

Town of Hamburg
Planning Board Work Session

March 4, 2009

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, March 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, Richard Taber, Sasha Yerkovich and Peter Reszka.

Others in attendance included Andrew Reilly, Sarah desJardins, Attorney Donald McKenna, Attorney Cheryl McFaddon Zak and Councilman Kevin Smardz.

Excused: David Phillips, Karen Rogers

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

Mr. Reilly stated that he received a phone call from the New York State Department of Transportation regarding the proposed access for this project. He stated that the DOT is willing to accept the proposed right-in, right-out entrance on South Park Avenue centered between Bayview Road and Southwestern Boulevard, although there should be no other users of that entrance other than perhaps the Town House restaurant next door. He further stated that it will be the Planning Board's decision whether or not to allow access onto South Park Avenue.

Chairman Koenig asked Mr. Reilly to obtain the DOT's comments regarding the South Park Avenue access in writing for the Planning Board's records.

Mr. Reilly noted that the applicant is looking for a SEQRA determination, a recommendation on the variances required and possibly approval at the Board's regular meeting in two weeks.

Mr. McCabe stated that this lot is quite small, considering what the applicant proposes to put on it, especially given the fact that the applicant owns several acres of land adjacent to this parcel.

Mr. Reilly stated that, if the Planning Board decides to recommend approval of the parking setback variance, the applicant will have to provide an enhanced landscape plan for the area adjacent to South Park Avenue. He further noted that an up to date plan must be submitted showing exactly where the access to South Park Avenue is proposed, as well as an enhanced landscape plan showing additional landscaping along South Park Avenue.

In response to a question from Mr. Reszka, Mr. Reilly stated that he does not know if an Environmental Assessment has been performed on this property. He added that, through the SEQRA process, the Town evaluates impacts of the project and the applicant will typically do his own due diligence in assessing whether there are any environmental limitations to the property.

Mr. Reilly noted that the Planning Board has not heard from Erie County regarding this proposal and stated that, as Bayview Road is a County road, perhaps the County should be contacted to make sure there are no concerns regarding the Bayview Road access to this site.

Mr. McCabe stated that the biggest problem with this project has always been how northbound traffic will be able to safely access this site.

Board members agreed that they would like to know what the hours of operation would be for this business.

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

Engineering Department comments have been filed with the Planning Department.

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

John Kuebler, applicant, and Terry Myers from LBM Construction appeared on behalf of the proposed project.

Ms. Myers stated that, although Mr. Kuebler had proposed a pool supply business on the northern half of his property, he has decided instead to ask for site plan approval of an ice cream store on the northern half of the site at this time.

Chairman Koenig verified that Mr. Kuebler will only be asking for a parking setback variance for the northern half of the site and reiterated to the applicant that, when the Planning Board forwards a recommendation to the Zoning Board of Appeals regarding the variance, it will only be for the ice cream store. Mr. Kuebler acknowledged this.

Mr. Reilly stated that when the applicant proceeds to a site plan for the ice cream store, the pool supply business on the southern half of the parcel will not be shown on the plan.

In response to a question from Chairman Koenig, Ms. Myers stated that no inside seating is proposed for the building; rather, customers will walk up to two windows. She further stated that tables and a picnic area are planned outside the building.

In response to a question from Chairman Koenig, Mr. Reilly stated that the Building Inspector will make a determination regarding the number of parking spaces required for this use and indicated that the Planning Department will research what the determination was regarding number of required parking spaces for the Two Scoops ice cream store approved a few years ago on Camp Road.

It was determined that the number of parking spaces required is based on the number of seats, and since no seating is proposed inside the building, the determination will probably be based on the number of seating provided outside.

Mr. Reilly stated that the Planning Board, if it comfortable doing so, can forward a recommendation at its next meeting to the Zoning Board of Appeals regarding the applicant's request for a parking setback variance, as he has been advised that the applicant's attorneys are working out the required deed restrictions and cross access agreement for the rezoning of the property, which was approved by the Town Board in January but that has not yet been filed.

After a lengthy discussion, it was determined that the applicant's attorney will contact the Town Attorney, Ken Farrell, to work out the details of the deed restrictions and cross access agreement that were a condition of the rezoning approval of this property from HC to C-2. Attorney McFaddon Zak stated that she will make sure this issue is resolved.

It was determined that the Engineering Department has not reviewed the proposed ice cream store, as the plan has not yet been submitted to the Planning Department. Ms. Myers agreed to submit the revised plan to the Planning Department before Friday, March 13, 2009 for review.

Mr. Reilly stated that it is the policy of the Planning Board that if it recommends favorably on a variance that would allow the required forty feet of green space along a roadway to be reduced, an enhanced landscape plan is required in lieu of the green space along the road. He further stated that it may be difficult for the applicant to provide an enhanced landscape plan if the detention pond is also along the road.

Mr. Reilly stated that lighting, drainage, the location of the dumpster and the possibility of installing a fence along the rear lot line are some of the issues that will need to be discussed once a full site plan for this project is submitted.

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

Engineering Department comments have been filed with the Planning Department.

Oakwood Grove Subdivision

Mr. Reilly stated that the applicant has resolved every issue the Planning Board had and is asking that the Board issue a SEQRA determination at its next meeting and possibly issue Preliminary Plat Approval for the proposed ten zero lot line attached dwelling units and one lot fronting Lake Avenue.

Mr. Reilly stated that the only access for the vacant lot fronting Lake Avenue would be Lake Avenue and noted that the Fire Department and Traffic Safety Advisory Board have indicated their concerns regarding this access. He stated that this probably is not the best location for an entrance, but at least it would be lined up with the existing entrance to the plaza. He further noted that the applicant did prove that the entrance meets line of sight requirements.

Mr. Reilly stated that, by approving the Preliminary Subdivision Plat that includes the vacant lot on Lake Avenue, the Board would be limiting this lot to access on Lake Avenue.

Chairman Koenig stated that the applicant has shown the access on Lake Avenue as far west on the property as possible.

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

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Old Time Baptist Church (Gowanda State Road and Hickox Road)

Mr. Reilly stated that the applicant has submitted a sketch plan showing a new church to be located on the corner of Gowanda State Road and Hickox Road (zoned RA), noting that the applicant's architect has misinterpreted the Town Code regarding setbacks. The sketch plan shows the setbacks as measured from the center of the road instead of from the right-of-way. It was determined that the Planning Department will contact the architect to make him aware of this and to ask for a revised sketch plan.

Mr. Reilly stated that a septic system is proposed for the building and that the required number of parking spaces is proposed, although the applicant will most likely lose some of the spaces when the sketch plan is redrawn in compliance with the setback requirements.

The Board discussed whether the church's driveway should be located on Gowanda State Road or Hickox Road (or both). Mrs. desJardins stated that the architect advised her that he spoke with the New York State Department of Transportation and was told that, if a driveway is proposed on Gowanda State Road, it should be placed in the location shown on the sketch plan.

The Board discussed the fact that the neighbor to the north, Mr. Funke, has stated that there is an easement on his property granted to the church and is concerned whether the church has plans to utilize it.

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

Avanti Mansion (4409 South Park Avenue)

Mr. Reilly stated that the applicant has submitted a sketch plan for a proposed building to be used for indoor wedding receptions, etc. He further noted that the applicant will be required to pave all existing and proposed parking areas, as well as show the Board that there will be adequate parking for the intended use of the property.

Mr. Reilly stated that the Big Tree Fire Company has indicated that in the past it has asked to do a walk-through of the existing building on the site but has not been allowed to do so.

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

Attorney McKenna stated that he has been given a copy of the Settlement Agreement and Order regarding the Autumnview Healthcare facility and asked that a copy of this document be given to the Engineering Department.

Mr. McCabe made a motion, seconded by Mrs. Yerkovich, to approve the minutes of

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February 18, 2009. As there were four (4) ayes and one (1) abstention (Mr. Taber), the motion was carried.

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

The meeting was adjourned at 8:40 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board