. Mr. Lardo has stressed that important points include replacement of sewers, and an additional line behind the apartment complex that is part of the old line. That line is to be replaced also so that it is not leaking. The sewer issue is not a capacity issue, it is because of infiltration from storm sewer. There is a lot of clay that is causing infiltration during storm events. The system needs to be updated. We are in the process of identifying that problem. The rest of it is off site. That will be outlined in our document.

According to the evaluation project with the Benderson aspect, there will not be as much detail, but we will look at the traffic.

In summation, Mr. Cleason noted that according to what he is hearing, the board is comfortable with the project, and the documents will be provided.

Board members were advised to review their notes, and the Table of Contents for all the items that are to be studied and report on them for the next meeting.

#### **Spruce Ridge Subdivision - Abel Rd.**

Mr. Armbruster has submitted a request for a Minor Subdivision on Abel Road. An ariel photo map, a site location map, & zoning district boundaries have all been provided. This however, must be treated as a major subdivision and a 2 step process with a map cover because of sewer connections. The map filed will show all sub-lots in this subdivision. This is a 3 lot subdivision. The Traffic safety board has asked for turn around driveways. Public Hearing can be set for June 21st.

A memo was submitted for the NIMS Training that is to be completed and turned in to Terry Dubey who will submit the certificates to Jim Spute.

Meeting adjourned at 10:00 p.m.

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CATHERINE A. RYBCZYNSKI

Supt. of Highways

JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 6/7/06

SUBJ: 6/7/06 PLANNING BOARD WORK SESSION AGENDA  
Spruce Ridge Subdivision - Abel Road

The following are review comments on a preliminary plat plan dated May 2, 2006:

- (1) The sublots can be serviced by the existing sanitary sewer and watermain.
- (2) The required map cover should include all of the sublots currently owned by the developer.
- (3) The existing homes along Abel Road do not have public sidewalks. We have no objection to waiving the public sidewalk requirement.

All comments are to be 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: 6/7/06

SUBJ: 6/7/06 PLANNING BOARD WORK SESSION AGENDA  
First Niagara Bank (adjacent to 4923 Lake Shore Road)

The following are review comments on a site plan dated 3/22/06:

- (1) The existing Wanakah Pharmacy building was subdivided from the main parcel. Therefore, subdivision approval is required for the project. A separate address will be assigned for the proposed bank.
- (2) The proposed driveway to Orchard Avenues does not align with Woodlawn Avenue. The driveway should be relocated for proper alignment.
- (3) Note that a New York State Department of Transportation (NYSDOT) permit is required for work within the Lake Shore Road highway right-of-way. We are unable to approve these plans prior to NYSDOT review and approval of work in their right-of-way.
- (4) The building address will not be No. 4923. Remove the address from the drawings.
- (5) The 4/7/06 comments submitted by the Shoreline Revitalization Committee are to be appropriately addressed.
- (6) We will review the site plan when it is prepared in accordance with the site plan review checklist.
- (7) The site is located within the Route 5 Overlay District.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

## **Hamburg Business Park Findings Checklist**

### **During approval stage**

1. Each parcel is subject to Planning Board review to ensure compliance with the provisions of the South Park and Southwestern Boulevard Overlay Districts regarding lighting, aesthetics, architectural style, landscaping and lighting.
2. Landscape plans must be prepared and certified by a NYS licensed landscape architect.
3. Appropriate architectural treatment will be required for the facade of any building that faces road frontage or is visible from a public roadway.
4. No pole signs for individual business will be allowed.
5. Directional signage will be allowed at the proposed driveway between parcel 2 and 3 on Southwestern Blvd.
6. Outdoor storage areas are not allowed, unless the Planning Board determines that such display is consistent with the provisions of the overlay district.
7. Any allowed outdoor storage will be connected to the main building and appear as a continuation of that building. Extensive landscaping and/or fencing will be used to screen such allowed outdoor storage from public roads.
8. For the lot facing Southwestern Blvd., outdoor display areas are restricted from the frontage area and limited to areas directly abutting any proposed building
9. Adequate screening between developed areas and adjacent uses is required. The existing 50' of vegetative buffer along the western edge of the parcel will be maintained and not disturbed.
10. Screening is required around mechanical equipment, including dumpsters.
11. A proposed use for a parcel in the Business Park shall not include:
  - boat and marine sales/service
  - warehouse
  - dairies/beverage bottling
  - whole sales/distribution
  - commercial swimming pool

- theatre/drive in
- golf driving range/miniature golf
- new or used motor vehicles sales
- terminal for trucking/delivery services
- laundry/dry cleaning plants
- storage/sales of solid fuel
- commercial car wash .
- filling station/gas station/auto repair
- public garage

**Before Construction:**

1. A geo-technical evaluation will be required prior to the design and construction of each individual parcel to ensure adequate soils.
2. Individual site plans and stormwater plans will be subject to Town approval prior to construction.
3. For each proposed development parcel, a hydraulic analysis will be required.

**After Construction:**

Excess soils or bedrock will not be stored on any parcel in the Business Park after construction on the parcel.

Legal Notice  
Town of Hamburg Planning Board  
June 7, 2006

The Town of Hamburg Planning Board will conduct a Work Session in the Conference Room at S-6122 South Park Avenue on Wednesday, June 7<sup>th</sup>, 2006 at 7:30 p.m. to review and possibly approve the following:

1. First Niagara Bank - Lake Shore Rd.
2. Parker Ridge Cluster - Parker Road
3. Vanderbilt Properties - Southwestern & Amsdell
4. World Gym - 5110 Camp Road
5. Spruce Ridge II Subdivision - Abel Rd.
6. Mr. Adam Gorczyka - Pleasant Acres - Pleasant & Wildwood
7. Tractor Supply - Burke Business Park - Southwestern Blvd.
8. Mission Hill - Single family dwellings - Camp Road
9. New information on Walmart & Benderson - Brierwood
10. Hopevale Townhomes - Heatherwood Drive

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

**Dated: 5-18-06**