

Town of Hamburg
Planning Board Meeting
August 15, 2007

The Town of Hamburg Planning Board met in regular session on Wednesday, August 15, 2007 at 7:30 p.m. in Room 7B of the Hamburg Town Hall. Those attending included Chairman Gerard Koenig, Secretary Paul Eustace, Steve McCabe, Sasha Yerkovich, David Phillips, Richard Taber and Karen Rogers.

Others in attendance included Andrew Reilly, Sarah desJardins, Richard Lardo, Attorney Michael Fruth and Attorney Don McKenna.

Public Hearings, Carubba Collision - 5788 Camp Road (Special Use Permit and Site Plan Approval)

Chairman Koenig announced that the two public hearings for this proposal (Special Use Permit and Site Plan Approval) would be held concurrently.

Mr. Eustace read the following Legal Notices of Public Hearing:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Carubba Collision to reuse an existing structure located at 5788 Camp Road. The applicant proposes to operate an auto collision repair business at the above address. In accordance with the new Town of Hamburg site plan ordinance, a Public Hearing will be held on August 15, 2007 at 7:30 p.m. in Room 7B of Hamburg Town Hall."

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Carubba Collision to reuse an existing structure located at 5788 Camp Road. The applicant proposes to operate an auto collision repair business at the above address. In accordance with the new Town of Hamburg site plan ordinance, a Public Hearing will be held on August 15, 2007 at 7:30 p.m. in Room 7B of Hamburg Town Hall."

Frank Wailand, architect, appeared on behalf of the project. He stated that the applicant's objective is to turn the existing vacant building into a Carubba Collision facility. He noted that additional paving will be installed along the perimeter of the building, the front of the building will be enhanced, foundation plantings will be installed along the front of the building, a berm will be installed along Camp Road with Austrian Pine trees planed on a raised bed, a new sign will be installed where the existing sign is and enclosed dumpsters will be added along the side of the building.

Mr. Reilly noted that this site is located in the Camp Road Overlay District and the project will have to comply with the requirements of the Overlay District, most important of which deals with the aesthetics of the site. He stated that the applicant proposes to turn the large stoned area to the north of the building into grass, will not park damaged vehicles outside of the building and proposes a berm along Camp Road.

In response to a question from Mrs. Rogers regarding the number of employees, Mr. Carubba stated that the applicant plans on approximately 12 employees.

Chairman Koenig declared the public hearing open. He then asked if anyone in the audience wished to speak for or against the proposal.

Chairman Koenig read a letter from Mr. Charles Alessi, owner of property located at 4000 Franklin Street, which was received by the Planning Department in opposition to the proposal. The letter reads as follows:

“Honorable Board Members:

I am an owner of property at 4000 Franklin Street, Unit 1 in the Town of Hamburg. I am strongly against you approving a special use permit for the property at 5788 Camp Road.

Camp Road is a gateway to the Village of Hamburg. Another collision shop on Camp Road will further reduce the aesthetics of the area. We already have numerous automotive repair shops in the area, not to mention 3 automotive equipment suppliers and an automobile junkyard. Today I counted at least 8 repair shops and there is an abandoned gas station on Camp Rd. / Lake St. in the area.

The storage of damaged vehicles will only serve to further deteriorate the unsightliness of the area. Since I would be able to see it from my front door, I am not all in favor of the Special Use Permit.

Thank you for your consideration in this matter.

Very truly yours,
Charles J. Alessi, P.E.”

The following people spoke regarding the project:

1. Mr. Dave Niver, representing the 20 owners of Franklin Park Townhouses located at 4000 Franklin Street, spoke in opposition. Mr. Niver asked how high the proposed berm would be and Mr. Wailand responded that it is

proposed to be 18" high with Austrian Pine trees to be planted at six foot intervals along the entire length of the berm. Mr. Niver asked if the berm could be extended to include the area from the signal at Legion Drive to the entranceway. Mr. Wailand responded that a berm with trees near the entranceway would obstruct site lines of drivers entering and exiting the property. Mr. Niver asked if the berm could be set back ten to fifteen feet so as to be more effective. Mr. Wailand responded that this would not offer additional screening of the building. Mr. Niver asked if damaged vehicles would be parked outside and Mr. Carubba confirmed that they would not.

Mr. Niver had concerns regarding noise emitted from the building. Mr. Carubba responded that all work will be done inside the building and the doors would be closed. Mr. Niver had concerns regarding emissions of odors from paint, etc. Mr. Carubba responded that all painting is done in a concealed location and filters are used to reduce any emissions.

2. Mr. Alan Yox, representing Campbell's Collision Shop, located in the Village of Hamburg, spoke in opposition. Mr. Yox stated that Campbell's has twice applied for use variances to construct a collision shop and both times was denied. Mr. Yox stated that there were four violations cited to Carubba Collision in the Town of Tonawanda between 2000 and 2002. He read a letter from Mr. David Johns, owner of Professional Scuba, located near the proposed location, which reads as follows:

"To Whom This May Concern:

I own and operate Professional Scuba which is located in Hamburg, NY where I fill scuba tanks for the Erie County Sheriff's Department, the New York State Police, and my other customers. I have been in business at this location since 1987 and have been a good neighbor to other businesses and the residents who live nearby.

The purpose of this letter is to publicly express my concerns about the arrival of Carubba Collision, 1500 Niagara Falls Boulevard, Tonawanda, NY. Violation notices were issued to Carruba Collision by the Town of Tonawanda Building Department for excessive paint odor. These were issued June 13, 2000, June 20, 2001, March 25, 2002, and April 12, 2002. It is my understanding that neighbors have complained about fumes from this establishment where it currently operates.

I am concerned about potential toxic paint fumes which may contaminate local breathing air. If the chemicals from the spray paint are not properly filtered, and were to enter the tanks I refill, this could cause injury to a diver

under water. I am able to filter out carbon monoxide, but not oil or paint fumes.

My main concern is the possibility of injury or death to one of my customers caused by the lack of proper filtering and maintenance of their filters. The prevailing wind blows in my direction from across the street, where the new business is to be located.

Yours truly,

David Johns”

3. Mr. Delbert L. Jordan, 2215 Camp Road, spoke in opposition. Mr. Delber lives next door to the proposed project and is concerned about the possible fumes from this business, as he has a lung disease. He further stated that he sits outside on his porch much of the time and his body cannot handle fumes. He is concerned that there are doors to the building very close to his bedroom window. He stated that he is very much in opposition to the project.
4. Mr. Chuck Alessi spoke in opposition. He asked the Board whether a Special Use Permit granted to Carubba Collision would be transferable to a future owner of the property if the property changes hands some time in the future. Mr. Reilly responded that a Special Use Permit runs with the property.
5. Attorney Richard Sullivan, representing Schmidt’s Auto Body and Glass, spoke in opposition. He stated that a Special Use Permit is granted by the Town only in special cases and that there are concerns in each particular case that require a special look. He feels that this instance is one where the Town should take a hard look, as there are more than twenty collision businesses in the Town of Hamburg and granting a Special Use Permit to this applicant would be saturating the marketplace. He does not feel that this use is necessary or compatible with the area and that, although competition is a good thing, it is not necessarily a good thing from a zoning, land use and planning point of view. He stated that as there are residential as well as commercial objections to this proposal, the Special Use Permit criteria have not been met. He further stated that he feels that the need issue and saturation of the businesses in the area is something as a matter of law that the Board can look at when considering a Special Use Permit request.

Attorney McKenna stated that the existence of competition in and of itself is not a reason to deny a Special Use Permit request. Mr. Reilly noted that the Planning Board must look at the criteria associated with approving a Special Use Permit to see if they have been met or not. He added that he does not feel the Planning Board can deny a project based on need.

6. Ms. Gail Vara, 141 Crescent Avenue, spoke regarding the project. She asked if the repair work would primarily involve light collision damage. Mr. Carubba responded in the affirmative.
7. Alex Schmidt spoke regarding the project. He stated that he feels the best use for this property would be a strip plaza.

Chairman Koenig asked Mr. Carubba to comment on the citations the Tonawanda facility received. Mr. Carubba responded that, to his knowledge, none of the complaints received was an actual citation and Carubba Collision was never cited with any wrongdoing. He stated that the paints they use are safe.

Chairman Koenig stated that he has concerns for the resident who is worried about the odors and fumes, as well as for the gentleman who owns the scuba business across the street. Mr. Carubba responded that special paint guns are required and that the government agencies check to make sure the painters are certified. He asserted that the fumes are not ever a problem.

Mr. Yox stated that the citations Carubba Collision received from the Town of Tonawanda are numbered and are from the Building Department. Mr. Reilly stated that he will check with the Town of Tonawanda regarding this discrepancy.

Chairman Koenig declared the public hearing closed.

Mr. Reilly stated that, as part of the review of the Special Use Permit request, the Board must be certain that this proposal will not negatively affect the health of the public.

Mr. Phillips stated that he would like to see some low landscaping near the entranceway.

Chairman Koenig stated that his only concern is the odor issue.

Mr. Taber noted that he is interested in the discharge levels allowed for the applicant's business.

Mrs. Rogers stated that if the doors facing north are open, she believes the inside of the building where repairs are being done will be visible to the traveling public.

Mr. Reilly noted that the Board can limit the number of vehicles the applicant can park outside. He further stated that the Planning Department will prepare a report for the Board and present it at the September work session. Subsequently, the Board should be able to make a decision on the Special Use Permit request.

Mr. Phillips made a motion, seconded by Mr. Eustace, to table the Special Use Permit request. Carried.

Mr. Phillips made a motion, seconded by Mrs. Rogers, to table the Site Plan Approval request.

Engineering Department comments are attached.

Public Hearings, Monckton Drive Commercial Building (Subdivision Approval and Site Plan Approval)

Chairman Koenig announced that the two public hearings for this proposal (Subdivision Approval and Site Plan Approval) would be held concurrently.

Mr. Eustace read the following Legal Notices of Public Hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will hold a public hearing on a two-lot subdivision known as Monckton Drive Two-Lot Subdivision to be located on Monckton Drive on August 15, 2007 in Room 7B of Hamburg Town Hall at 7:30 PM.”

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposed commercial building to be located on Monckton Drive. The applicant proposes to construct a 6,000 sq.ft. storage building and a 1,008 sq.ft. office building. In accordance with the new Town of Hamburg Site Plan Ordinance, a public hearing will be held on August 15, 2007 at 7:30 PM in Room 7B of Hamburg Town Hall.”

Mr. Harold Monckton, owner of the property to be divided, appeared on behalf of the project. He stated that he has met with the Engineering Department and is under the impression that he has done everything he was asked to do.

Mr. Reilly reminded the Board that the two requests before the Board for this property are to subdivide the land into two parcels and for site plan approval of a commercial building to be constructed on one of the parcels.

Chairman Koenig declared the public hearings open. He then asked if anyone in the audience wished to speak for or against the proposal. No one spoke.

Chairman Koenig declared the public hearing closed.

Mr. Phillips made a motion, seconded by Mrs. Yerkovich, to grant conditional Preliminary Approval to the Monckton Drive Two-Subdivision with the following conditions:

1. The Planning Board hereby issues a Negative Declaration as the subdivision will not have a significant effect on the environment.
2. The filing of a map cover is waived.
3. The installation of sidewalks is not required.
5. A concrete turn-around will be constructed and deeded to the Town of Hamburg.
6. Preliminary Approval is subject to the conditions of the Engineering Department's comment letter dated August 15, 2007.

Carried.

Mr. Phillips made a motion, seconded by Mr. McCabe, to grant Conditional Site Plan Approval to the Monckton Drive Commercial Building with the following conditions:

1. The Planning Board hereby issues a Negative Declaration, as this project will not have a significant effect on the environment.
2. Approval is subject to the conditions of the Engineering Department's comment letter dated August 15, 2007.

On the question, Mr. Taber asked Mr. Lardo if the Engineering Department is satisfied with the engineering aspects of this project. Mr. Lardo responded that the Engineering Department is satisfied with the subdivision aspect of the project and that the applicant's engineer still has work to do on the site plan drawings.

Mr. Reilly noted that a wetland delineation must be performed on this property before any regulatory approvals are granted.

Carried.

Engineering Department comments are attached.

Public Hearings, Villas at Brierwood (Five-Lot Subdivision and Site Plan Approval)

Chairman Koenig announced that the two public hearings for this proposal (Subdivision Approval and Site Plan Approval) would be held concurrently.

Mr. Eustace read the following legal notices of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a five-lot subdivision known as Villas at Brierwood to be located on Southwestern Boulevard, approximately 700 feet south of Amsdell Road on August 15, 2007 in Room 7 B of Hamburg Town Hall at 7:30 P.M.”

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposed Active Adult Lifestyle Community to be located on Southwestern Boulevard, approximately 700 feet south of Amsdell Road. The project consists of 150 ranch style condominium units and 25,410 +/- square feet of retail/office space, as well as a community club house, pool, fitness center and walking trails. In accordance with the new Town of Hamburg site plan ordinance, a Public Hearing will be held on August 15, 2007 at 7:30 p.m. in Room 7B of Hamburg Town Hall.”

Michael Metzger (Metzger Civil Engineering), David Stapleton (David Homes), Jim McGinness (Vanderbilt Properties) and Robert Blood (Lauer-Manguso) appeared before the Board on behalf of the project.

Mr. Reilly reminded the Board that this project has been the subject of an Environmental Impact Statement, Findings to Approve were issued by the Town Board, the property was rezoned to PUD and the Comprehensive Plan was amended to change the boundary lines of the PUD area in this part of Hamburg in order to accommodate this and other properties. The zoning will not be put in place until the Planning Board approves the site plan for this project.

Mr. Reilly further explained that the first request of the applicant is to subdivide the property into five parts: the commercial piece along Southwestern Boulevard, the main piece that will accommodate the housing units, two residential building lots on Pleasant Avenue and one residential building lot on Amsdell Road.

Chairman Koenig confirmed that the commercial portion of the property will require its own site plan approval from the Planning Board at a later date.

Mr. Metzger stated that the site plan that was part of the Environmental Impact Statement during the rezoning process is basically the same site plan being presented to the Planning Board for site plan approval.

Mr. Reilly asked Mr. Stapleton if the residents on Pleasant Avenue favor the proposed berm along the rear of their properties over leaving the existing vegetation there for a buffer. Mr. Stapleton responded that Mr. Erik Krull of David Homes met with the residents and received correspondence from them stating that they would prefer that the existing vegetation be removed and a berm be

installed. Mr. Stapleton agreed to provide that correspondence to the Planning Department.

Chairman Koenig declared the public hearings open. He then asked if anyone in the audience wished to speak for or against the proposal. The following people spoke regarding the project:

1. Mr. Dick McHenry asked for clarification on the new location of the PUD area in the Comprehensive Plan. Mr. Reilly described the area to Mr. McHenry.
2. Mr. David S. Peters commented that this is a huge project and he is opposed to it.
3. Ms. Gail Vara, owner of the property to be developed, stated that she hopes for a positive vote on the project from the Planning Board.

Chairman Koenig declared the public hearing closed.

Mr. Phillips made a motion, seconded by Mrs. Yerkovich, to grant Preliminary Approval to the Villas at Brierwood Five-Lot Subdivision with the following conditions:

1. A negative declaration was previously issued by the Town Board.
2. The installation of sidewalks is not required.
3. Approval is subject to the conditions of the Engineering Department's comment letter dated August 15, 2007.
4. Recreation fees in lieu of land are required for this subdivision.

Carried.

Mr. Phillips made a motion, seconded by Mr. Eustace, to grant Conditional Site Plan Approval to the Villas at Brierwood with the following conditions:

1. Approval is subject to the conditions of the Engineering Department's comment letter dated August 15, 2007.
2. The Landscape Plan shall be reviewed and approved by the Planning Department.

3. The details of the proposed trail shall be reviewed and approved by the Planning Department.

Engineering Department comments are attached.

Public Hearing, Fadale Two-Lot Subdivision

Mr. Eustace read the following legal notice of public hearing:

“Notice is hereby given that the Hamburg Planning Board will hold a public hearing on a two-lot subdivision known as Fadale Two-Lot Subdivision to be located at 6385 Heltz Road on August 15, 2007 in Room 7B of Hamburg Town Hall at 7:30 PM.”

Elizabeth Fadale, applicant, appeared on behalf of the project. She stated that her plan has been amended and the two lots are now shown approximately the same size (1.39 acres and 1.42 acres).

Mr. Reilly stated that all the Planning Board can do at this point is to send a recommendation to the Zoning Board of Appeals regarding Mrs. Fadale’s request for a variance (neither lot meets the R-A requirement for size) since both lots are under two acres in size.

Mrs. Yerkovich stated that she has visited the site and feels that it is up to the Planning Board as to how it feels about having two sub-standard sized lots in that area.

Mr. McCabe stated he feels the Board should look at the Comprehensive Plan and what it says as a first step.

Chairman Koenig asked what specific variances Mrs. Fadale would need from the Zoning Board of Appeals. Mr. Reilly responded that she needs area variances for both lots, as neither lot is two acres in size. In addition, both lots would need a variance for the width at the building line.

Chairman Koenig asked Mrs. Yerkovich how the size of these lots compares to the size of other lots in the area. Mrs. Yerkovich responded that they are smaller.

Mrs. Fadale stated that there are some lots on Heltz Road that were approved a few years ago and are not two acres in size (Bikini Subdivision). The Board members noted that there was a variance involved but that those lots met the zoning requirements. Mr. Reilly stated that the Planning Board will research this matter.

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

Chairman Koenig declared the public hearing closed.

Mr. McCabe made a motion, seconded by Mr. Eustace, to send a negative recommendation to the Zoning Board of Appeals regarding Mrs. Fadale's request for a variance for the following reasons:

1. The request is not in compliance with the Comprehensive Plan.
2. The request would negatively affect the character of the neighborhood.
3. The request would be creating two non-conforming lots.

Carried.

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

Engineering Department comments are attached.

6310 Southwestern Boulevard

Mr. David McNeight appeared on behalf of the project. He stated that he has met with the Engineering Department and the Building Inspector and understands that his plan meets their requirements.

The Planning Board members reviewed the amended site plan for this project, noting that all the parking spaces in the front of the building have been relocated to the rear of the building.

Mr. Phillips made a motion, seconded by Mr. Taber, to grant conditional site plan approval to this project with the following conditions:

1. Approval is subject to the conditions of the Engineering Department's comment letter dated August 15, 2007.

Engineering Department comments are attached.

Oakwood Avenue Ten-Lot Subdivision

Mr. Reilly advised the Board that the applicant has asked to be tabled, as he has not yet received direction from the Zoning Board of Appeals.

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

Camp Road Medical Building – Requesting a waiver of the requirement for curbing the perimeter of the property

Mr. Reilly informed the Board that the Town Board changed the official policy regarding waiving the requirement for curbing and that the Planning Board no longer is able to waive this requirement. Therefore, the project was removed from the agenda.

Wal-Mart (Southwestern Boulevard)

Mr. Reilly explained that during the environmental review process, the traffic study indicated that there was no need for a left-turn lane on Rogers Road at the time the Wal-Mart building would be constructed, but that the left-turn lane should be installed when Benderson Development redevelops its portion of the site. However, the Planning Board directed the applicant to install the left-turn lane at the time of the construction of Wal-Mart because of concerns from the residents living in the area. Subsequently, the County informed the applicant that the left-turn lane should not go in until the Benderson Development portion of the site is proposed and the County can determine where the lane should be installed on Rogers Road.

Mr. Reilly stated that the applicant is asking the Planning Board to rescind the condition of approval requiring the left-turn lane be installed at this time.

Chairman Koenig stated that he disagrees with the County that the left-turn lane should not be installed at this time but agrees with the County that the location might change based on what Benderson proposes for the balance of the site.

Attorney Neal Maddon, representing Wal-Mart, stated that, in addition to rescinding the condition of approval, he would like the Board to acknowledge that the landscaping plan has been reviewed and approved by the Planning Department and that the building renderings have been approved by the Building and Planning Departments.

Mr. Phillips made the following motion, seconded by Mrs. Yerkovich, regarding the Wal-Mart Supercenter project to be located on Southwestern Boulevard:

WHEREAS, the Town of Hamburg Planning Board adopted resolutions on December 20, 2006 approving the Special Use Permit, Site Plan, and “Subdivision” for the Wal-Mart Project; and

WHEREAS, the December 20, 2006 approval resolution incorporated by reference the SEQR Negative Declaration adopted by the Board on September 20, 2006; and

WHEREAS, the resolutions adopted on December 20, 2006 for a Special Use Permit contained 12 conditions; and

WHEREAS, condition no. 12 included language indicating that traffic improvements as illustrated in the site plan "...will be augmented by including the installation of the proposed left-turn lane at the existing entrance on Rogers Road at the time of construction of Wal-Mart."; and

WHEREAS, the traffic studies presented for the project as reviewed and approved by town traffic consultant, NYSDOT and Erie County Department of Public Works Division of Highway ("ECDH") all concluded the Rogers Road left turn lane was not a mitigation measure required for the Wal-Mart Project but that such left turn lane would be appropriate at such time as Benderson Development redeveloped the remaining portions of Brierwood Plaza; and

WHEREAS, the SEQR regulations (6 NYCRR § 617.(b)) provides that "SEQR does not change the existing jurisdiction of agencies nor the jurisdiction between or among state and local agencies."; and

WHEREAS, improvements to or modifications to Rogers Road are under the jurisdiction of ECDH; and

WHEREAS, Wal-Mart representatives and/or town representatives met with the ECDH on May 31, 2007 and July 23, 2007 and at such meetings ECDH indicated it would not at this time approve a left turn lane at Rogers Road. The ECDH's position is that the details of any modifications or improvements to Rogers Road would be appropriately reviewed by it at the time Benderson proposes a specific redevelopment project; and

WHEREAS, representatives of Wal-Mart appeared at the Planning Board work session held on August 1, 2007; and

WHEREAS, Condition Nos. 2, 3, 4, 5, 11 of the Board's December 20, 2006 Special Use Permit provide that certain project details are to be reviewed and approved by the Town Engineering and Planning Departments and/or Town Building and Planning Departments; and

WHEREAS, Wal-Mart representatives have met with appropriate town staff in furtherance of such conditions; and

WHEREAS, the final architectural plans of the proposed Wal-Mart have been reviewed and approved by the Building and Planning Departments of the Town (as specified in Condition No. 11) and such final architectural plans were presented to the Board at its work session held on August 1, 2007; and

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Board acknowledges that Condition No. 4 (bank parking area and landscaping) and Condition No. 5 (landscaping plan) have been reviewed and approved by the Hamburg Engineering and/or Planning Department.
2. The Board acknowledges that Condition No. 11 (final architectural plans subject to approval of the Building and Planning Departments) has been satisfied and that the building elevations attached hereto are the final approved architectural plans for the proposed Wal-Mart building.
3. The Planning Board acknowledges that the portion of Condition No. 12 requiring Wal-Mart to install a left turn lane at the existing entrance on Rogers Road at the time of the construction of Wal-Mart cannot be performed by Wal-Mart because of the decision of ECDH (the agency with jurisdiction over Rogers Road). The Board further acknowledges that completion of such left turn lane was NOT identified in the approved traffic study as being a mitigation required for the Wal-Mart Project.
4. All other provisions of the Board's December 20, 2006 approval resolutions shall remain as previously adopted.

Carried.

Mr. Reilly stated that Erie County Department of Environment & Planning requested that an additional 239-M form be submitted to them regarding the above. The 239-M was submitted by the Planning Department and a response was received from the County indicated it has no comment.

Hamburg Crossings

Mr. Reilly reminded the Board that at its previous meeting he distributed to the members the proposed Scoping Document prepared by the applicant. He had asked the members to review the document and provide the Planning Department with comments on the document.

Chairman Koenig noted that, at its August 2, 2007 meeting, the Traffic Safety Advisory Board recommended that the Thruway cloverleaf be removed and replaced with a signalized intersection. He further noted that the TSAB also recommended that the following intersections be included in the traffic study:

- Route 20 and Camp Road
- Columbia Street at Camp Road
- Dartmouth Street at Camp Road

- Commerce at Camp Road
- Sunset Drive at Camp Road
- Deacon Street at Camp Road
- Scranton Road at Camp Road
- Elmview at Camp Road
- Legion Drive at Camp Road

Chairman Koenig stated that one intersection that was left out of the above list is Camp Road at the Thruway. Mr. Reilly noted that his staff is setting up a meeting with the NYSDOT to make sure that the above list is complete and that there are not additional intersections the NYSDOT would like studied.

Mr. Taber asked how the removal of asbestos will be monitored when the existing structures on the property are demolished. Mr. Reilly responded that the Environmental Impact Statement can indicate that the asbestos will be removed to state standards.

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

Steel Winds II Wind Energy Facility proposal

Mark Mitskovski, project manager for the Steel Winds II project, Elizabeth Santacrosse from EME Environmental, Attorney Adam Walters from Philips Lytle and Paul Curran and Tim Ryan from BQ Energy appeared on behalf of the project.

Mr. Reilly reminded the Board that this project is proposed across municipal boundaries and that, because SEQRA reviews cannot be segmented, only one jurisdiction can be Lead Agency under SEQR for this project. The City of Lackawanna solicited for Lead Agency status and the Town of Hamburg objected because it felt more information about the application was needed before it gave up its right to be Lead Agency. Subsequently, the Town of Hamburg reviewed the application and responded to the City of Lackawanna that Hamburg will allow Lackawanna to be Lead Agency.

Mr. Reilly stated that the Planning Board will have regulatory power over the part of the project that is proposed in the Town of Hamburg.

Mr. Mitskovski stated that they had a productive meeting with the City of Lackawanna earlier on August 15, 2007 and the City of Lackawanna indicated that it will take into consideration any comments or concerns the Hamburg Planning Board has on the Steel Winds II application.

In response from a question from Mrs. Rogers regarding the number of proposed windmills in Hamburg, Mr. Mitskovski stated that five windmills are proposed on the old Bethlehem Steel property.

Mr. Taber asked who the liaison will be between the City of Lackawanna and the Town of Hamburg. Mr. Reilly responded that he (Mr. Reilly) and some of the Town Board members will act in that capacity.

Mrs. Rogers asked what the lifespan is of a wind turbine. Mr. Mitskovski responded that wind turbines generally have a lifespan of between 20 and 25 years.

Mr. Phillips made a motion, seconded by Mr. McCabe, to schedule a public hearing for this project for September 19, 2007. Carried.

Mr. Phillips made a motion, seconded by Mrs. Rogers, to table this project to the September 19, 2007 meeting. Carried.

OTHER BUSINESS

Mr. Reilly distributed a review memo to the Board members regarding the submitted Environmental Impact Statement for the proposed Lowe's project.

Mr. McCabe made a motion, seconded by Mr. Eustace, to approve the minutes of July 11, 2007. Carried.

Mr. Eustace made a motion, seconded by Mrs. Rogers, to approve the minutes of July 18, 2007. Carried.

Mr. Phillips made a motion, seconded by Mrs. Yerkovich, to adjourn the meeting. The meeting was adjourned at 9:50 P.M.

Respectfully submitted,
Paul Eustace, Secretary
Planning Board