

Town of Hamburg  
Planning Board Work Session  
May 2, 2007

The Town of Hamburg Planning Board met for a Work Session on Wednesday, May 2, 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, Steve McCabe, Paul Eustace, Richard Taber, Karen Rogers, David Phillips and Sasha Yerkovich.

Others in attendance included Andrew Reilly, Attorney Donald McKenna and Attorney Michael Fruth.

**Stonebridge Subdivision – Newton Road & McKinley Parkway**

Mr. Reilly explained to the Board that the applicant had asked to be tabled because the County wanted more time to review sewer issues with the applicant and has indicated that its review will be complete within the next two weeks.

Chairman Koenig reminded the Board that this project was tabled at the Board's last meeting because the Board is awaiting correspondence from National Fuel regarding the gas lines that run through the property. Mr. Reilly stated that this correspondence has been received by the Planning Department and a copy will be forwarded to each Board member.

Mr. Phillips made a motion, seconded by Mr. Eustace, to table the project.  
Carried.

It was determined that this project will be placed on the Board's May 16, 2007 agenda.

Engineering Department comments are attached.

**North Forest Office Providers:**

Mr. Reilly stated that Erie County Department of Environment and Planning has asked the Board to give it time to complete the 239-M review. He asked the Board to give the applicant final direction regarding the proposed dead ends in some of the parking areas and indicated that the Engineering Department would like those areas connected in order to improve maneuverability. The Engineering Department also wants some of the proposed fire hydrants relocated and will discuss this with the applicant's engineer. Additionally, Mr. Reilly stated that the

Engineering Department wants the connection to the adjacent Southtown Market property better notated on the plan to indicate how it will affect the existing parking spaces on the Southtown Market parcel. An agreement from the adjacent property owner must be provided to the Board indicating that he is aware of the connection and will not impede it.

Mr. Michael Borowiak from Nussbaumer & Clarke and Mr. Roy Jordan, representing the project, noted that an agreement from the adjacent property owner regarding the cross-access will be submitted to the Board. Regarding the dead-ends in the parking areas, Mr. Jordan indicated that this is the first time a Board has brought up this concern and he feels that the parking area as proposed will work, as it works in all his other office parks.

Mrs. Yerkovich stated that she is not uncomfortable with the layout of the parking area and does not feel this layout would pose a problem.

Chairman Koenig informally polled the members regarding their feelings on the dead-ends in the parking area. A consensus was reached that the parking area as proposed is acceptable to the Board.

Regarding the landscape plan, Mr. Reilly stated that the required buffer between this project and the residential use adjacent to the property must be maintained and asked for a note on the plan indicating that if any trees in the buffer area are damaged or removed during construction, they will be replaced. Mr. Jordan agreed to provide the note on the plan, stating that a silt fence will be erected during construction to protect the buffer area. Additionally, Mr. Reilly noted that three more trees are required along Southwestern Boulevard to satisfy the requirements of the Southwestern Boulevard Overlay District.

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

It was determined that this project will be placed on the Board's May 16, 2007 agenda.

Engineering Department comments are attached.

### **Verizon Wireless Cell Tower proposal**

Mr. Reilly explained to the Board and those in the audience that the application for the cell tower includes plans and a very detailed review of the requirements in the Town Code regarding telecommunication towers. He noted that the cell tower is proposed to be located on property owned by Monro Muffler Brake on McKinley Parkway and is proposed behind the existing building with access from

Mr. Reilly stated that the Town of Hamburg regulations regarding telecommunication towers requires that applicants first investigate co-locating opportunities. However, the applicant has indicated that co-locating opportunities do not exist in the area that the cell tower is proposed. The second step an applicant must take is to look at government-owned or industrial property, and Mr. Reilly stated that the application indicates that there is no appropriate government-owned or industrial property in this area they can pursue. The third level of investigation is for commercial property and the applicant has proposed to locate the tower on the Monro Muffler Brake property on McKinley Parkway.

It was determined that the proposal meets all setback requirements for telecommunication towers and that a Coordinated Review under SEQRA will be performed. In addition, a 239-M referral will be sent to Erie County Department of Environment and Planning for its comments.

Mr. Reilly stated that when Monro Muffler Brake was originally approved, the Board did not want the applicant to have any access on to Allendale Parkway and asked that the eastern portion of the property be left in its natural state. Chairman Koenig stated that he objects to an access on to Allendale Parkway and sees no reason why the applicant cannot use the existing access from McKinley Parkway, given that it would only be used to access the cell tower for maintenance.

Mr. Reilly advised the Board that it will have to determine whether or not the applicant has performed the required due diligence to prove to the Town that this is the only location that makes sense for the new cell tower. He further noted that the applicant has indicated that the Tops property just south of Seven Corners was investigated as a possible location for the cell tower, but that Tops was not interested. In addition, the billboard nearby was considered but rejected because it is going to be moved as part of the reconstruction of the Seven Corners area.

In response to a question from Mr. Phillips regarding the zoning in the area of Monro Muffler, Mr. Reilly stated that the residences along Allendale Parkway in the vicinity of the proposed cell tower are commercially zoned (the homes were built before the street's zoning was changed from residential to commercial).

Mr. Koenig stated that he would like the applicant to explain why a 500-gallon propane tank is proposed on the leased property.

In response to a question from Mrs. Rogers regarding the possibility of co-locating at either the cell tower near the fire hall or on Milestrip Road at the Thruway, Jared Lusk from Nixon, Peabody stated that it is always Verizon's first choice to co-locate on existing towers and the applicant would be happy to

investigate any locations the Board might suggest.

Page Four

May 2, 2007

A lengthy discussion was held regarding how cell towers are located, how coverage is achieved and the importance of providing total coverage to customers. The Board also discussed where cell towers exist in the area and whether the proposed tower could be co-located on any of them. Mr. Reilly noted that the Tops property would have been a good site, as there are no residences nearby that would be affected.

Mr. Reilly noted that there is a large unused Town-owned piece of land just south of the Tops property on the west side of McKinley Parkway that the Town had plans at one time to build a park on, but the park was never built. Mr. Reilly suggested that the applicants investigate this piece of property. It was learned that the further south the applicant moves, in terms of locating a tower, the stronger the chance is of losing valuable coverage in the area that needs it. Consequently, the tower might have to be taller than what is currently proposed in order to provide adequate coverage and any ground elevation that is lost at another site would have to be made up in tower height.

Mr. Koenig explained to the applicant that Verizon's first course of action should be to investigate alternate sites because the proposed site is too close to a residential neighborhood and the Board does not like the idea of access on to Allendale Parkway, nor does it like the idea of a propane tank so close to residences.

It was agreed that the applicant will spend the next two weeks researching alternate sites for the cell tower and the Planning Department will research the Town-owned land south of Tops on McKinley Parkway. The applicant will return to the Board on May 16, 2007. Due to this request to research alternate sites, the Town will not yet begin the coordinated SEQRA review process, the 239-M referral or schedule a public hearing.

Engineering Department comments are attached.

### **Bigaj Two-Lot Subdivision**

Mr. Michael Borowiak of Nussbaumer & Clarke, Inc. appeared on behalf of the applicant.

Mr. Reilly explained that this is a proposal for a two-lot subdivision to be located on Lakecrest Drive and that this is a major subdivision because it requires a sewer extension. It was determined that the proposal meets all setback requirements, although the purchaser of the northern lot will have to set the home back 135 feet from the road in order to meet the requirement regarding the

lot width at the building line. Alternatively, the purchaser may choose to ask the Zoning Board of Appeals for a variance to build the home closer to the road.

Page Five

May 2, 2007

Mr. Borowiak stated that the property is heavily wooded. Mr. Reilly noted that because this property is in the Lakeview Overlay District, the Town will like to see some of the trees on the property preserved. It was determined that the adjacent properties on Lakecrest Drive are already developed.

Board members agreed that a public hearing will be called for May 16, 2007.

Mr. McCabe made a motion, seconded by Mr. Eustace, to schedule a public hearing for May 16, 2007 for this two-lot subdivision proposal. Carried.

Engineering Department comments are attached.

### **Oakwood Avenue 11-Lot Subdivision**

Mr. Michael Borowiak of Nussbaumer & Clarke, Inc. appeared on behalf of the applicant.

Mr. Reilly explained that this proposal will require two separate applications; a subdivision application in order to split the parcel into ten duplex lots and one lot containing two apartment buildings, as well as a site plan application for the apartment buildings. He further stated that this property is located on Oakwood Avenue near Lake Avenue and that Our Mother of Good Counsel Church currently owns the property to be developed by Mr. David Burke.

Mr. Reilly stated that the Building Inspector and the Planning Department have determined that each of the ten duplex lots must have 70 feet of frontage, whereas the sketch plan submitted indicates road frontages of 50 feet per lot. Mr. Reilly further advised Mr. Borowiak that an option for the applicant would be to appeal this determination to the Zoning Board of Appeals for an interpretation of the code.

Mr. Reilly noted that there may be a problem with the location of the driveway on to Lake Avenue for the apartment buildings due to sight distance problems. A study will have to be performed to determine if the driveway as proposed is acceptable at that location.

Mr. Reilly explained that the applicant is looking for sketch plan direction and that the applicant will have to make a preliminary subdivision application to divide the property, as well as a site plan application for the two four-unit apartment buildings with access to Lake Avenue.

The Board advised Mr. Borowiak that the applicant can either ask the Zoning

Board of Appeals for an interpretation of the code regarding lot width at the road or reconfigure the sketch plan so that each lot has 70 feet of frontage. Mr.

Page Six

May 2, 2007

Borowiak responded that he will discuss this with Mr. Burke.

It was determined that this project will be placed on the Board's May 16, 2007 agenda.

Engineering Department comments are attached.

### **Camp Road Development (Medical building and Carubba Collision)**

Mr. Doug Hutter, of Zaxis Architectural, appeared on behalf of the proposed project.

Mr. Reilly explained that this is a sketch plan application that is not complete at this point, but the applicant is looking for direction from the Board on the sketch plan as submitted. He further stated that the project will require three approvals – a minor subdivision to split the property in half, site plan approval and a Special Use Permit for Carubba Collision and site plan approval for the medical building. The applicant would like all three requests treated separately.

Mr. Reilly noted that when the Planning Board approved the subdivision behind this vacant property, it was approved with a 50-foot wide conservation area to be located at the rear of this vacant parcel, which should be identified on the site plan. He further stated that access management issues must be addressed (what is the best configuration of entrances on to Camp Road) with NYSDOT. Mr. Koenig stated that he feels there are too many driveways proposed.

It was determined that this parcel is located in the Camp Road Overlay District and as such the Board will be very concerned about what the buildings will look like, as well as what landscaping will be proposed. It was also learned that wherever Carubba Collision hopes to store automobiles outside must be screened and will not be in front of the building.

Mr. Hutter stated that there is a planned tenant for the medical building who has some interest in getting out of where they are now and into this new building, as their current lease is up soon. The architects are still in the process of meeting with the tenant of the medical building to determine how the doctors want to lay out the space, which will facilitate developing the architectural drawings for the proposed building. He further noted that no front yard parking is proposed for either building, as there is sufficient land to install enough parking for both buildings' requirements.

In response to a question about cross-access, Mr. Hutter stated that these

businesses do not have anything to do with each other. However, he did agree to place an easement between the two parcels indicating future cross access if in the future one of the buildings changes users and cross access makes sense at

Page Seven

May 2, 2007

that time.

It was determined that this project will be placed on the Board's May 16, 2007 agenda.

Engineering Department comments are attached.

**Additional discussion:**

Chairman Koenig stated that he was advised by Betty Newell of the Hamburg Chamber of Commerce that the representative from BQ Energy would be willing to take Board members on a tour of the old Bethlehem Steel site at the Board's convenience.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Paul Eustace, Secretary  
Planning Board