

Town of Hamburg  
Planning Board Meeting  
May 15, 2013  
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M. on Wednesday, May 15, 2013 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Stephen McCabe, David Bellissimo, Doug Schawel, August Geraci, Sasha Yerkovich and Dan O'Connell.

Others in attendance included Sarah desJardins, Planning Consultant and Richard Lardo, Assistant Municipal Engineer.

**REGULAR MEETING**

Chairman Reszka stated that the following projects would not be discussed at the request of the applicants:

- Shaw Properties, LLC
- Dan Howard Three-Lot Subdivision
- Sgroi Two-Lot Subdivision

**Public Hearing – John Kuebler (Vacant land, east side of McKinley Parkway)**

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 proposal by John Kuebler regarding vacant property located on the east side of McKinley Parkway, south of Dorchester Road. The applicant proposes to construct an ice cream store and pool supply business. In accordance with the Town of Hamburg Site Plan Ordinance, the public hearing will be held on May 15, 2013 at 7:00pm in Room 7B of Hamburg Town Hall.”

Mrs. desJardins stated that the project was previously approved by the Planning Board, a permit was not obtained at that time and the project was not constructed. She further stated that the applicant would like to construct the project at this time and because more than twelve months have elapsed since the Planning Board approved it, he is required to return to the Board.

Mrs. desJardins stated that the project is identical to what was previously approved.

Chairman Reszka declared the public hearing open. No one spoke.

Chairman Reszka declared the public hearing closed.

Mrs. Yerkovich made a motion, seconded by Mr. O'Connell, to grant Conditional Site Plan Approval for this project with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated May 15, 2013.
2. The installation of sidewalks is waived.

Mrs. Yerkovich noted that a SEQR Determination is not required because a Negative Declaration was previously issued.

Carried.

Engineering comments have been filed with the Planning Department.

### **Joe's Auto Service (Special Use Permit)**

Chairman Reszka stated that because no one was present to represent the applicant, the proposal would be left on the table.

Engineering Department comments have been filed with the Planning Department.

### **Armor InnTap Room Parking Lot (5365 Abbott Road)**

Chairman Reszka stated that because no one was present to represent the applicant, the proposal would be left on the table.

Engineering Department comments have been filed with the Planning Department.

### **Willow Woods Subdivision**

Mrs. desJardins stated that the purpose of this meeting was for Board members to provide input to the applicant regarding the Draft Environmental Impact Statement (DEIS) and to hear a presentation from Mr. Norman Wohlabaugh, geologist, who completed an independent review of the investigative work done at the former waste disposal area on the project site.

Mr. Wohlabaugh stated that some good work has been performed at the site, but some additional work is necessary. He stated that he has operational concerns and environmental concerns associated with closed waste disposal facilities. He noted that he visited the site with David Steiner from Empire Geo Services to determine what the waste disposal methods were, as well as what the extent, thickness and type of the waste is.

In response to a question from Mr. McCabe, Mr. Wohlabaugh stated that everything that was disposed of in the municipal pick-up went into this one landfill because, prior to 1972, hazardous wastes were not segregated from municipal waste (there probably was no distinction between solid waste, municipal waste and sold waste because the landfill was not regulated by the New York State Department of Environmental Conservation).

Mr. Wohlabaugh stated that he determined that there are 23 trenches that run north-south that the waste was disposed in. He noted that it was also determined that the extent of the landfill, as well as the thickness of the waste (two to four feet) has been determined by the applicant's investigators. He stated that there is not much debris at the surface.

Mr. Wohlabaugh stated that because he noticed an area in the trenches that is not low and appears to be “humped up”, he recommends that the trenches be inspected further along their entire lengths for areas where settlement has not occurred, which could be indicative of the disposal of material other than municipal waste.

In response to a question from Mr. McCabe, Mr. Wohlabaugh stated that he found no evidence that this landfill was professionally engineered, lined or designed. He noted that the landfill was in operation before the New York State Department of Environmental Conservation (NYSDEC) regulations were put in place.

Mr. Wohlabaugh stated that there are potential impacts to soil, surface water and sediment associated with surface water, groundwater, air and the migration of methane gas from waste disposal activities.

Regarding the potential impact to surface water, Mr. Wohlabaugh recommended that because of the presence of orange staining in the swale and the previous collection of unfiltered water samples for analysis, filtered water samples should be resampled and collected for analysis of metals and compared to applicable standards.

Mr. Wohlabaugh stated that because no sediment samples were collected from the swale or wetland, sediment samples of stained sediment from the three (3) locations should be collected when the surface water is resampled. He further stated that the sediment samples should be analyzed for VOCs, SVOCs, pesticides/PCBs and metals, as well as cyanide, and should be compared to applicable standards.

Mr. Wohlabaugh recommended that a sufficient number of groundwater monitoring wells be installed to characterize groundwater quality. He further recommended that well screens be installed across the groundwater interface and that samples be collected for laboratory analysis for VOCs, SVOCs, pesticides, PCBs and metals. He noted that the number of wells installed could be the decision of the parties that will be doing the work, but there should be at least three (3).

In response to a question from Mr. Bellissimo, Mr. Wohlabaugh stated that when he visited the site, water was present.

Mr. Wohlabaugh stated that because screening across the groundwater interface is recommended, methane gas should be sampled from the air present within the groundwater monitoring wells.

Mr. McCabe stated that Mr. Wohlabaugh covered most of his (Mr. McCabe’s) questions, but there were a few that were not. He stated that he would submit these to the Planning Department.

Rob Pidanick from Nussbaumer & Clarke, representing the applicant, stated that the applicant agrees to install a few monitoring wells at the landfill site. He further stated that the applicant received a letter from NYSDEC that clearly states that the two (2) options available are to either take the whole landfill out or install a 50-foot buffer zone around it and let the people who ultimately reside in this subdivision know of its existence. He noted that the NYSDEC letter did not include recommendations for additional testing.

In response to a question from Mr. Bellissimo, Mr. Pidanick stated that because this landfill is substantially surrounded by wetlands, there will be no encroachment of development into that area.

In response to a question from Chairman Reszka, Mr. Pidanick stated that the applicant is concerned about the recommendation that methane be tested and wonders what value it would have. He further stated that the applicant is also concerned about testing the area of the trenches that is raised, as this area will never be disturbed anyway.

Mr. Wohlabaugh stated that he reviewed his recommendations with NYSDEC representatives and testing for methane gas was one of their recommendations. Mr. Pidanick responded that he wished the NYSDEC letter had included this additional recommendation.

Mr. Wohlabaugh stated that he included the methane gas testing because of NYSDEC's recommendation, but he does not know what would be done with the results, as natural gas exists in shale, which is present on this site.

It was agreed that methane gas testing will not be required but the raised area of the trenches will be investigated.

Mr. James Yoviene, applicant, stated that he is willing to do whatever additional testing is requested. He noted, however, that time is of the essence for him and he does not want this to hold his project up further.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to table this project. Carried. Engineering Department comments have been filed with the Planning Department.

## **Sherwood Meadows**

Attorney Sean Hopkins, representing the applicant, stated that a traffic impact study was recently completed, and the site plan application has been submitted. He noted that he will supply the Planning Department with a copy of everything that is submitted and asked that it be placed on the Town's website so that it will be accessible to anyone who is interested.

Attorney Hopkins stated that the submission will include the traffic impact statement, an updated wetland delineation and all other project-related information.

Chairman Reszka stated that the Planning Board received quite a bit of information from residents including a petition with 500 signatures that will become part of the public record. He further stated that the Planning Board received a letter from Mr. Charlie Cox, Mr. Paul D'Orlando, Mr. Martin Crosson (referencing the wetland delineation specifically), Joseph Solowski, Trisha Barbati and Tim Hennigan.

A member of the audience stated that he has had problems with water in his basement as a result of the developer's construction of the existing building on the site. He stated that water and mud was running down the streets during construction. He stated that he attempted to get the problem resolved, but the developer would not help him, nor would the Town.

In response to a question from Mr. McCabe, Mrs. desJardins stated that to the best of her knowledge, Hopevale was constructed around 1972 and the Planning Department does not have any record of this property being zoned anything other than R-3.

In response to a question from Mr. Bellissimo, Mr. Lardo stated that he believes that the

Roundtree Subdivision was begun in 1974.

At the request of Councilman Collins, Attorney Hopkins explained to the audience the next step that will be taken by the Planning Board (SEQR Coordinated Review).

Mr. Bellissimo explained to the audience that the decision regarding this proposal is the responsibility of the Planning Board, and not the Town Board.

Chairman Reszka made a motion, seconded by Mr. Bellissimo, to re-establish the Planning Board as Lead Agency and direct the Planning Department to send out the required information to all interested agencies. Carried.

Mr. Bellissimo made a motion, seconded by Mr. McCabe, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

### **OTHER BUSINESS**

Mr. Bellissimo made a motion, seconded by Mrs. Yerkovich, to adjourn the meeting. The meeting was adjourned at 7:55 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board

Date: June 10, 2013