

Town of Hamburg  
Planning Board Work Session

June 3, 2009

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, June 3, 2009 at 7:30 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Gerard Koenig, David Phillips, Steve McCabe, Richard Taber, Peter Reszka, Sasha Yerkovich and Karen Rogers.

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

**Franciscan Sisters of St. Joseph (5251 South Park Avenue)**

Mr. Reilly stated that the applicant received side yard variances from the Zoning Board of Appeals on June 2, 2009 and that a public hearing was held in May with no comments received from the public.

Mr. Phillips made the following motion, seconded by Mrs. Yerkovich:

Whereas, the Hamburg Planning Board, in accordance with Park 617 of the implementing regulations pertaining to Article 8 (SEQR) of the Environmental Conservation Law, has conducted a Coordinated SEQR Review for the Franciscan Sisters of St. Joseph motherhouse; and

Whereas, the Hamburg Planning Board has received input from Involved and Interested Agencies and the public, and has considered this input and completed Part II of the Full Environmental Assessment Form; and

Whereas, based on this hard look, the Planning Board has found no significant environmental impacts associated with this project.

Now, therefore be it resolved, that the Hamburg Planning Board issues a Negative Declaration for this project and that a Draft Environmental Impact Statement will not be warranted or prepared.

Carried.

Mr. Phillips made a motion, seconded by Mr. McCabe, to grant Conditional Site Plan Approval for this project subject to the Engineering Department comment letter dated June 3, 2009 and to waive the South Park Avenue Overlay forty foot green space requirement along South Park Avenue. Carried.

Engineering Department comments have been filed with the Planning Department.

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

Mr. Reilly stated that the Planning Department is awaiting an amended site plan per the Board's discussion with the applicant's engineer at its last meeting.

Mr. Phillips 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**

Mr. Reilly stated that the Planning Department has received correspondence from members of the public, as well as the applicant, since the public hearing that was held on May 20, 2009. He noted that, at this point in the process, Board members should make sure they have the information they need to make a SEQR determination regarding this proposal, as well as issue site plan approval.

Mr. Reilly stated that the South Central Hamburg Overlay District requires that all trees on the property that will be preserved, as well as those areas that will be disturbed, must be identified on the site plan.

Mr. Reilly noted that the applicant is working on the drainage issues, as well as communicating with the New York State Department of Transportation (NYSDOT) regarding driveway locations and site distances. He stated that he does not think that the NYSDOT will require a traffic impact study, as this proposal does not meet any of the thresholds. He further recommended that the applicant contact the Hamburg Highway Superintendent for his input regarding the proposed curb cut on to Hickox Road and drainage plans for that road, as it is a Town road.

Mr. Reilly stated that the Town of Eden Supervisor and Highway Superintendent have been notified of this proposal and have been asked for their comments regarding the project.

Regarding the impact this project might have on surrounding agricultural uses, Mr. Reilly stated that farmers in the area have indicated they are concerned about potential drainage problems and the Engineering Department will hopefully be able to assure the Board that there will not be any flooding of farmland as a result of this project.

Mr. Reilly stated that the Board will hold a second public hearing on June 17, 2009 to give the surrounding farmers the opportunity to comment on the Agricultural Data Statement submitted by the applicant and voice any concerns they might have regarding how this project would affect agriculture in the area.

Regarding the proposed septic system, Mr. Reilly stated that Erie County Department Health Department will have to approve its size and design.

Mr. Reilly stated that the applicant should address the requirement for buffering of the parking areas from adjoining residential areas, as well as submit the wetland delineation to the Planning Department.

Regarding the church's annual revival, Mr. Reilly stated that the church can request a special event permit from the Building Inspector for the revival, although the Board might decide to place some restrictions on it because of site plan issues.

Mr. Phillips stated that his only objection to the revival would be if there is insufficient parking for the attendees and noted that if the church had a shuttle that brought people to the site he would have no problem with that.

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

Engineering Department comments have been filed with the Planning Department.

### **Villages at Mission Hills**

Mr. Reilly reminded the Planning Board that it requested a Supplemental Environmental Impact Statement (SEIS) for this project and noted that the draft SEIS has been submitted to the Planning Department. He stated that the document has not yet been reviewed technically as to content because at this point in the process the Board just has to decide if the issues the Board asked the applicant to address have been addressed in the SEIS. He further stated that members of his staff at Wendel Duchscherer have reviewed the document for completeness and he has issued a memo to the Board noting that, in his opinion, the document is complete.

Mr. Reilly stated that, once the Planning Board resolves that the draft SEIS is complete, each Board member will receive a copy of the document, as will the Involved and Interested Agencies, and it will appear on the Town of Hamburg's website for public review. He further stated that a public hearing will then be held on the document.

Mrs. Yerkovich stated that she would like to read Mr. Reilly's memo before accepting the draft SEIS as complete. Board members concurred that they will address this issue at their next meeting.

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

### **OTHER BUSINESS**

#### **Hamburg Senior**

Mr. Reilly stated that he has compiled a list of what he feels were the biggest issues brought up at the public hearing held on May 20, 2009. He further noted that this area was the subject of an Environmental Impact Statement when the PUD was approved and the Planning Board must now decide if there is a substantial change to the project or to the area that would cause a significant environmental impact that would warrant a Supplemental Environmental Impact Statement.

Mr. Reilly stated that one of the issues the applicant must address is how the project would impact the existing four Homeowners' Associations (would the renters be part of a Homeowners' Association and if not, would they have the right to use the Heart Trail and who would maintain the part of the trail that runs through this property, for example).

Mr. Reilly further stated that other issues to be addressed are what improvements would be anticipated regarding the Heart Trail, lighting, drainage, how the residents would receive access to senior services, the distance of the proposed buildings to the railroad tracks and protection from potential train rollovers, buffering of the parking areas, wetlands, potential traffic volumes, potential noise from the trains, the quality of the soil on the site and emergency vehicle access to the site.

Mrs. Yerkovich stated that the public needs to be aware of the fact that the Planning Board does not plan projects – rather, they are proposed by developers – and the Town cannot approve or not approve a project based on its location relative to senior services, for example. Mr. Reilly further stated that the Planning Board cannot take into account such issues as need for or economics of a project. Board members agreed that the public will be made aware of this fact at the next meeting.

Mr. Phillips made a motion, seconded by Mrs. Rogers, to adjourn to Executive Session. Carried.

Following the Executive Session, Mr. Phillips made a motion, seconded by Mr. McCabe, to adjourn the meeting. Carried.

The meeting was adjourned at 8:50 P.M.

Respectfully submitted,  
Stephen J. McCabe, Secretary  
Planning Board