

**Town of Hamburg**  
**Planning Board Meeting**

**July 18, 2007**

The Town of Hamburg Planning Board met in regular session on Wednesday, June 20, 2007 at 7:30 p.m. in Room 7B of the Hamburg Town Hall. Those attending included Chairman Gerard Koenig, Secretary Paul Eustace, Steve McCabe, and Karen Rogers.

Others in attendance included Sarah desJardins, Richard Lardo, Attorney Michael Fruth and Attorney Don McKenna.

Excused: Sasha Yerkovich, David Phillips and Richard Taber

**Public Hearing – Lucas 14-Lot Subdivision (Niles Avenue)**

Mr. Eustace read the following Legal Notice of Public Hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 14-lot subdivision known as Lucas Subdivision to be located on Niles Avenue on July 18, 2007 in Room 7 B of Hamburg Town Hall at 7:30 P.M.”

Mr. Keith Marquis, engineer, and Mr. Frank Russo, applicant, appeared on behalf of the project. Mr. Marquis reviewed with the Board that this proposal is for a 14-lot subdivision on approximately six acres of land as an extension of Niles Avenue. He further stated that the applicant will provide all the necessary utilities relative to the extension of Niles Avenue, as well as improvements to the affected portion of Niles Avenue. A storm water detention basin is proposed as part of the project.

Mr. Russo explained that the DEC issued a moratorium on taps to the existing sewer district some time ago and that, although the moratorium is still in place, it is his understanding that a study has been completed and the funds for remediation work on the sewer have been allocated, although bids have not been put out to do the remediation work yet. He requested that the Planning Board approve the subdivision with the understanding that when the sewer is opened up for the applicant to tap into, he would be able to move forward with the project.

Mr. Lardo stated that he has not yet seen the revised subdivision plan that locates the detention basin.

Chairman Koenig declared the public hearing open. He then asked if anyone in the audience wished to speak for or against the proposal. No one spoke.

Chairman Koenig declared the public hearing closed.

Mr. McCabe, seconded by Mr. Eustace, to table this request to the August 1, 2007 Planning Board meeting. Carried.

Engineering Department comments are attached.

### **Public Hearing – Holiday Inn Express**

Mr. Eustace read the following Legal Notice of Public Hearing:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposed Holiday Inn Express on a two-acre parcel located at 3565 Commerce Place. The proposed hotel would consist of four stories containing 84 rooms, as well as 89 parking spaces. In accordance with the new Town of Hamburg Site Plan ordinance, the public hearing will be held on July 18, 2007 in Room 7B of the Hamburg Town Hall at 7:30 P.M."

Mr. Lowell Dewey from C & S Engineers and Mr. Dana Auman from Silvestri Architects appeared on behalf of the project.

Mr. Dewey stated that there are a few changes to the site plan, including the fact that the roadway along the frontage of the parcel has been aligned to match the future needs of the Benderson Development project proposed for the balance of the Commerce Park site. He also noted that Benderson has agreed to the road configuration, although an easement has not yet been obtained from Benderson. A temporary cul-de-sac will be constructed to serve as a turn-around for emergency vehicles. He stated that the applicant has done a complete drainage analysis, as well as a storm water pollution prevention plan that has been submitted to the DEC for review.

Chairman Koenig confirmed that a variance has been obtained by the applicant for the height of the proposed building.

Mr. Dewey asked if the Board could grant the applicant permission to begin clearing the site. Mr. Lardo stated that the Planning Board does not have the authority to approve clearing of a site, although the Engineering Department

would work with the applicant regarding limited clearing of the site in order for a vehicle to be able to access the site to do test borings.

In response to a question from Mrs. Rogers regarding the construction of the building, Mr. Auman stated that the façade will not be constructed of brick and stone, but rather drivet and a product that resembles siding called "hearty plank".

Mr. Auman further stated that the proposed building is the typical Holiday Inn Express prototype.

Chairman Koenig noted that correspondence has been received from the Conservation Advisory Board indicating the Board's concern that the wooded buffer along the NYS Thruway is not shown on the site plan. Mr. Dewey responded that the wooded buffer is now shown on the most current site plan. He noted that there is no encroachment on the 25-foot buffer along the Thruway.

Mrs. desJardins stated that Mr. Reilly expressed a concern that the applicant not propose pavement right up against the buffer area because of the possibility that, in the process of installing the parking spaces, part of the buffer will be disturbed.

Mr. Dewey explained that the limit of work is shown on the site plan and the finished contours are along the edge of pavement. He further stated that there may be enough room to pull the paving back four or five feet from the buffer area and place a fence in the space between the buffer and the parking to make sure the buffer is not disturbed.

Mr. Lardo stated that typically the applicant is required to install a construction fence before clearing of the site is initiated and the Building Inspector inspects the area before any clearing is allowed.

Mrs. desJardins stated that another concern of Mr. Reilly's is the fact that one of the conditions of rezoning of the site some time ago was the requirement that the applicant submit anticipated traffic counts to the NYSDOT before receiving Planning Board approval. Mr. Koenig responded that, although hotels do not generate a lot of traffic, it would be beneficial to know the anticipated traffic counts. It was determined that Mr. Dewey will speak with Mr. Reilly regarding whom to submit the traffic counts to at the NYSDOT.

Chairman Koenig declared the public hearing open. He then asked if anyone in the audience wished to speak for or against the proposal. No one spoke.

Chairman Koenig declared the public hearing closed.

Mrs. Rogers made a motion, seconded by Mr. Eustace, to table this request to the August 1, 2007 Planning Board meeting. Carried.

Engineering Department comments are attached.

### **Mission Hills Development**

Mr. Cliff Krum of Greenman-Pederson and Mr. Brian Piotrowski, applicant, appeared on behalf of the project. Mr. Krum explained that the project would be built in phases and includes two types of housing: 104 standard single-family home sites serviced by a public road and 114 patio-type homes serviced by a private road.

Mr. Krum noted that two homeowners' associations are proposed: one overall homeowners' association to maintain all the open space and ponds, as well as a second homeowners' association to maintain the private roads servicing the patio homes and the residents' lawns, etc. A large wetland area exists in the center of the development that will remain in its natural state and a small wetland area exists in the northeast corner of the site. Three ponds are proposed for storm water detention.

Mr. Krum stated that the applicant is proposing a second access with a break-away gate. He further noted that the applicant would like to make the access a full street connection but would like it emergency access only and gated so that the general public does not use the development as a cut-through.

Mr. Krum further stated that a small area of open space is proposed for a park of some kind for the residents of the development, although it has not been determined whether the park would be an active or passive recreation area.

In response to a question from Chairman Koenig, Mr. Krum stated that the public will have access to the private roadways in the development and that they would not be gated.

Mr. McCabe made the following motion, seconded by Mr. Eustace:

As the SEQR Lead Agency on the Mission Hills Development project, which was the subject of a completed Environmental Impact Statement, the Hamburg Planning Board hereby issues a Positive Declaration on the amended project proposed by Mission Hills Development Corporation and requires that a Supplemental Environmental Impact Statement (SEIS) be prepared in accordance with the SEQR law. The SEIS shall address the following issues and/or changes to the project:

1. Describe the changes to the project
2. Identify whether the buffers proposed are in compliance with the original FEIS.
3. Identify the location of the wetlands on the site and update any filling/disturbance planned.
4. Update the stormwater information.
5. Delineate the protection and buffer areas.
6. Update water availability and flow information.
7. Update the traffic study for the development.
8. Update information regarding the buffer and berm along the railroad.
9. Update information regarding the number of school-aged children anticipated and the impact on local schools
10. Update sewer capacity information.
11. Update information regarding recreation areas, both active and passive.
12. Address whether cul-de-sacs and dead-ends are proposed.
13. Update information regarding the boundaries of the fire districts serving this site.

Carried.

In response to questions from the audience, Mr. Krum stated that the site will not be clear cut in its entirety and the areas to be left in their natural state would include a large buffer area along the railroad, at least 50 feet behind the proposed homes and the large freshwater wetland area in the center of the site. He further stated that the applicant plans to preserve as many trees on the site as possible.

In response to additional questions from the audience, Mr. Krum stated that the exit to Camp Road would be located approximately 1,500 feet from Howard Road and the homes in the development would be primarily single-story (some would have lofts). Additionally, he stated that the homes would sell for approximately \$220,000 and would range in size from 1,300 square feet to 1,800 feet.

Chairman Koenig explained to the audience that the developer will be required to provide active recreation, passive recreation, a recreation fee in lieu of land or a combination thereof. It was determined that if the recreation land is owned by the Town, the public would have access to it. However, if the homeowners' association owns the recreation land, its use would be restricted to residents of the development.

Engineering Department comments are attached.

**Carubba Collision**

Mr. Frank Wailand appeared on behalf of the project. He stated that Carubba Collision proposes to occupy the 9,900 square foot vacant building previously owned by Meyer's RV. The applicant plans to add green space around the building, as well as grass the existing stone area. 23 parking spaces are proposed and 13 to 14 employees are planned.

Chairman Koenig confirmed with the applicant that Carubba Collision will not park vehicles on the new grassed area.

Mrs. desJardins asked Mr. Wailand if "work stations" are equivalent to "bays". Mr. Wailand explained that "work stations" and "bays" are one and the same and that ten work stations are proposed. It was therefore determined that, because the Town Code requires three parking spaces for each bay, a total of thirty parking spaces will be required and that the applicant would have to pursue a variance from the Zoning Board of Appeals for the reduced parking proposed. As a result, Mr. Wailand stated that he will revise the site plan to show seven more parking spaces so that a total of thirty spaces are shown and a variance will not be required.

It was determined that the Planning Department will send out the appropriate paperwork to Erie County Department of Environment and Planning (239-M) and that a public hearing will be set for August 15, 2007.

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

Engineering Department comments are attached.

**Monckton Drive Commercial Building**

Mr. John Schenne, engineer, appeared before the Board on behalf of the project. He reviewed that this request is for a two-lot subdivision and site plan approval of a 6,000 sq.ft. storage building and a small office. He further stated that the owner of the property to be divided (Mr. Monckton) has had a subdivision map drawn and that he, Mr. Schenne, has revised the site plan

Chairman Koenig explained to Mr. Schenne that a legal description is required, as subdivision and site plan approval require that a public hearing be held. Mr. Schenne agreed to submit the legal description to the Planning Department as soon as possible.

Mr. Schenne stated that currently a fire hydrant is not located at the end of Monckton Drive and Erie County Water Authority has indicated that if the Hamburg Town Board passes a resolution requesting that a hydrant be installed,

ECWA will install it. Mr. Lardo responded that that is something the Engineering Department can discuss with the applicant.

Mr. Lardo advised Mr. Schenne that the proposed turn-around on the site plan does not meet the New York State fire code requirements. Mr. Schenne agreed to review the turn-around with the appropriate officials of the Town of Hamburg.

It was determined that a public hearing will be held on August 15, 2007, assuming the legal description is submitted to the Planning Department in a timely fashion.

Mrs. Rogers made a motion, seconded by Mr. Eustace, to set a public hearing for this project for August 15, 2007. Carried.

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

Engineering Department comments are attached.

### **6310 Southwestern Boulevard**

Mr. David McNeight, applicant, appeared on behalf of the request. He advised the Board that he has revised the submitted plan, eliminating the existing parking spaces along Southwestern Boulevard, indicating where parking will be and identifying the location of the existing sign.

Chairman Koenig noted that the Engineering Department comment letter dated July 18, 2007 indicates that there are engineering issues outstanding that Mr. McNeight needs to address before the Planning Board can approve the re-use of the building. Mr. McNeight agreed to meet with his engineer and Mr. Lardo to review the outstanding issues and address them.

It was determined that a public hearing will be held for this project on August 1, 2007.

Mr. McCabe made a motion, seconded by Mr. Eustace, to set a public hearing for August 1, 2007 and table this request. Carried.

Engineering Department comments are attached.

**Two Scoops**

Ms. Susan Mayer, owner of Two Scoops, explained to the Board that she is asking for relief from the requirement to install curbing for the entrance to her business. She further stated that the cost of the project has far exceeded what she had planned and that installing the curbing is too costly for her at this time.

After much discussion, the Board agreed to give Ms. Mayer relief from installing the curbing until no later than September 30, 2008. Ms. Mayer agreed to submit a letter to the Town stating her intention to install the curbing no later than that date.

Mr. McCabe made a motion, seconded by Mr. Eustace, to give the applicant relief from the requirement to install entranceway curbing until no later than September 30, 2008 as long as she submits a letter indicating her intent to install the curbing no later than that date. Carried.

Engineering Department comments are attached.

Mr. McCabe made a motion, seconded by Mr. Eustace, to approve the minutes of June 6, 2007. Carried.

Mr. McCabe made a motion, seconded by Mr. Eustace, to approve the minutes of June 20, 2007. Carried.

Mr. Eustace made a motion, seconded by Mr. McCabe, to adjourn the meeting. The meeting was adjourned at 9:15 P.M.

Respectfully submitted,

Paul Eustace, Secretary

Planning Board