

Town of Hamburg  
Planning Board Work Session

February 4, 2009

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, February 4, 2009 at 7:30 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Gerard Koenig, Steve McCabe, Karen Rogers, Sasha Yerkovich, Richard Taber and Peter Reszka.

Others in attendance included Sarah desJardins and Attorney Donald McKenna

Excused: David Phillips, Councilman Kevin Smardz and Attorney Cheryl McFaddon Zak

**E.F. Burke Realty (southwest corner of Bayview Road and South Park Avenue)**

Andrew Gow from Nussbaumer & Clarke and Brian Burke, applicant, appeared on behalf of the proposed project.

Mrs. desJardins stated that nothing new has been submitted regarding this proposal since the Board's last meeting and that the Planning Board has nothing in writing from the New York State Department of Transportation (NYSDOT) regarding the ingress/egress proposed by the applicant.

Chairman Koenig stated that he is very uneasy about the traffic situation in this area.

Mr. Gow stated that he had hoped to have the comments from the NYSDOT by now but has not received them to this point. He further stated that it would probably be prudent for all parties involved (Planning Board, Traffic Safety Advisory Board, the NYSDOT and the applicant) to meet to determine what the best course of action would be regarding access to South Park Avenue and Bayview Road.

Mr. Gow noted that Mr. Brian Skok from the NYSDOT indicated that he would support a right-in/right-out only point of ingress/egress on South Park Avenue. Mr. Gow further stated that the applicant proposes this type of entrance/exit on South Park Avenue that would be generally centered between Bayview Road and Southwestern Boulevard (just north of the Town House Restaurant). He submitted a plan showing this type of entrance/exit for the Board's review.

After reviewing the submitted plan, Chairman Koenig stated that this would be the only way a curb cut on South Park Avenue could possibly work. He asked Mr. Gow if the applicant could be satisfied with this arrangement, given the limited accessibility to the property. Mr. Gow responded that a vehicle coming from the north would have two ways to enter the site – to turn right on Bayview Road and then turn left into the site or to turn right into the entrance on South Park Avenue.

Mr. McCabe stated that he is worried about northbound traffic backing up to make the left onto Bayview Road and then attempting to make a left into the site.

It was determined that the traffic assessment previously performed regarding the business park, as well as written comments from the NYSDOT, must be provided to the Board in order for it to move forward with its review of this proposal.

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

Engineering Department comments are on file.

### **The Villages at Mission Hills (east side of Camp Road)**

Leanne Voit from Greenman-Pederson appeared on behalf of the proposed project.

Mrs. desJardins stated that the Board can issue a Positive Declaration on this project at its next meeting and require that a Supplemental Draft Environmental Impact Statement be prepared.

Ms. Voit stated that, according to Mr. Reilly, the variance the applicant was going to apply for regarding the number of parking spaces provided for the apartments will not be necessary, as Mr. Reilly is in the process of drafting an amendment to the Town Code regarding the number of parking spaces required for senior apartments. She further stated that once the Town Code is amended, no variance will be required.

Mrs. desJardins noted that the applicant will be submitting an application for subdivision approval of the single family homes proposed in this development.

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

Engineering Department comments are on file.

### **Autumnview Healthcare Facility (4650 Southwestern Boulevard)**

Leanne Voit from Greenman-Pederson appeared on behalf of the proposed project, stating that she and the applicant met with Ron Klimowicz, Chief of Big Tree Fire Company regarding unresolved concerns of the fire company about this site. She further stated that the meeting was very productive and the applicant has agreed to address all of Mr. Klimowicz' concerns except for his request for fire department access around the perimeter of the building. She noted that, while the applicant does not feel it is possible to provide full access around the building due to the topography of the site, the detention pond location, the property boundaries and the natural buffer, an additional fire hydrant is proposed behind the building.

Ms. Voit stated that, in addition to providing the additional fire hydrant, the applicant proposes to widen some of the sidewalks on the property to make it easier for fire fighters to walk on and drag their hoses on.

In response to a question from Chairman Koenig, Ms. Voit stated that the applicant has not received a response letter from Mr. Klimowicz indicating whether he is comfortable with the applicant's proposals.

Mrs. desJardins stated that the Building Inspector will have to make a determination as to whether or not the full access drive around the building is required by New York State law.

Mrs. desJardins stated that Mr. Reilly has indicated that, although the currently proposed addition has nothing to do with the problems created by the previous additions (lack of buffering to the neighbors), the Board will be looking at the entire site plan for this facility and has the right to attempt to correct any previous problems at this time.

Mrs. desJardins noted that the applicant still has not submitted the \$150 sketch plan review fee to the Planning Department. Ms. Voit agreed to relay this to the applicant.

Mrs. Yerkovich asked whether the applicant should have to correct the issues regarding fire safety that were not addressed during the previous phase of this facility before the Planning Board approves another addition. Chairman Koenig responded that it appears that the applicant, in meeting with Mr. Klimowicz, has agreed to resolve all outstanding fire safety issues and bring the entire site into compliance.

It was determined that the Building Inspector will be asked if he would like the outstanding fire safety issues to be resolved before the Planning Board approves the next addition.

Attorney McKenna suggested that the Planning Board include as a condition of approval the requirement that the applicant resolve all issues as to the former and proposed construction, including a copy of any easement papers resulting from a past legal action between the applicant and its neighbors.

Mr. McCabe made a motion, seconded by Mrs. Yerkovich, to table this proposal. Carried.

Engineering Department comments are on file.

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

Mrs. desJardins stated that on February 2, 2009 the Planning Department received the sketch plan the Board reviewed at its last meeting. She noted that the sketch plan shows the required forty feet of green space along McKinley Parkway reduced to twenty feet and stated that the applicant will be requesting a variance to allow the parking to be placed twenty feet from the right-of-way (35 feet is required). She stated that when the Planning Board forwards a recommendation to the Zoning Board of Appeals regarding the requested variance, it should only be referring to the part of Mr. Kuebler's property he is planning to build on at this time.

Mrs. desJardins stated that the two parking spaces proposed in front of the loading area should be removed from the plan and, as a result, the applicant may decide to install two of the six parking spaces shown on the plan as "banked green space". She noted that the Engineering Department suggested that, if some parking spaces are to be "banked", the applicant should install the spaces along the building and bank spaces closer to the

road. She stated that the applicant may need a variance for the number of parking spaces provided and that she will discuss this with the Building Inspector.

In response to a question from Chairman Koenig, Mrs. desJardins stated that it is not yet known whether the required detention area as shown on the plan will fit in the twenty feet of green area proposed by the applicant. She noted that if the Board forwards a positive recommendation to the Zoning Board of Appeals regarding the reduction in green space along McKinley Parkway, it may want to recommend a variance of "up to twenty feet" in case the green area needs to be expanded to include the detention pond.

Chairman Koenig stated that the Traffic Safety Advisory Board expressed concern that the sketch plan does not include a location map. Mrs. desJardins responded that the site plan, when submitted, will include a location map.

Mrs. desJardins noted that the applicant has been asked to submit deed restrictions on the property that were conditions of the rezoning by the Town Board (no access to Allendale Parkway and no automotive uses), as well as a cross access agreement between the applicant and the adjoining property owners. She stated that, to date, this documentation has not been received by the Planning Department. She further stated that the rezoning will not become effective until this is submitted and approved by Attorney McKenna and therefore the Planning Board cannot approve a site plan until this is taken care of.

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

Engineering Department comments are on file.

### **Oakwood Grove Subdivision**

Andrew Gow from Nussbaumer & Clarke appeared on behalf of the proposed project, stating that since the project was last discussed by the Planning Board the applicant has been working with the Engineering Department to complete the engineering aspect of the approval process. He further stated that the applicant has applied to Erie County Division of Sewerage Management and Erie County Health Department and is awaiting these approvals. He noted that within approximately one month the applicant will be asking the Planning Board for a SEQR determination.

Chairman Koenig stated that any approvals that are given by the Planning Board will only be for the duplexes and not for the apartment building shown on Lake Avenue. Mr. Gow responded that the apartment building is not part of the application before the Board at this time.

Mr. Gow stated that the Cultural Resources Investigation that was required has been performed and the New York State Office of Parks, Recreation and Historic Preservation has determined that the project will have no impact on cultural resources in the State and National Registers of Historic Places.

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

Engineering Department comments are on file.

### **Penn Dixie Paleontological and Outdoor Education Center**

Mrs. desJardins stated that Penn Dixie has purchased a five acre parcel adjacent to its site and is requesting that the parcel be rezoned from M-2 to PR (Parks/Recreation). She noted that, because the parcel is adjacent to Jeffrey Boulevard, Penn Dixie would be able to provide access to its site via Jeffrey Boulevard rather than Bristol Road, which is a residential street. She stated that Penn Dixie also plans to construct an education center on this parcel, although at this time the request is for rezoning only.

Mrs. desJardins stated that at its next meeting the Board can forward a recommendation to the Town Board regarding the request for rezoning.

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

Engineering Department comments are on file.

### **Northeastern Transparts Company, Inc. (5727 South Park Avenue)**

Mrs. desJardins stated that the applicant plans to purchase the Kirst building on the corner of South Park Avenue and Maelou Drive for the purpose of operating a transmission rebuilding and distribution business. She further stated that the applicant does not plan to alter the footprint of the building, nor do they plan (or need) to add any parking to the site.

Mrs. desJardins stated that she and the applicant will be meeting with the Building Inspector regarding the number of parking spaces required for the use and noted that the Planning Board may be asked to forward a recommendation to the Zoning Board of Appeals if it is determined that a variance is required.

Mrs. Yerkovich made a motion, seconded by Mrs. Rogers, to schedule a public hearing for a Special Use Permit and Site Plan Approval to be held on February 18, 2009. Carried.

Engineering Department comments are on file.

### **Erie County Agricultural Society (5600 McKinley Parkway)**

Mrs. desJardins stated that the Agricultural Society proposes to construct a +/- 50,000 sq.ft. show arena for livestock to be located west of McKinley Parkway. She further

stated that the applicant will be submitting plans showing the utilities to the building before the Board's next meeting.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to schedule a public hearing for Site Plan Approval to be held on February 18, 2009. Carried.

Engineering Department comments are on file.

### **Hamburg Motors (4090 St. Francis Drive)**

Mrs. desJardins stated that Hamburg Motors, which currently sells used vehicles, would like to be able to service vehicles at its site and New York State requires that they obtain an approval from the Town of Hamburg to service vehicles. She further stated that the applicant needs a Special Use Permit and Site Plan Approval.

Mrs. desJardins stated that she and Rick Lardo from the Engineering Department visited the site recently and noted that the site appears to be in compliance with Town regulations.

Mrs. Yerkovich made a motion, seconded by Mr. Reszka, to schedule a public hearing for a Special Use Permit and Site Plan Approval to be held on February 18, 2009. Carried.

Engineering Department comments are on file.

Mr. Taber made a motion, seconded by Mr. Reszka, to approve the minutes of January 7, 2009. Carried.

Regarding the minutes of January 21, 2009, Attorney McKenna stated that he would like the following sentence to be added to the discussion regarding the Autumnview Health Care Facility's proposed addition:

"Attorney McKenna requested that he be provided with a copy of the previous settlement between Autumnview and the residents of Nottingham Terrace".

Mr. Taber made a motion, seconded by Mr. McCabe, to approve the minutes, as amended, of January 21, 2009. Carried.

Attorney McKenna stated that, regarding Ridgefield Terrace Subdivision, Phase III, although he advised the Board at its January 21, 2009 meeting that the applicant could attach an affidavit to the revision of the Map Cover, he has since been advised that, because everything is computerized now, it would be easier to simply amend the Map Cover.

Mrs. Rogers made a motion, seconded by Mr. Reszka, to adjourn the meeting. Carried.

The meeting was adjourned at 8:30 P.M.

Respectfully submitted,  
Stephen J. McCabe, Secretary  
Planning Board