



WORK SESSION AGENDA
January 19, 2016

MAYOR'S REPORT

SPECIAL PROJECT COORDINATOR PAUL BECKER

CODE ENFORCEMENT – KURT ALLEN/JEFF ADRIAN

VILLAGE ADMINISTRATOR WITKOWSKI

- A) Budget

DEPUTY MAYOR TALLMAN

- A) ARC
- B) Planning

TRUSTEE GAUGHAN

- A) Beautification
- B) Recreation
- C) Hamburg Holidays

TRUSTEE HACKATHORN

- A) Justice
- B) Historic Preservation
- C) Economic Development

TRUSTEE COLMERAUER

- A) Environmental Conservation Commission

VILLAGE ATTORNEY MURPHY

POLICE CHIEF GLEASON

PUBLIC WORKS SUPERINTENDENT SHUTTLEWORTH

- A) Updates

RECREATION SUPERVISOR HAEICK

FIRE DEPARTMENT, CHIEF STERNER

VILLAGE OF HAMBURG

Vision: *The Most Desirable Community in Western New York Where Quality of Life, Affordability and Innovation is the Norm.*

Mission: *Village Representatives and Employees that care for the Community by efficiently providing services while preparing for the future.*

GUIDELINES FOR PUBLIC EXPRESSION: (HAMBURG VILLAGE BOARD POLICY ESTABLISHED 4/19/99)

1) The public shall be allowed to speak only during the Public Expression periods of the meeting or at such other times as a majority of the Board shall allow. 2) Speakers must give their name, address and organization, if any. 3) Speakers must be recognized by the presiding officer. 4) Speakers must limit remarks to three (3) minutes per person and a maximum of twelve (12) minutes regarding each subject matter. 5) Speakers may not yield any remaining time they may have to another speaker. 6) All remarks shall be addressed to the Board as a body and not to any member thereof. 7) Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Unacceptable behavior will not be tolerated and might result in removal from the building. 8) Interested parties or their representatives may address the Board by written communication.

MEETING AGENDA JANUARY 19, 2016

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVE THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES FROM MONDAY, JANUARY 4, 2016**
4. **CHARACTER COUNCIL OF HAMBURG, INC.:** The virtue for January is Availability. Availability is making my own schedule and priorities secondary to the wishes of those I serve.
5. **PUBLIC EXPRESSION** – See signup sheet
6. **CORRESPONDENCE**
 - A) Clerk-Treasurer’s Dept. re: Monthly Report for December 2015
 - B) Dept. of Public Works re: Monthly Reports for August, September and October 2015
 - C) Carol Evans, American Legion Auxiliary, Hamburg Post 527 re: Request to distribute Poppys In the Village in the month of May for their annual *Poppy Distribution Days*
 - D) Brian Attea, J.P.s Foundation re: a request to hold the “Run the Burg for Autism 5K Run” on Saturday, June 4, 2016
 - E) Patrick McKee, Hamburg Music Festival re: a request to change the date of the Hamburg Music Festival to Saturday, May 14, 2016

All correspondence is received, reviewed and filed
7. **TRUSTEE REPORTS**
8. **STAFF REPORTS**
9. **FURTHER PUBLIC EXPRESSION:** Relating only to matters discussed during the meeting
10. **MAYOR’S REPORT**
11. **CLOSE MEETING** – Announcement of future meetings

MOTIONS
REGULAR BOARD MEETING

1. **MOTION** Trustee Colmerauer, seconded by Trustee _____, to approve the minutes of the Regular Meeting of the Board of Trustees held on Monday, January 4, 2015.

AYES:
NAYS:

2. **MOTION** by Trustee Colmerauer, seconded by Trustee _____, to transfer \$1,318.12 from Asphalt account A.5110.0470 into the CHIPS Capital Project H01.2007.0355.

AYES:
NAYS:

3. **MOTION** by Trustee Colmerauer, seconded by Trustee _____, to increase the budget of A.3989.0402 in the amount of \$2,507.00 from fund balance. This is money reimbursed by FEMA for damages caused by the November, 2014 storm and will be used for bench parts damaged in the storm.

AYES:
NAYS:

4. **MOTION** by Trustee Colmerauer, seconded by Trustee _____ to increase the budget of A.3989.0402 in the amount of \$4,072.56 from fund balance. This is money reimbursed by FEMA for damages caused by the November, 2014 storm and will be used for the cost to replace the hydrant located on South Buffalo Street.

AYES:
NAYS:

5. **MOTION** by Hackathorn, seconded by Trustee _____, to approve the request by the J.P.'s Foundation to hold the 6th Annual *Run the 'Burg for Autism 5K Run* in the Village on Saturday, June 4, 2016, beginning at 11:00 a.m., subject to the applicant providing the approved race route and appropriate insurance.

AYES:
NAYS:

6. **MOTION** by Trustee Gaughan, seconded by Trustee _____, to approve a request by the Hamburg Music Festival to hold the 8th Annual *Hamburg Music Festival* in Memorial Park on Saturday, May 14, 2016 from 2:00 p.m. to 10:00 p.m., with setup on Friday, May 13th and tear down on Sunday, May 15th, subject to the organization providing a site plan and adequate proof of insurance. This is a change from their earlier request to hold the Music Festival on June 4th, 2016.

AYES:
NAYS:

**MOTIONS
REGULAR BOARD MEETING**

7. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to approve Local Law No. 1 of 2016 to amend the Code of the Village of Hamburg, Chapter §250 thereof, entitled **ZONING**, Section §250-12 Residential 3.

WHEREAS, the Village of Hamburg conducted comprehensive plan update, known as 2011 Comprehensive Plan Update; and

WHEREAS, among other things, the Comprehensive Plan identified several key geographic areas requiring specific attention, included in those areas was the Pine Street and East Union Street area; and

WHEREAS, the Comprehensive Plan noted that while Pine Street and East Union Street were presently zoned central business district, and were in close proximity to the central business district, the area also included a significant residential component, and suggested that the Village make zoning and design guideline changes to maintain the residential character of the streets as well as the existing commercial ventures, while limiting future commercial development; and

WHEREAS, the Comprehensive Plan also urged changes in land use categories urging the development of buffer zones through mixed use categories to buffer commercial development from the nearby residential zones; and

WHEREAS, the Comprehensive Plan also included a review pursuant to SEQRA, as the update to the Comprehensive Plan is a Type 1 action requiring a full environmental assessment; and

WHEREAS, a full environmental assessment was conducted by the Village of Hamburg including the completion of both part 1 and part 2 of a full environmental assessment form to assess the impacts of the suggested zoning, design and land use changes; and

WHEREAS, after completion of said forms, and after the Village of Hamburg Board of Trustees fully weighing the various factors associated with all reasonably anticipated areas of environmental concern as related to the comprehensive plan and the changes suggested therein, the Village of Hamburg Board of Trustees, upon careful review, and upon the criteria for determining significance found in the SEQRA regulations and the rule of reasonableness, concluded that the facts and circumstance of this Project will not result in a significant adverse environmental impact and thus issued a Negative Declaration;

THEREFORE,

LOCAL LAW NO. 1 OF 2016

A LOCAL LAW TO AMEND the Code of the Village of Hamburg, Chapter 250 thereof, entitled **ZONING**, by amending Section §250-12 Residential 3.

Be it enacted by the Board of Trustees of the Village of Hamburg as follows:

MOTIONS
REGULAR BOARD MEETING

SECTION 1

CHAPTER 250 ZONING

Article IV. Zoning District Regulations

§250-12. Residential 3.

Purpose: The purpose of R-3 Residential Zoning Districts; is to protect the general welfare, health and safety of the Village of Hamburg resident. The R-3 Residential district shall establish a transitional area to prevent commercial development from encroaching into established R-1 and R-2 Residential neighborhoods consisting primarily of single family and two family homes. The streets within the R-3 Residential Zoning District should maintain the visual character and function similar to a residential street.

The Village of Hamburg highly encourages the reestablishment of residential uses for properties currently used for commercial purposes and to restore a traditional Village residential character to the building. Current residential uses properties, adjacent to a commercial use property cannot be combined to enlarge or expand an existing or new commercial use.

The character or design aesthetic of new buildings with the R-3 Residential District shall balance with the character of the adjacent R-1 and R-2 Residential Zoned Districts.

The R-3 Residential zoned district encourages high density residential use buildings for the purpose of increasing the population and potential customers of the adjacent commercial districts.

All site plans and permit applications submitted for work to be done in the Residential 3 zoning district will be reviewed pursuant to the Village of Hamburg Building Design Standards except plans and applications for work to be done on one and two-family dwellings.

A. Permitted uses. The following uses are permitted in Residential 3 Districts:

[Amended 8-7-1978 by L.L. No. 6-1978; 6-3-1985 by L.L. No. 3-1985; 6-18-1990 by L.L. No. 2-1990]

- (1) One-family dwelling.
- (2) Two-family dwelling.
- (3) Multiple-family dwelling.
- (4) Community center.
- (5) Hospital.
- (6) Public outdoor recreation.
- (7) Private garage.
- (8) Accessory use.
- (9) Home occupation.
- (10) Garage sales from a one- or two-family dwelling for a maximum of two times a year for each premises for a period not to exceed two continuous days.
- (11) Accessory building.
- (12) Swimming pools for private residential, non-commercial use.
- (13) Decks for private residential, non-commercial use.

**MOTIONS
REGULAR BOARD MEETING**

B. Uses requiring special permits. The following uses are permitted after issuance of a special permit:

[Amended 8-7-1978 by L.L. No. 6-1978; 6-18-1990 by L.L. No. 2-1990]

- (1) Public utility substation.
- (2) Tourist home, bed-and-breakfast.
- (3) Residence-office.
- (4) School.
- (5) Religious institution.
- (6) Day-care center and nursery school.
- (7) Funeral home, mortuary.

[Added 5-5-1997 by L.L. No. 3-1997]

- (8) Adult day care.
- (9) Barber.

[Added 4-16-2007 by L.L. No. 2-2007]

- (10) Beautician.

[Added 4-16-2007 by L.L. No. 2-2007]

- (11) Pet grooming.

[Added 4-16-2007 by L.L. No. 2-2007]

- (12) Indoor charitable or civic organizations.
- (13) Group homes with a maximum (8) Residences.
 - Quantity of group home staff shall be clearly identified
- (14) Indoor community center.
- (15) Professional office.
- (16) Other commercial or residential uses upon the finding by the Village Board that such use is compatible with the uses set forth in Section 250.12(A) and Section 250.12(B) and which will not be detrimental to other uses within this district or to adjoining land uses.

C. Area, yard, coverage, height regulations.

[Amended 6-20-1977 by L.L. No. 6-1977; 8-2-1982 by L.L. No. 4-1982; 6-3-1985 by L.L. No. 3-1985; 6-15-1998 by L.L. No. 3-1998]

Dimension	One-Family	Two-Family	Multiple-Family
Lot area minimum	7,500 square feet	10,000 square feet	3,000 square feet, per bedroom unit. A studio or (0) zero bedroom unity shall be considered a (1) one bedroom unit.
Lot width minimum	60 feet	70 feet	120 feet
Lot depth minimum	110 feet	110 feet	150 feet

**MOTIONS
REGULAR BOARD MEETING**

Front yard minimum	15 feet -or- Follow the rhythm of the neighborhood average or the established setback for the district.	15 feet -or- Follow the rhythm of the neighborhood average or the established setback for the district.	15 feet -or- Follow the rhythm of the neighborhood average or the established setback for the district.
Rear yard minimum	30 feet	30 feet	40 feet
Side yard minimum	5'-0" minimum 15'-0" minimum on driveway side of building	5'-0" minimum 15'-0" minimum on driveway side of building	15'-0" each side of the building. Driveway side(s) shall be driveway width +15'-0" 40 feet abutting an R1 or R2 District
Coverage maximum	None	None	35%
Lot frontage			120 feet
Height maximum	2 1/2 stories Sloped roofs are encouraged	2 1/2 stories Sloped roofs are encouraged	2 1/2 stories Sloped roofs are encouraged

Building Area: No building with solely a commercial use shall exceed 5,000 sq. feet.

D. Screening is required between all Multiple-Family dwellings and all R-1/R-2 zoning per section 250.31(A).

SECTION 2.

Effective Date. This local law shall take effect upon filing and acceptance by the New York Secretary of State.

AYES:
NAYS:

8. **MOTION** by Trustee Gaughan, seconded by Trustee _____, to approve Local Law No. 2 of 2016 to amend the Code of the Village of Hamburg, Chapter §250-8 *Zoning Map* for rezoning of property currently defined as Central Business District (CBD) and Residential 2 (R2). The Zoning classification of the premises hereinafter described is hereby changed and established as Residential 3 (R3).

**MOTIONS
REGULAR BOARD MEETING**

WHEREAS, the Village of Hamburg conducted comprehensive plan update, known as 2011 Comprehensive Plan Update; and

WHEREAS, among other things, the Comprehensive Plan identified several key geographic areas requiring specific attention, included in those areas was the Pine Street and East Union Street area; and

WHEREAS, the Comprehensive Plan noted that while Pine Street and East Union Street were presently zoned central business district, and were in close proximity to the central business district, the area also included a significant residential component, and suggested that the Village make zoning and design guideline changes to maintain the residential character of the streets as well as the existing commercial ventures, while limiting future commercial development; and

WHEREAS, the Comprehensive Plan also urged changes in land use categories urging the development of buffer zones through mixed use categories to buffer commercial development from the nearby residential zones; and

WHEREAS, the Comprehensive Plan also included a review pursuant to SEQRA, as the update to the Comprehensive Plan is a Type 1 action requiring a full environmental assessment; and

WHEREAS, a full environmental assessment was conducted by the Village of Hamburg including the completion of both part 1 and part 2 of a full environmental assessment form to assess the impacts of the suggested zoning, design and land use changes; and

WHEREAS, after completion of said forms, and after the Village of Hamburg Board of Trustees fully weighing the various factors associated with all reasonably anticipated areas of environmental concern as related to the comprehensive plan and the changes suggested therein, the Village of Hamburg Board of Trustees, upon careful review, and upon the criteria for determining significance found in the SEQRA regulations and the rule of reasonableness, concluded that the facts and circumstance of this Project will not result in a significant adverse environmental impact and thus issued a Negative Declaration; and

THEREFORE,

LOCAL LAW NO. 2 OF 2016

A LOCAL LAW TO AMEND the Code of the Village of Hamburg, Chapter §250 thereof, entitled **ZONING MAP**, by amending Section §250-8.

Be it enacted by the Board of Trustees of the Village of Hamburg as follows:

SECTION 1

The Zoning classification of the premises hereinafter described is hereby changed and established as Residential 3 (R3.) The premises affected by this change in zoning classification are described as follows:

MOTIONS
REGULAR BOARD MEETING

From the current Central Business District (CBD) zoning classification to Residential 3 (R3): E. Union Street between Buffalo Street and Pine Street:

S.B.L. #'s:

196.05-6-36	196.05-6-30	196.09-2-2
196.05-6-35	196.05-6-29	196.09-2-3
196.05-6-34	196.05-6-28	196.09-2-4
196-05-6-33	196.05-6-27	196.09-2-5
196-05-6-32		196.09-2-6
196-05-6-31		196.09-2-7
		196.09-2-8

East side of Pine Street between E. Union and Brendel Avenue:

S.B.L #'s

196.05-6-26
196.05-6-25
196.05-6-24
196.05-6-23

East side of Pine Street between E. Union Street and Elizabeth Street:

S.B.L. #'s:

196.06-12-12	196.06-13-29	196.05-6-23
196.06-12-13	196.06-13-30	
196.06-12-14	196.06-13-31	
196.06-12-15	196.06-13-1.1	
196.06-12-16	196.06-1-28	
196.06-12-17	196.06-1-29	
196.06-12-18	196.06-1-30.11	
196.06-12-1	196.06-1-31	
196.06-13-28	196.06-1-32	

From the current Residential 2 (R2) zoning classification to Residential 3 (R3): North side of Henderson Place, east of Pine Street.

SBL #'s:

196.06-1-25.14
196.06-1-25.13

The zoning map of the Village of Hamburg is hereby amended to reflect and incorporate the foregoing changes in zoning classification.

SECTION 2.

Effective Date. This local law shall take effect upon filing and acceptance by the New York Secretary of State.

AYES:

NAYS:

**MOTIONS
REGULAR BOARD MEETING**

9. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to approve Local Law No. 3 of 2016 of the Code of the Village of Hamburg, Chapter 229 thereof, entitled **VEHICLES AND TRAFFIC**, to amend Section §229-11 *Stop Intersections* and Section §229-19 *No Standing*. The purpose of this local law is to address safety concerns and provide additional protection to residents.

LOCAL LAW NO. 3 OF 2016

A LOCAL LAW TO AMEND the Code of the Village of Hamburg, Chapter 229 thereof, entitled **VEHICLES AND TRAFFIC**, by amending Section 229-11 and 229-19.

Be it enacted by the Board of Trustees of the Village of Hamburg as follows:

SECTION 1.

Chapter 229 of the Code of the Village of Hamburg is hereby amended by **adding** the following:

§ 229-11. Schedule VIII: Stop Intersections

Stop Sign On	Direction of Travel	At Intersection of
Summit Avenue	West	Old East Eden Road

Chapter 229 of the Code of the Village of Hamburg is hereby amended by **deleting** the following:

§ 229-19 No Standing: Schedule XV

Name of Street	Side	Location
Pierce Avenue	East	From Long Avenue to S. Lake

And replacing it with:

Name of Street	Side	Location
Pierce Avenue	East	From S. Lake to the Village Line

Chapter 229 of the Code of the Village of Hamburg is hereby amended by **adding** the following:

Name of Street	Side	Location
Pierce Avenue	West	From S. Lake to the Village Line

SECTION 2.

Effective Date. This local law shall take effect upon filing and acceptance by the New York Secretary of State.

AYES:
NAYS:

MOTIONS
REGULAR BOARD MEETING

10. **MOTION** by Deputy Mayor Tallman, seconded by Trustee _____, to recommend that the Village Board approve the Application for Certificate of Compliance for building design standards submitted by Daniel Bugenhagen, 189 Buffalo Street (*Farmer's Insurance/Bugenhagen Agency*) for a new window and signage. The window replaces an existing one and will be aluminum Tubelite clear glass with a white painted finish and white trim around black. Signage will consist of white vinyl graphics with less than 40% coverage of the window. Said application having been reviewed by the Architectural Review Committee (ARC) at their meeting of January 12, 2016, and the Architectural Review Committee having made a recommendation to this Board that said application be approved, and this Board having reviewed said application, the Board of Trustees hereby **APPROVES**: the Application for Certificate of Compliance for building design standards submitted by Daniel Bugenhagen, 189 Buffalo Street (*Farmer's Insurance/Bugenhagen Agency*) for signage as recommended above by the Architectural Review Committee.

AYES:
NAYS:

11. **MOTION** by Deputy Mayor Tallman, seconded by Trustee _____, to recommend that the Village Board approve the Application for Certificate of Compliance for building design standards submitted by Caryn Rowell, 22 Main Street (*The Grange Community Kitchen*) for the design of the submission that includes removing the existing awning, glass canopy and lighting, adding front windows the same size and height of the existing ones, but with the ability to fold open, maintaining the transom windows, opening up the stucco façade and restoring the original architecture. Color of the building will remain the same. Grayish-blue wooden doors with brass hardware will be added. The applicant needs to submit the final color specifications and lighting choice for the file and return to the ARC to present their final signage proposal. Said application having been reviewed by the Architectural Review Committee (ARC) at their meetings of November 17, 2015 and January 12, 2016, and the Architectural Review Committee having made a recommendation to this Board that said application be approved, and this Board having reviewed said application, the Board of Trustees hereby **APPROVES**: the Application for Certificate of Compliance for building design standards submitted by Caryn Rowell, 22 Main Street (*The Grange Community Kitchen*) for a design that includes façade work, windows, doors and lighting as recommended above by the Architectural Review Committee.

AYES:
NAYS:

12. **MOTION** by Deputy Mayor Tallman, seconded by Trustee _____, to recommend that the Village Board approve the Application for Certificate of Compliance for building design standards submitted by Eric Smith, 14 Pierce Avenue (*The Burg*), for a 119" x 29" x 2.2" blue sign with white lettering, using vinyl over the existing sign and adding new Plexiglas and goose neck lighting. Said application having been reviewed by the Architectural Review Committee (ARC) at their meetings of November 17, 2015 and January 12, 2016, and the Architectural Review Committee having made a recommendation to this Board that said application be approved, and this Board having reviewed said application, the Board of Trustees hereby **APPROVES**: the Application for Certificate of Compliance for building design standards submitted by Eric Smith, 14 Pierce Avenue (*The Burg*), for signage and lighting as recommended above by the Architectural Review Committee.

AYES:
NAYS:

MOTIONS
REGULAR BOARD MEETING

13. **MOTION** by Trustee Gaughan, seconded by Trustee _____, that the Village Recreation Commission recommends that the Board approve the salaries for the following Recreation Attendants PT Seasonal for the 2015-2016 Fall/Winter Season.

Ashley Hawley	\$12.00/hr
219 Eagle Street	
Fredonia, NY	

Arts & Crafts Instruction

Virginia Kroll	12.40/hr
214 Maple Avenue	

AYES:

NAYS: