

Town of Hamburg  
Planning Board Meeting

May 20, 2009

Minutes

The Town of Hamburg Planning Board met in regular session on Wednesday, May 20, 2009 at 7:30 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Gerard Koenig, Karen Rogers, Sasha Yerkovich, Peter Reszka, David Phillips, Steve McCabe and Richard Taber.

Others in attendance included Andrew Reilly, Sarah desJardins, Richard Lardo, Attorney Donald McKenna and Attorney Cheryl McFaddon Zak.

**Franciscan Sisters of St. Joseph (5251 South Park Avenue)**

Mr. McCabe read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposed new motherhouse to be located on South Park Avenue. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on May 20, 2009 at 7:30 p.m. in Room 7B of Hamburg Town Hall.”

William Schutt from William Schutt & Associates appeared on behalf of the proposed project, stating that the project is located on just less than ten acres of land on the west side of South Park Avenue across from the sisters' present motherhouse. He noted that the new facility would replace the existing motherhouse and would provide age in place housing for the sisters. He further stated that the site is located in the R-3 zone, as well as the South Park Avenue Overlay District, and noted that the building would be approximately 81,000 sq.ft. in size and would have a one-story component in the back and a two-story component in the front.

Mr. Schutt stated that this project is the first project that has been registered with LEED (Leadership in Energy and Environmental Design) for multi-family homes both nationally and locally, noting that the building will be Gold Certified. Board members congratulated the Sisters of St. Joseph for this accomplishment.

Mr. Reilly stated that a SEQR Coordinated Review has been done and the 239-M referral has been submitted to Erie County, noting that the County has not commented on the project and that, because wetlands exist on the property, the applicant will have to work with the Department of Environmental Conservation, although the wetlands will be avoided.

In response to a question from Chairman Koenig, Mr. Reilly stated that there is no correspondence from the local fire department regarding this proposal. Mr. Schutt stated that he met with the Fire Chief from Scranton Fire Company and the Building Inspector early on in the process and fire access was discussed at that time. He further noted that that discussion generated the site plan the applicant is now proposing.

In response to a question from Chairman Koenig, Mr. Schutt stated that the building would be sprinklered.

Chairman Koenig declared the public hearing open. He then asked if anyone in the audience wished to speak in favor of or in opposition to the proposal. No one spoke.

Chairman Koenig declared the public hearing closed.

Mr. Phillips made a motion, seconded by Mrs. Yerkovich, to forward a positive recommendation to the Zoning Board of Appeals regarding the applicant's request for two side yard setback variances. Carried.

Mr. Phillips made a motion, seconded by Mrs. Rogers, to table this project and to authorize the Planning Department to put together SEQR and approval resolutions for the Board's next meeting (June 3, 2009). Carried.

Engineering Department comments have been filed with the Planning Department.

### **Avanti Mansion (4409 South Park Avenue)**

Mr. McCabe read the following notice of public hearing:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposed new banquet facility building to be located on South Park Avenue. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on May 20, 2009 at 7:30 p.m. in Room 7B of Hamburg Town Hall."

Laurie Clark appeared on behalf of the proposed project, stating that she proposes to construct a +/- 12,000 sq.ft. new stand alone banquet facility on the north side of the Avanti Mansion property. She further stated that the proposed building would look very much like the existing buildings on the property and would be used year round.

Mr. Reilly stated that this property lies in a Planned Unit Development (PUD) and as such must conform to the plan that was approved when the property was rezoned to PUD. He noted that the Town Board did pass a resolution stating that this proposed use is in accordance with the PUD that Board originally approved.

Mr. Reilly stated that the Building Inspector did a thorough review of the inside of the proposed building and determined that the applicant did not need the number of parking spaces originally proposed on the site plan. He noted that the applicant, therefore, has reduced the number of parking spaces proposed and the parking area is now proposed to be located approximately 100 feet from South Park Avenue. Mr. Reilly further stated that the parking area as proposed probably would not work, as it dead ends on the eastern side. He noted that the applicant will probably have to add twenty feet of pavement on the east side to achieve a better flow of traffic in the parking area.

In response to a question from Mr. Reilly, Mr. Lardo stated that the applicant has not submitted engineering plans to date. Mr. Reilly stated that, after receiving direction from the Planning Board at this meeting, the applicant will finalize the design of the drainage systems, etc. for the site.

Chairman Koenig stated that, when the parking area was proposed closer to South Park Avenue, he had an issue with the applicant not proposing landscaping along the road. He asked the applicant what is now proposed between the parking area and the road. Ms. Clark responded that the majority of the space between the existing buildings and South Park Avenue is grass and that most of the area between the road and the new building would also be grass. She further stated that she plans to replant trees along the driveways.

In response to a question from Mr. Phillips, Ms. Clark stated that, if the new building is built, the tent that is currently used for functions will remain and will continue to be used. She further stated that the fact that currently only one event can be held at a time on the property has reduced the number of events that she can hold. She noted that the addition of the new building would allow her to hold corporate picnics, for example, in the tent without restricting the clients to a time frame and would also her to use the new building for evening functions.

In response to a question from Mr. Phillips, Ms. Clark stated that there would be sufficient parking on the site if more than one event was going on at the same time because the existing parking area is more than sufficient to accommodate events in the tent and the new parking would satisfy the parking demands for the new building.

Chairman Koenig declared the public hearing open. He then asked if anyone in the audience wished to speak in favor of or in opposition to the proposal. No one spoke.

Chairman Koenig declared the public hearing closed.

Board members concurred that the proposal should be tabled so that the applicant can address the engineering issues with Mr. Lardo.

Mr. Phillips made a motion, seconded by Mr. McCabe, to table this project until the Board's June 17, 2009 meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

### **Hamburg Senior (vacant land, west of Briercliff Drive) unit independent living apartment community**

Mr. McCabe read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposed senior apartment project to be located on vacant land west of Briercliff Drive. The project consists of a 72-unit independent living apartment community. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on May 20, 2009 at 7:30 p.m. in Room 7B of Hamburg Town Hall.”

Chris Dirr, development partner from NRP Group appeared on behalf of the proposed project, stating that the NRP Group is a national developer of multi-family projects. He further stated that the proposed project involves the construction of a single-story 72-unit affordable multi-family housing development geared toward senior citizens (55+) to be located in the Brierwood Planned Unit Development (PUD). He noted that when the PUD was originally approved, multi-family dwellings were anticipated on this parcel and that this proposal is less dense than the proposal previously considered by the Planning Board.

Mr. Dirr stated that thirteen single-story buildings are proposed, including 42 one-bedroom units (700 sq.ft.), 30 two-bedroom units (945 sq.ft.) and a 3,000 sq.ft. clubhouse. He further stated that no variances are being request. He noted that the distance between the railroad tracks and the closest proposed building is approximately 100 feet and that he proposes to maintain and improve the existing Heart Trail and that he will work with the Town of Hamburg to locate the trail and connect it to Cloverbank.

Mr. Reilly stated that this property was the subject of an Environment Impact Statement (EIS) when the PUD was originally proposed and the Planning Board will have to decide whether supplemental information or a Supplemental EIS will be required if Board members feel there are issues with this proposal that were not originally addressed when the PUD was approved.

Mr. Reilly noted that the Conservation Advisory Board has consistently asked for the project to be located as far as possible away from the railroad tracks, although the home owners in the area will probably want the project moved as far away from their rear yards as possible. Mr. Dirr responded that the project is located as far away from the railroad tracks as possible and that at the same time the setback requirements from the neighbors' homes are being adhered to.

Chairman Koenig stated that this proposal was reviewed by the Traffic Safety Advisory Board and no adverse comments were received from that Board regarding traffic, but there was a question about how this project would impact the Town's senior van service, as well as emergency services. Mr. Dirr responded that he has been working with the Town's Senior Center and has agreed to retain the Town's senior van service to provide service to local amenities a few times a week for the seniors living in this development.

In response to a question from Mr. Reilly, Mr. Dirr stated that this is not a subsidized project, but rather is a project financed through low-income tax credits, which means that the rents will range from \$350 to \$655 for the one-bedroom units and \$400 to \$750 for the two-bedroom units. He further noted that prospective tenants must meet certain financial criteria associated with the area median income to be able to live in the units.

Mr. Dirr stated that one of the family members in a unit must be at least 55 years of age and the amenities that are proposed are specifically designed for active independent seniors.

Chairman Koenig declared the public hearing open. He then asked if anyone in the audience wished to speak in favor of or in opposition to the proposal. The following people spoke:

1. Dan Gross (5329 Briercliff Drive) stated that it does not make sense to him that low-income senior housing is proposed in an area that does not have sidewalks and where services such as stores and medical offices are not nearby. He asked if the proposed

development would pay for the services and pay to maintain the park and public green spaces in the Brierwood PUD, just as the Brierwood Homeowners' Association currently does. He stated that there would be quite a disparity between the current residents of the PUD who make 100% of the area median income and the potential tenants who make much less than that and asked how homes that are worth \$750,000 would fit in with an apartment complex whose tenants pay \$350 per month to live there. He asked how this project would fit in with the unique character of the Brierwood community and stated that any design considered should be careful to incorporate lighting that will not affect the surrounding neighbors. He stated that he has concerns regarding emergency egress, the number of vehicles that will enter and exit the site, site drainage, the safety of children playing in the area, the possibility of several people living in one unit and emergency vehicles in the neighborhood in large numbers due to the age of the apartment dwellers. He stated that he believes all of the above issues should be reexamined in the Environmental Impact Statement and addressed in the SEQR process as it moves forward.

2. Jim Loomis, 5344 Briercliff Drive, stated that he is concerned that the proposal is to put low income senior housing in a residential neighborhood where homes are worth \$800,000+. He stated that there are other locations in the Town to build a project like this where it would be more accessible to stores, etc. He asked if this project would lower the value of the existing homes in the neighborhood and what the quality of the people who visit tenants in the apartment complex would be. He stated that the existing traffic is heavy in the neighborhood and is concerned that it will be much heavier if this project is constructed because of senior vans, emergency vehicles, etc.
3. Tom Nowak, 5249 Briercliff Drive, asked when the original EIS was performed and requested that a new EIS be generated by the applicant. He asked if Hamburg has mandated policies for buffer zones and what the developer plans to do about buffering between the railroad tracks, the Heart Trail, the Homeowners' Association's green space and the rear yards of the Briercliff Drive residents. He asked if the developer or the Town of Hamburg is receiving any funding from New York State or the federal government for this project. He asked who currently owns the property and when and from whom it was purchased. He asked if the developer has contacted the four homeowners' associations in the neighborhood that will be impacted by this project about the nature of the project. He asked Chairman Koenig about the project that was previously proposed on this property and whether there was a public meeting held and if minutes of that meeting are available.
4. Paul Hetey, 5253 Briercliff Drive, stated that when he purchased his home, he reviewed the plan for the Brierwood PUD carefully and did note that apartments were planned on this site, but he did not see this property earmarked for low income housing. He stated that he believes that if most of the Briercliff residents knew when they were thinking about building that senior housing would be built behind them, they would not have built their homes. He stated that the construction of this project would change the character of the neighborhood.
5. Brian Stewart, 5236 Briercliff Drive, stated that when he recently purchased his home he did not think anyone would ever build anything so close to the railroad tracks. He stated

that he feels this project will lower the value of the homes on Briercliff Drive and increase the traffic in the area.

6. Melissa Fruscione, 5152 Briercliff Drive, stated that she feels it is irresponsible to place this project so close to the railroad tracks and that, if there were an accident on the tracks, seniors especially would have very little time to get out. She asked how close the development would be to the rear yards of the existing homes on Briercliff Drive and stated that she does not want to lose the ability to enjoy her land and take advantage of the Homeowners' Association green space. She asked if there would be a specific limit on the number of tenants in each unit. She stated that she is concerned about property values in the neighborhood as a result of this project, as well as environmental and wildlife issues, and stated that this project should be proposed in an area that is better suited for the resources that would meet seniors' needs.
7. Rosemary Donahue, 5162 Briercliff Drive, stated that she is concerned that the elderly people living in this project would be too close to the railroad tracks.
8. Donald Weiss, Cloverbank Road, showed the audience photographs of the area where the Briercliff Drive homes are located before they were constructed and stated that he feels that a Supplemental EIS should be required of the applicant. He stated that the Heart Trail is nonexistent and that the developer should be required to provide 10% open space on this site per the original agreement. He stated that he feels that detention will be required on this site in order to adequately drain it and that storm water, lighting and noise issues should be addressed in an SEIS. He stated that he feels that the project is too dense and that not enough parking spaces are proposed for guests. He stated that he is concerned about the noise the tenants would be subjected to, given the proximity of the railroad tracks to the proposed buildings. He stated that he feels the developer should be charged recreation fees, that the Heart Trail being located along the railroad tracks would be a disaster and that there should be a limit on the number of people who can live in each unit.
9. Jill Farrell, 5136 Briercliff Drive, stated that she feels that the developer should address how the train traffic noise would affect the apartment residents and the number of times the horns are blown as the train goes through the area.

Chairman Koenig declared the public hearing closed.

Mr. Reilly stated that Board members should compile a list of issues that are concerns to them based on what they have seen and heard of the project to date. He noted that an EIS was previously performed for the PUD and the Board would have to have a valid reason to ask for an SEIS from this developer. He further stated that there are criteria that have to be considered in order to determine if the project warrants an SEIS and stated that the Board will have to review the areas of concern, get additional information from the applicant and then make a rational decision regarding whether or not an SEIS is warranted for those particular issues that were not properly addressed in the original EIS.

Mr. Phillips made a motion, seconded by Mrs. Rogers, to table this project. Carried.

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**John Kuebler (vacant land, east side of McKinley Parkway, south of Dorchester)**

Mr. McCabe read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposed ice cream store and pool supply business to be located on vacant land on the east side of McKinley Parkway, south of Dorchester Parkway. The project consists of a new building containing an ice cream store and a pool supply business. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on May 20, 2009 at 7:30 p.m. in Room 7B of Hamburg Town Hall.”

Lowell Dewey from C & S Engineers, Inc. appeared on behalf of the proposed project, stating that the applicant's intention is to develop the northern half of the site at this time. He noted that the applicant would like to receive approval to not curb the entire site. Board members responded that curbing will be required throughout the site.

Mr. Reilly stated that the drawings do not indicate that a pool supply business is proposed in the building. Mr. Dewey responded that the applicant does intend to put an ice cream store and a pool supply business in the building.

Mr. Reilly informed Mr. Dewey that the entire southern half of the property cannot be labeled “display area” and that this must be removed from the site plan. He further stated that if the applicant wishes to display items on the southern half of the site, he must indicate the exact location and nature of any proposed display area.

Mr. Reilly stated that a condition of the rezoning to C-2 was that a ten-foot area on the east property line must be left as a buffer area not to be touched and noted that this ten-foot area must be delineated as such on the site plan. He further stated that a fence is required along the east lot line, in addition to the ten-foot buffer area, because the commercial lot abuts a residential zone.

In response to a question from Mrs. Rogers, Mr. Dewey stated that no storage or display is proposed on the eastern end of the site.

Mr. Reilly stated that the existing sign on the site must be removed once the site plan is approved by the Planning Board.

Chairman Koenig declared the public hearing open. He then asked if anyone in the audience wished to speak in favor of or in opposition to the proposal. No one spoke.

Chairman Koenig declared the public hearing closed.

Board members discussed whether to grant Conditional Approval for this project or wait until the applicant revises the site plan per the evening's discussion. Mrs. Yerkovich stated that she was uncomfortable with a Conditional Approval and would rather have

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the applicant revise the site plan first. Board members requested that the applicant

remove the words "display area" from the site plan, add a note stating that signage will be in the form of a ground sign, confirm that the building will look like the elevations submitted and label the pool supply business on the site plan.

Mr. Phillips made a motion, seconded by Mrs. Rogers, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

### **Old Time Baptist Church**

Mr. McCabe read the following notice of public hearing:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposed new church facility to be located on vacant land on the northwest corner of Gowanda State Road and Hickox Road. The project consists of a new +/- 28,000 sq.ft. church facility. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on May 20, 2009 at 7:30 p.m. in Room 7B of Hamburg Town Hall."

Lowell Dewey from C & S Engineers, Inc. and David Kopelman from KSA Architects appeared on behalf of the proposed project. Mr. Dewey stated that the church intends to build a +/- 28,000 sq.ft. church with seating in the sanctuary for 354 people and approximately 134 parking spaces on the site. He further stated that the need to discharge onto Mr. Los' property has been eliminated by proposing two ponds on the site and pumping the storm water into a proposed storm sewer on Hickox Road. He noted that the storm sewer would be installed by the applicant all along the frontage on Hickox Road, as requested by the Town Highway Superintendent.

Mr. Dewey stated that no variances are being requested by the applicant and that he spoke with the Fire Chief, who asked that the applicant consider installing a fire hydrant on the site.

Mr. Kopelman stated that the proposed building is a single story structure with a gymnasium/fellowship area, a worship area, administrative offices and nine educational classrooms. He showed the Board a rendering of the proposed building and stated that the Agricultural Data Statement has been submitted to the County and was hand delivered to the affected farmers in the area.

Mr. Reilly stated that the property is zoned correctly. He further stated that the wetland delineation that was performed on the site must be submitted to the Planning Department. Mr. Dewey responded that the applicant has a letter from the New York State Department of Environmental Conservation stating that there are no State Wetlands or buffer area on the property.

In response to a question from Mr. Phillips, Louis Guadagno (assistant pastor of the church) stated that the church would prefer to sell the property it currently owns on which the existing church is situated.

Chairman Koenig stated that the Board members received a letter from Rickie Los, Peter Henry and Keith Funke outlining several concerns regarding this proposal and stated that the issues raised in the letter must be addressed by the applicant.

Chairman Koenig declared the public hearing open. He then asked if anyone in the audience wished to speak in favor of or in opposition to the proposal. The following people spoke:

1. Bob Reynolds, Erie County Legislator, stated that he is the Chairman of the Farmland Protection Board, as well as the Vice-Chairman of the Erie County Soil and Water Conservation District, and that he is fighting for farmland in Erie County because it is shrinking. He noted that this property lies in the Agricultural District and no one has ever made an attempt to take it out of the Agricultural District during the open enrollment period. He stated that this site is prime farmland and if a building is constructed on the site, the County will lose more prime farmland that cannot be recovered. He asked the Board to give consideration to this proposal, as the loss of farmland is the County's loss. He stated that, if this project does go forward, he hopes the applicant will utilize green building measures in the design. He stated that, as the Vice-Chairman of the Erie County Soil and Water Conservation District he is very concerned about the storm water runoff from this project and how it might affect the downstream areas.
2. William Stickney, 3601 Bonnie Lane, stated that he is concerned about potential federal wetlands adjacent to this site, the amount of traffic generated by the church, the aesthetics of the building and the fact that the retention system would be so close to the septic system. He questioned the amount of output into the proposed septic system, noting that he thinks the applicant's engineer's estimation of output amount is unrealistically low. He asked for clarification on the size of the proposed building and asked where the storm water that is piped to Hickox Road from this site will ultimately end up. He questioned the applicant's engineer's statement that the water table on the site is between five and nine feet and asked if an emergency generator will be installed so that if there is a problem with the storm water, it will not drain onto Mr. Los' property.
3. Peter Henry, 6963 Gowanda State Road, stated that he lives directly across the street from this site and operates a farm on his property. He stated that the church's property is prime farmland and that he farmed it in the mid 1980s. He stated that he does not feel this project meets the intent of the South Central Overlay District, which is to protect and enhance the agricultural opportunities in the district and to preserve the rural character of the area. He stated that the church is maximizing all parameters of the Town Code, such as setbacks, coverage, height of the building, etc. and noted that the area residents feel that this project is a high-density urban facility proposed in a very rural agricultural area and that it will not fit in. He noted that, according to the Town Code, open space protection and good design shall supersede the importance of density in development decisions in the South Central Overlay District and that development should be set back from roadways and adjacent agricultural development to preserve the rural character of the area. He further noted that, per the Town Code, more stringent environmental review should be conducted for development of properties in the South Central Overlay District that contain important natural resources such as prime farmland. He asked the Board to consider the Town's Code relative to the

Overlay District. He also stated that he feels that it is not clear which part of Section 280-17 this use falls under and asked for clarification as to whether it is considered a church or an institution of a religious nature because it makes a difference as to whether parking would be allowed in the front yard of the church. He stated that he was not happy to find the Agricultural Data Statement stuck in his door, rather than hand delivered or delivered by certified mail, and would like the opportunity to respond to it.

4. Lisa Ratka, 3241 Hickox Road, stated that her concern is regarding the proposed exit on to Hickox Road, noting that it is very difficult now to turn onto Route 62 from Hickox Road. She also stated that she is concerned about the drainage that would be coming down Hickox Road from this site, if developed.
5. Tim Wallmeyer, 6927 Gowanda State Road, stated that he is concerned about traffic in the area, noting that there have been several accidents in front of his home, it is a dangerous area of highway and that site distance is a problem. He further stated that, because Bonnie Lane is lower than Gowanda State Road, it is even more dangerous in the winter time because it is difficult to get from Bonnie Lane onto Gowanda State Road. He noted that adding this proposed church to the already dangerous situation would only make it worse and stated that he feels a Traffic Impact Study is imperative. He also questioned whether the number of parking spaces proposed would be enough, considering the fact that offices and classrooms are being proposed in addition to the sanctuary and fellowship area.
6. Keith Funke, 6968 Gowanda State Road, stated that he lives next door to the site and, because of the way the land slopes down towards his home, he would be looking at a 40-foot high wall if the church is built as proposed. He does not think a building of this size fits in with the character of the surrounding rural area, noting that the building and parking would be crammed into the small site and that the church would have to grant an easement from the property it owns north of this site in order to meet the setback requirements. He stated that the Town's Comprehensive Plan relative to the R-A District places importance on preserving open spaces in this district and noted that in this district, per Town Code, only one home could be built on this site and the proposed church's footprint is equal to eighteen 2,500 sq.ft. homes. He further stated that as one drives north on Gowanda State Road from Eden towards Hamburg, one would see a very rural area until coming upon the proposed 28,000 sq.ft. church that would not fit in with the surrounding vista. Mr. Funke stated that, per Town Code, all trees over six inches in size on the site that are slated for removal must be shown on the plan. He stated that he counted approximately 75 trees that would be removed as a result of this project and that they are not shown on the site plan. He questioned the answers given on the SEQR Long Environmental Assessment Form regarding how well the site is drained and asked if the United States Army Corps of Engineers has been notified of this proposal. He also questioned exactly where the federal and state wetlands are in the area of this site. He stated that, per Town Code, all automotive use areas must be screened from any adjoining lot in an Residential District, including lots situated across the street, and noted that this is not shown on the site plan. He asked for clarification of the number of classrooms proposed, as well as the number of students anticipated, and asked what the church will do if it outgrows this facility as it has outgrown its existing facility.

7. Tim Hartman, 3209 Hickox Road, Eden, NY, stated that he lives on the south side of Hickox Road and currently storm water flows from the north side of Hickox Road on to his property through an easement and under his driveway. He stated that he is concerned about the amount of water that would flow into the proposed ditch and then on to his property and asked what the effect would be on his driveway.
8. Rickie Los, 3480 Hickox Road, stated that his property is adjacent to the church site and noted that he is concerned about the applicant's answer to the SEQR question regarding the depth of the water table on the property. He further stated that the applicant indicated that the depth to the water table is between five and nine feet, while information from Erie County, as well as the New York State Department of Environmental Conservation, indicates the depth to be between zero to six inches. He stated, for the record, that he will not give any kind of easement for any kind of water to be drained on to his property in any way. He asked if the financial burden of constructing the proposed new storm drain on Hickox Road will fall on the applicant and where the drain will connect on the west end of Hickox Road. He asked where, if all of the proposed parking spaces are needed for the church operations, the buses the church uses will be parked. He questioned whether the proposed capacity of the septic system is adequate for the number of parishioners and uses of this church and urged the Planning Board to issue a Positive Declaration for this project and require an Environmental Impact Statement to address the large number of issues raised. He further asked that the Board keep the public hearing open.
9. Rick Walton, 4042 Towers Place, stated that he is President of Hamburg Rod & Gun Club (3434 Hickox Road) and is concerned about the storm water that would flow from the church property, as currently the area experiences flooding in the spring, overflowing of the ditches on Hickox Road and problems with standing water. He asked how the additional storm water will affect his property.
10. William Funke, 3274 Hickox Road, asked if the Board has received input from the New York State Department of Transportation and whether that department will require that a traffic impact study be performed. He stated that he is concerned about the increase in traffic and the intersection of Route 62 and Hickox Road, which is a dangerous intersection already.
11. Chris Duink, 3142 Hickox Road, stated that she is concerned about the proposed entrance on to Hickox Road as well as the intersection of Route 62 and Hickox Road.
12. Maureen Gregoire, 3205 Hickox Road, stated that she is concerned about the annual revival the church holds every summer and where all of the attendees would park, the proposed capacity of the septic system and whether it takes into account the annual revival and whether or not the revival would be allowed once the church is built.
13. Assistant Pastor Louis Guadagno, Old Time Baptist Church, stated that the church has owned this property for ten+ years, the plan has always been to build on this site and extensive research has been done by the church to make sure all issues can be addressed. He added that the church is not rapidly growing and there is only so much the church can do on the site. He stated that the proposed church facility would create less traffic concerns than where the church is currently on Route 62, further north.

14. Jan Henry, 6963 Gowanda State Road, stated that she does not think this is an appropriate location for this use and that is concerned what will happen if the church outgrows its space since it would not have any room to expand.
15. Jennifer Funke, 6968 Gowanda State Road, stated that she is concerned about the fact that there is no buffering proposed between her property and the church's property. She stated that currently church members go on her property and discard garbage, etc. and she would like to know how the church will buffer her so this does not continue to occur.
16. Patty Vernon, 7140 Combs Drive, stated that she feels the church building is over-sized for the rural area in which it is proposed. She further stated that traffic on Route 62, as well as the size of the proposed septic system is a large concern to her.

Chairman Koenig declared the public hearing closed.

Mr. Reilly asked the applicant to investigate the depth of the water table on the site, as well as identify the large trees (over six inches) on the property, per the South Central Overlay District requirements. He further advised the applicant to pursue input from the New York State Department of Transportation, as it will be crucial.

It was determined that the public hearing will be re-opened on June 17, 2009 to allow the public to comment on further issues and on the Agricultural Data Statement that was recently delivered to the farmers in the area.

Mr. Phillips made a motion, seconded by Mr. Taber, to table this project and to schedule another public hearing for June 17, 2009. Carried.

Engineering Department comments have been filed with the Planning Department.

### **Tim Horton's (Camp Road)**

Mr. Reilly stated that this project was previously approved by the Planning Board and that the applicant has asked to be allowed to install a large swale in front of the proposed building along Camp Road. He reminded the Board that, per the Camp Road Overlay District, detention is not allowed along Camp Road. He further stated that the Planning Board has the right to waive or modify this Overlay requirement.

Dan Blamowski from FRA Engineering appeared on behalf of the proposed project, stating that the area in front of the building will not look like a detention area to the casual observer, given the proposed landscaping planned. He further stated that it will serve as a detention facility but will not look like one, due to the landscaping proposed.

Mr. Phillips made a motion, seconded by Mrs. Rogers, to approve the storm water detention swale proposed along Camp Road in front of Tim Horton's. Carried.

Engineering Department comments have been filed with the Planning Department.

Mr. McCabe made a motion, seconded by Mr. Reszka, to approve the minutes of May 6, 2009. Carried.

Chairman Koenig stated that there was a training session at Niagara County Community College on May 19, 2008 that was attended by himself, Mr. Phillips and Mr. Reszka. He also noted that another training session is planned somewhere in Erie County, although he does not know the date yet.

Mr. Phillips made a motion, seconded by Mr. Taber, to adjourn the meeting.

The meeting was adjourned at 10:20 P.M.

Respectfully submitted,  
Stephen J. McCabe, Secretary  
Planning Board