

Town of Hamburg
Planning Board Work Session

July 1, 2009

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, July 1, 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, Peter Reszka and Sasha Yerkovich.

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

Excused: Karen Rogers, Richard Taber

Old Time Baptist Church

Mr. Reilly stated that the Planning Department has not received the updated site plan, noting that the site plan currently on file is dated March 2009. He further stated that the Planning Board has received additional correspondence from Mr. Rick Los, 3480 Hickox Road, as well as the applicant, since the public hearing that was held on June 17, 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 possibly at the Board's next meeting. He stated that the Board can issue a Negative Declaration, issue a Positive Declaration or ask for additional information.

Mr. Reilly stated that there have been varying opinions regarding the levels of ground water in the area, noting that Mr. Dewey has been asked to provide the Planning Board with a copy of the test pit logs to verify the depth of the water table. He further stated that the Planning Board received a letter from the New York State Department of Environmental Conservation stating that the project will impact the wetlands buffer in the northwest corner of the site and noted that Mr. Dewey has indicated that the applicant will be applying for a permit to disturb the wetlands buffer area. Mr. Reilly stated that the Town of Hamburg has a Wetlands Protection ordinance (Section 272-2 of the Hamburg Town Code), noting that the Town does not regulate wetlands but it encourages applicants to avoid impacts to wetlands. He further stated that Mr. Dewey is going to provide the Planning Board with the wetland delineation of the site, which will show how much of the wetland buffer area is located on the property.

Regarding the proposed drainage of the property, Mr. Reilly stated that the applicant is now proposing two storm water ponds on the site and indicated that, at the Board's next meeting, Mr. Lardo will give the Board input regarding how and whether the storm water ponds will function and whether he foresees any problems. Mr. Reilly also stated that Mr. Dewey is attempting to get a letter from Erie County Department of Health regarding the status of the applicant's application for approval of the proposed septic system.

Regarding the project's impact on agriculture in the area, Mr. Reilly stated that concerns have been raised regarding the drainage of the site and how that might impact ongoing farming operations.

Mr. Reilly stated that the Planning Board is very interested in the location of the driveways and is awaiting correspondence from the New York State Department of Transportation regarding its input, as well whether that agency will require a Traffic Impact Study.

Regarding the South Central Overlay District, Mr. Reilly stated that most of the associated requirements are focused on residential subdivisions and commercial development. He noted that churches do not fall into either of these categories and therefore are not subject to many design standards in this Overlay District.

Mr. Reilly stated that, because the Planning Department has not yet been provided with the most up-to-date site plan, a comprehensive zoning review has not been completed on the project.

Mr. Reilly informed the members that the Planning Department has determined that this project is a Type I Action under SEQR and that the paperwork associated with the SEQR Coordinated Review incorrectly classified this project as an Unlisted Action. He further stated that the Planning Department will notify the involved and interested agencies of this discrepancy, to be on the conservative side, although it will not be a problem, as the Coordinated Review (required for Type I Actions) was performed.

Mr. Reilly stated that the Planning Department will forward to the Board members his opinions regarding the potential impacts of this project identified in the Long Environmental Assessment Form. He asked Board members if they need additional information in order to make a rational decision regarding SEQR.

Chairman Koenig asked if the Planning Department or the applicant has received input from the Hamburg Fire Department regarding this project. Mrs. desJardins responded that the sketch plan was sent to the fire department earlier in the process and that a copy of the most recent site plan was given to a fire company representative. She further stated that the applicant should contact the fire company for its input.

Chairman Koenig asked whether the law previously referenced by a member of the Hamburg Rod & Gun Club regarding the required distance between a school and a discharged firearm has been researched. Attorney Zak responded that the law in question established "gun free zones" primarily to discourage gangs, etc. from carrying and/or discharging weapons near schools. She further stated that the possession and discharging of weapons on private property is exempted from this law and that, therefore, no laws would be broken if the school is established near the gun club, as it is private property.

Mr. Phillips stated that he toured the property recently and he hopes that the Engineering Department can tell the Board whether or not the proposed drainage of this property will work. Mr. Reilly responded that he has told Mr. Lardo to expect to be asked to give a report to the Board at its next meeting regarding whether he thinks the proposed drainage will work and why.

Mr. McCabe stated that he has also visited the site and was impressed by the fact that the project site was fairly dry but wonders what will happen if 2.5 acres of that site is rendered impermeable. He further noted that it seems that the most natural place for the water to go is to the northwest corner of the parcel. Mr. Reilly responded that Mr. Los is also concerned about this because he wonders where the water will go once the ditch installed by the applicant

ends at a point along his property line. He further noted that it is the Town's job to make sure that the amount of water discharged onto Hickox Road after the church is built is not any more than what is discharged now.

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

Engineering Department comments have been filed with the Planning Department.

Arthur Court Subdivision

Mr. Reilly stated that this project has been before the Planning Board on and off since 2005 and a public hearing was held in August 2008. He further stated that originally the eastern end of the site was not going to be developed because of the existence of federal wetlands. He noted that in 2008 the Army Corps of Engineers notified the applicant that these wetlands are now considered to be non-jurisdictional, and in turn the applicant resubmitted a revised plan adding the units on the eastern end of the site and lengthening the proposed roadway. He stated that, at that time, the SEQR Coordinated Review and 239-M referral form were submitted and a public hearing was held. He noted that when the public hearing was held, the roadway was proposed to be private and the Board asked for a revised plan showing the buffer areas to the adjoining properties, the required patios for each unit and the 500 square feet per unit of recreation area. The applicant then asked to be tabled several meetings in a row and in October 2008 advised the Board that the roadway was going to be public instead of private. After that time, the Board did not hear from the applicant until recently.

Mr. Reilly stated that his concern is that there is no green space proposed between the units and the properties on Richwood (to the east) and that by the time the proposed detention pond is installed there will not be any trees left to serve as a buffer for the neighbors. He further stated that he is also concerned because at the time of the public hearing, when the roadway was to be private, the buildings were thirty feet closer to the road than they are proposed to be now that the roadway is to be public. He noted that this also means that the buildings would be thirty feet closer to the properties on Richwood, with no buffer at all between the two developments.

Mr. Reilly stated that the applicant must submit elevations of the proposed buildings to the Planning Board. He further stated that the Town's Wetlands Protection ordinance should be considered, as well as the fact that all of the green space on the site would be lost.

Mrs. Yerkovich stated that the Planning Board has the responsibility to hold another public hearing, as the proposal has changed significantly. Board members concurred.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to schedule a public hearing for this project to be held on July 15, 2009. Carried.

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

Engineering Department comments have been filed with the Planning Department.

Villages at Mission Hills

Mr. Reilly stated that the Planning Board members have all received a copy of the draft Supplemental Environmental Impact Statement (DSEIS) prepared by the applicant and that a public hearing is scheduled for July 15, 2009 for both the SEIS and the site plan for Phase One of the project. He further stated that the site plan has also been submitted for the Board's review.

Mr. Reilly advised Board members to have any questions they might have while reading the DSEIS ready for the Board's next meeting, at which time the members' questions will be compiled and given to the applicant to respond to.

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

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Autumnview Health Care Facility

Mr. Reilly asked Board members to schedule a public hearing for this project for July 15, 2009. He noted that a new site plan has been submitted and the Planning Board should get the public's input on the new plan at this stage. He stated that the only change in the site plan is that, in order to satisfy the fire department, the applicant has to run a new water line through the buffer area that was installed previously. He noted that the trees in the buffer area will be removed but will be replaced after the water line is installed.

Mr. Reilly stated that mistakes were made regarding buffering for the previous phase of this facility and they will not be repeated this time. In response to a question from Mrs. Yerkovich, he stated that the Planning Board has the legal authority to correct some of the mistakes made previously, as this is good site design.

Mr. Phillips made a motion, seconded by Mr. Reszka, to schedule a public hearing for this project to be held on July 15, 2009. Carried.

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

Mr. Reszka made a motion, seconded by Mr. McCabe, to approve the minutes of June 17, 2009. Carried.

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

The meeting was adjourned at 8:25 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board