

Town of Hamburg
Planning Board Work Session

March 7, 2007

The Town of Hamburg Planning Board met for a Work Session on Wednesday, March 7, 2007 at 7:30 p.m. in Room 7B of the Hamburg Town Hall, S-6100 South Park Avenue. Those attending included Chairman Gerard Koenig, David Phillips, Sasha Yerkovich and Steve McCabe.

Others attending included Councilman D. Mark Cavalcoli, Andrew Reilly, Sarah desJardins, Attorney Donald McKenna and Attorney Michael Fruth.

Excused: Paul Eustace, Karen Rogers and Richard Taber

Southwestern Senior Apartments – Southwestern Boulevard

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to table this project as the applicant has asked to be removed from the agenda. Carried.

The applicant will appear before the Planning Board on March 21, 2007.

First Niagara Bank - Lake Shore Road

Mr. Reilly explained to the Board that the applicant has spent the last four months researching the issue of an exit onto Orchard Avenue, which the Board was not very receptive to the last time this project was discussed.

Mr. Mike Giaquinto appeared before the Board on behalf of the project. He presented a revised sketch plan to the Board that he feels represents a good plan to address the concerns of the Board. The revised sketch plan includes a proposed sidewalk along Orchard Avenue to increase the walkability of the area. In addition, a park-like area is shown behind the proposed bank that includes a gazebo, flag pole and benches so that residents have a place to congregate. Landscaping is also proposed in the park area, as well as behind the existing pharmacy, and a nautical rope is proposed across the driveway to Orchard Avenue. This rope could be extended across the driveway in instances when residents wish to use the park area for a get-together, although Mr. Giaquinto stated that generally the rope would not be used, obviously, because First Niagara Bank would like its clients to be able to use the driveway out to Orchard Avenue.

Mr. Giaquinto further stated that First Niagara Bank feels the entrance/exit to Orchard Avenue is very important to its client base and asks that the Board consider the layout as proposed.

Chairman Koenig noted he is worried about a situation where the exit to Orchard Avenue is roped off and an ATM user attempts to use the exit and does not realize it is blocked. The applicant responded that signage could be installed stating "drive closed"

in that situation.

In response to a question regarding the proposed sidewalk, Mr. Giaquinto stated that the applicant cannot force people to use the sidewalks, but installing sidewalks would encourage people not to walk in the street and possibly to use the green area provided.

Mr. Giaquinto stated that installing the driveway to Orchard Avenue would mean that customers would not have to pull out onto Route 5. Mr. McCabe responded that the public's concerns revolve around additional traffic outside of the immediate area of Orchard Avenue as well as directly behind the proposed bank.

Mrs. Yerkovich noted that residents may not particularly care about the green area proposed by the applicant, since the fact that Orchard Avenue is a narrow street is their main concern. She further stated that using Route 5 to exit the parcel would not constitute a hardship during the hours the bank plans to be open, as Route 5 is meant to take a large amount of traffic, as opposed to Orchard Avenue. She feels that the proposed park is lovely but does not believe the sidewalks would be cleared for pedestrian traffic during the winter months, making them useless to residents much of the year.

Mr. Giaquinto responded that First Niagara Bank would be responsible for keeping the sidewalks clear for walkers. He further stated that he feels that there would be a high amount of traffic, especially during the lunch hour, exiting the bank onto Route 5 and that, although the traffic generated by the bank would not be overwhelming, there would be customers afraid to use Route 5.

Responding to a question regarding nearby bar patrons using the bank's parking area after hours, Mr. Giaquinto stated that signage would be installed indicating that there is to be no after-hours parking there and it would be up to the local police force to enforce that signage.

Chairman Koenig relayed the concerns of the Traffic Safety Advisory Board, which are as follows:

Stop signs should be installed at the exit to Route 5 and at the exit to Orchard Avenue.

A "No Thru-Traffic" sign should be installed at the entrance to the bank from Route 5.

Appropriate handicapped parking signs should be installed at the closest location to the bank entrance.

The Board determined that this proposal will be on its March 21, 2007 agenda for additional sketch plan direction.

Engineering comments are attached.

People, Inc. rezoning request – Abbott Road

Attorney Tracy Harrienger, general counsel for People, Inc., explained to the Board that People, Inc. was awarded a grant to construct a supportive apartment (group home) in this area of Hamburg. They attempt to find land that is in an unobtrusive area and the parcel they are asking to rezone is just that. People, Inc. feels that nearby residents probably will not object to this location as it sits back from Abbott Road behind Lombardo's Funeral Home. People, Inc. is requesting that the parcel be rezoned from C-2 to NC in order to construct the group home.

He further explained that part of the paper street located to the south of this parcel (Eliot Road) has already been abandoned and that People, Inc. is in the process of requesting that the rest of it be abandoned by the Town of Hamburg. If the applicants are successful in getting the road abandoned, that land would be used to construct a driveway from Abbott Road back to the parcel.

In response to a question regarding why People, Inc. chose a parcel that is somewhat isolated, Rhonda Frederick, a representative of People, Inc., stated that the individuals involved in this project are from this area and like it. They would be able to use the bus system along Abbott Road and would be able to be closer to their families and friends.

Councilman Cavalcoli told the Board that the Town Board would like to know what the Planning Board members' feelings and concerns are regarding this rezoning request, as the Town Board must make the decision whether to grant the rezoning or not.

Mr. McCabe responded that he feels that granting this request would create a spot zone to allow a residential development in a mostly commercial area. Mr. Cavalcoli noted that a group home is both a residential use and a business and that perhaps the NC zone would be appropriate in this situation because it allows both residential uses and certain commercial uses.

Chairman Koenig observed that the intent of the NC zone is to allow certain commercial uses in a residential area, but this is a request to allow a residential use in a commercial area.

Attorney Harrienger stated that the group home would house eight residents.

Mr. Phillips agreed to do an on-site inspection of the parcel and report to the Planning Board at its March 21, 2007 meeting. The applicant will return on that date for additional discussion of the request and a possible recommendation from the Planning Board to the Town Board on the rezoning request.

Engineering comments are attached.

Stonebridge Subdivision – Newton Road & McKinley Parkway

Mr. Carl Calarco of Mark Alienello's office appeared on behalf of the project. Mr. Reilly reminded the Board that on October 4, 2006 it authorized the use of cluster development on this parcel, with the number of lots not to exceed 38. Since that time, the applicant has been working on a preliminary plan for the cluster development and has submitted it to the Board for review.

Mr. Reilly further stated that the Board, if it is comfortable, should initiate the Coordinated SEQRA review at this time in order to gather comments and input from other agencies. The Board authorized the Planning Department to send out the appropriate paperwork to start the SEQRA process.

Chairman Koenig expressed concern regarding the gas lines that cross the property. It was learned that the Conservation Advisory Board has asked for correspondence from the gas company acknowledging that it is aware of the project and does not think the project will create a health or safety issue for residents.

Mr. Calarco stated that there are some sewer issues yet to be resolved with the County.

Chairman Koenig relayed that the Traffic Safety Advisory Board feels that the driveway/entrance to this project from McKinley Parkway should consist of three lanes with clear site lines in order to accommodate left turns.

The applicant will return to the Planning Board on March 21, 2007 for additional input on the preliminary site plan.

Engineering comments are attached.

Benderson Development – Retail/restaurant proposal, McKinley Parkway & East Highland Parkway:

Mr. Reilly explained that the Planning and Building Departments have been attempting to arrive at a method of determining how many parking spaces are required for this project, given the fact that there are no definite tenants at this time. The Building Inspector believes that one space per 175 square feet of gross floor area (that which is required for retail space) should be required because the Town does not know at this time what the percentage of retail vs. restaurant space will be for this project when built out. The applicant must decide whether to ask for a variance from the Zoning Board of Appeals now for the approximately 30 spaces they are short. If the applicant does not go this route, the Building Inspector would monitor the types of businesses that go in the buildings and, as each is proposed, determine if there are enough undesignated spaces left to accommodate that particular use.

Mr. Tony Battista of Benderson Development, Inc. explained that the applicant is looking for Planning Board input regarding the above issue.

Mr. Reilly stated that a traffic study will be performed for this site.

The applicant will return to the Board on March 21, 2007 for additional sketch plan direction, as well as input regarding the parking space requirements for the site.

Engineering comments are attached.

North Forest Office Providers:

Mr. Reilly informed the Board that the sketch plan has been revised for this proposal. The parking area has been reconfigured based on concerns regarding maneuverability raised by the Engineering Department. Based on the amount of gross floor area proposed, 671 parking spaces are required. The applicant is proposing a total of 624 parking spaces and will apply for a variance for the shortage.

Planning Board members were not totally satisfied with the layout of the parking area, specifically where dead end aisles are proposed. Mr. Andrew Gow of Nussbaumer & Clarke acknowledged this dissatisfaction and further noted that the applicant is attempting to meet the new fire code requirements and, as a consequence, the plan has lost some of its previous green space.

It was learned that the New York State Thruway Authority has asked the applicant to erect a fence along the rear of the property that abuts I-90.

Chairman Koenig noted that the Engineering Department memo states that additional fire hydrants are required near the front and rear of the site. Mr. Gow acknowledged this fact.

Planning Board members raised concerns that only one dumpster is proposed for the entire office park. Mr. Gow responded that, according to his client, only one dumpster is required for a project this size, based on previous projects the applicant has built of the same size.

Mr. Gow stated that the applicant wishes to make sure there are no additional Planning Board concerns that might cause structural changes to the project.

The applicant will return to the Board on March 21, 2007 for further input and sketch plan direction.

Engineering comments are attached.

Pleasant Avenue Subdivision

The Planning Board authorized the Planning Department to publish the notice for a public hearing to be held on March 21, 2007 for this two-lot subdivision located on the north side of Pleasant Avenue.

Motion was made by Chairman Koenig, seconded by Mr. McCabe, to adjourn. Carried.

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The meeting was adjourned at 9:05 p.m.

Respectfully submitted,
Paul Eustace, Secretary
Planning Board