

Town of Hamburg
Planning Board Work Session

April 1, 2009

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, April 1, 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, Peter Reszka and Karen Rogers.

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

Excused: David Phillips, Sasha Yerkovich

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

Mrs. desJardins stated that it is her understanding that the applicant has now complied with the conditions of the rezoning to C-2. Attorney McFaddon Zak confirmed this information.

Mrs. desJardins stated that the applicant submitted a sketch plan reflecting his intention to construct a building to house an ice cream store, as well as his pool supply business. She further noted that one of the conditions of rezoning was that the applicant must provide a ten-foot landscaped buffer along the eastern lot line. She noted that the current sketch plan does not reflect this and that she would notify the applicant of this problem and request that a revised sketch plan be submitted showing the buffer area.

Mrs. desJardins noted that the Building Inspector has indicated that a handicap parking space must be provided for the pool supply business.

Mrs. desJardins stated that the applicant is looking for a recommendation from the Planning Board to the Zoning Board of Appeals regarding his desire to place the parking area along McKinley Parkway twenty (20) feet from the right-of-way instead of the required 35 feet. She further noted that the Board could forward that recommendation at the work session or the regular meeting, since in either case the applicant would be placed on the Zoning Board of Appeals' May agenda.

Chairman Koenig stated that he would be more comfortable forwarding the recommendation at the Board's regular meeting on April 15, as the work session agenda does not indicate that the Board would take any action at the meeting.

Board members discussed when a public hearing would be held for this project and agreed that they would consider setting a public hearing on April 15 for the regular May meeting (May 20).

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

Engineering Department comments have been filed with the Planning Department.

Avanti Mansion

Chairman Koenig stated that the applicant has asked to be tabled, as she is not ready to proceed at this time.

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

Engineering Department comments have been filed with the Planning Department.

Old Time Baptist Church

Chairman Koenig stated that Planning Board is in receipt of a petition from approximately 130 residents of the area stating that they feel that the scope of the proposed project is not appropriate for the size and characteristics of the land it would be placed on. He further stated that some of the nearby residents have written a letter to Planning Board members listing several concerns regarding the project. He asked Board members to review the letter before the Board's regular meeting and be prepared to discuss it at that time.

Mrs. desJardins stated that the plan has been revised to eliminate the need for any setback variances. She further noted that the church owns the parcel directly to the north of the subject parcel and plans to deed a portion of that lot to the larger church parcel in order to locate the building on the site without requiring any setback variances.

Mrs. desJardins stated that the driveway connecting the two large parking areas must be five (5) feet from the property line and noted that it does not appear that the current plan reflects that. She noted that the applicant's engineer will have to resolve this issue, as well as show on the plan the existing septic system for the house on the adjoining lot to the north to ensure that the house and septic system are on the same parcel.

Mrs. desJardins stated that the applicant is in the process of having a wetland delineation performed for the property. She further noted that the parcel lies in the Erie County Agricultural District and as such, the Erie County Agricultural and Farmland Protection Board (as well as property owners within 500 feet of the site) must be advised by the church of its intent to build on the parcel.

Regarding the number of parking spaces that will be required for the building, Mrs. desJardins stated that the Building Inspector is in the process of determining the figure based upon the different potential uses of the building. She further noted that she will advise the applicant of the required number when she is advised by the Building Inspector.

In response to a question from Chairman Koenig, Mrs. desJardins stated that she believes the applicant's engineer did locate the existing well on Mr. Los's property and noted that at the Board's next meeting the applicant's engineer can address that issue.

Mrs. desJardins stated that she has dealt with some of the concerned neighbors and noted that they indicate that they would like the issues outlined in the letter to the Board addressed.

Mrs. desJardins stated that the parcel lies in the South Central Overlay District, which requires that the aesthetics of the building must fit in with the rural character of the surrounding neighborhood. She further noted that the applicant will have to keep this in mind when considering the look of the building, as this area is so rural in nature.

Mrs. desJardins noted that she will send a copy of the revised plan to the Fire Department, as well as the Traffic Safety Advisory Board, since a driveway is now proposed onto Hickox Road. She further stated that at its next meeting the Board can authorize the Planning Department to initiate the SEQR Coordinated Review and possibly set a public hearing for May 20.

Mr. Taber asked the applicants, who were present, if they have had a chance to meet with the neighbors yet. The applicants responded that they are waiting for the wetland study to be completed and hope to meet with the neighbors in the next few weeks. Mr. Taber stated that there are certain issues in the neighbors' letter that the Town can address, but there are also concerns that the applicant will have to address. The applicant acknowledged this.

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

Engineering Department comments have been filed with the Planning Department.

Hamburg Motors

Mr. Russ Sparcino appeared on behalf of the proposed project, stating that currently Hamburg Motors is licensed to sell vehicles, but not to service them. He stated that earlier in the year he received a Special Use Permit from the Planning Board to service vehicles, but then he learned that, per New York State Department of Transportation, he is required to install a fire wall between the existing wash bay area and the rest of the building (sales area). As this is cost prohibitive, he decided to construct an addition to the building and relocate the bay to that area. He further noted that he plans to convert the area currently used as a wash bay to a waiting area for customers.

Mrs. desJardins stated that the Building Inspector has determined that no additional parking spaces are required, although the applicant proposes to construct approximately fifteen (15) additional parking spaces.

In response to a question from Chairman Koenig, Mrs. desJardins stated that the applicant is requesting Site Plan Approval, as well as an amended Special Use Permit, for this project and that a public hearing must be held.

Board members concurred that a public hearing could be held on April 15, 2009. Mrs. desJardins stated that the site plan must be submitted to the Planning Department by April 9, 2009. The applicant indicated that he can have site plans completed by that date.

Mr. McCabe made a motion, seconded by Mrs. Rogers, to schedule a public hearing for Site Plan Approval and an amended Special Use Permit for Hamburg Motors to be held on April 15, 2009. Carried.

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

Engineering Department comments have been filed with the Planning Department.

Hamburg Senior

Mrs. desJardins stated that a market rate multi-family dwelling project was proposed for this property, which is located west of Briercliff Drive, approximately six years ago that was never approved. She noted that the current project is being proposed by a different entity and is geared toward seniors. She further stated that the proposed buildings are further away from the railroad tracks and closer to the existing homes on Briercliff Drive than the previous project, and the current proposal is for single-story buildings, as opposed to the previous proposal for two-story buildings.

Mrs. desJardins stated that the Engineering Department has indicated that, although this parcel is part of the Briercliff Planned Unit Development (PUD), detention will be required for the project because at the time the initial drainage calculations were performed for the PUD this parcel was labeled "undeveloped" and was therefore not included in the calculations. She noted that the applicant's engineer will have to contact the Engineering Department for additional information regarding detention.

It was determined that E. F. Burke Co. is the owner of the property and that a third party would be developing the site, although the property owner would be working with the developer.

Chris Dirr, a development partner for NRP Group, (the proposed developer), stated that NRP Group is a multi-family developer based in Cleveland, Ohio. He further stated that the proposal is to construct a 72-unit single-story senior apartment complex. He noted that one of the distinctions between this proposal and the one formerly proposed to the Town is that this is a lower density project.

Mr. Dirr showed the Board members renderings of the proposed apartment buildings and the proposed clubhouse, as well as a site layout plan of the project. He noted that the units range in size from 700 sq. ft. to 950 sq.ft. and that 42 one-bedroom units are proposed, as well as 30 two-bedroom units and a +/- 3,000 sq.ft. clubhouse.

Mr. Dirr stated that the developer will be retaining the same engineering firm that did the rest of the work in the PUD and noted that hopefully this firm will have the knowledge to help the developer lay out the project and lay out the Heart Trail to the Town's expectations. He stated that at this time the developer does not know exactly where the Heart Trail is supposed to be and therefore the site layout plan reflects the developer's willingness to locate the Heart Trail wherever it should go.

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

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OTHER BUSINESS

Tops Fueling Facility

Chairman Koenig stated that the Tops store on South Park Avenue is proposing to install fuel pumps in front of the building. He further stated that, because the Tops is located in the Village of Hamburg, it will be the Village's decision whether or not to approve the project, but the Village has requested input from the Town Planning Board regarding the proposal.

Members were shown the proposed plans for the site and agreed to forward input to the Village at its regular meeting on April 15, 2009.

Mrs. Rogers stated that she went to the site to observe the traffic volumes and patterns and found that it is a very busy area. She stated that she cannot imagine gasoline pumps being installed at that location and noted that she does not think this project would do anything aesthetically for the Town or the Village.

Chairman Koenig stated that he is worried that there will be inadequate parking at the site if the gasoline pumps are approved, since many parking spaces will be removed in order to install the pumps, and for that reason alone the project should be rejected.

Attorney McKenna pointed out that the proposed site plan inaccurately refers to the Town of Hamburg as "Blasdel".

Subway

Mrs. desJardins reminded the Board that, at its last meeting, it forwarded "no recommendation" to the Zoning Board of Appeals regarding the applicant's request to reduce the parking setback along South Park Avenue. She explained that, when the applicant applied for the variance, the Building Inspection Department found that this particular setback requirement can only be varied by the Zoning Board of Appeals if the Planning Board forwards a "favorable recommendation". She stated that, therefore, the applicant will not be appearing before the Zoning Board of Appeals and has revised the site plan so that a variance is not necessary.

Board members were shown the revised site plan, which indicates that the parking spaces that were previously proposed along South Park Avenue are not located south of the building on property owned by Burke.

In response to a question from Mrs. desJardins, Brian Burke (applicant) stated that the Town House Restaurant will no longer have access to South Park Avenue but will continue to maintain the access on Southwestern Boulevard.

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Mrs. desJardins stated that the Building Inspector has indicated that, because the parking south of the building is not on this parcel but rather on land owned by Burke, the property line should be moved so that the entire project is on one parcel of land.

Mrs. desJardins stated that the Building Inspector would like the applicant to provide him with a layout of the building showing the seating capacity so that the number of required parking spaces can be determined. Mr. Burke responded that he has a very preliminary layout for the seating capacity in the building and the operator requires that an accessible building be provided prior to entering into an agreement. He further stated that without Burke being able to provide that, he does not know that the operator would agree to move forward with the engineering and completely design the building at this point. He stated that he has been very accommodating in all of the Planning Board requests and he wants to continue to do that in the future. He further stated that, if the Town gives him the number of parking spaces that will be required, he will probably be able to provide them.

Mr. Burke stated that the building on this site is 2,100 sq.ft. in size, which is larger than a traditional Subway building. He noted that the operator has considered having a 600 sq.ft. stockroom for paper products in the building for other Subway locations.

Attorney McKenna noticed a possible discrepancy on the site plan relative to the right-of-way line along South Park Avenue. Mr. Burke stated that his engineer will research this discrepancy and attempt to clarify it.

Mrs. desJardins stated that this proposal will be placed on the Board's April 15 meeting for review.

Mrs. Rogers made a motion, seconded by Mr. McCabe, to approve the minutes of March 18, 2008. Carried.

Mr. Taber made a motion, seconded by Mr. McCabe, to adjourn the meeting. Carried.

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

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board