

Town of Hamburg
Planning Board Work Session

August 5, 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, Karen Rogers and Richard Taber.

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

Excused: Sasha Yerkovich

Old Time Baptist Church

Mr. Reilly stated that representatives of the church have asked that the project be tabled.

Engineering Department comments have been filed with the Planning Department.

Arthur Court Subdivision

Mr. Reilly stated that the applicant has asked that this project be tabled.

Engineering Department comments have been filed with the Planning Department.

Villages at Mission Hills

Mr. Reilly reminded the Planning Board that a public hearing was held at its last meeting and that the applicant is looking for any additional comments regarding the submitted draft Supplemental Environmental Impact Statement (DSEIS), noting that input has been received from the New York State Department of Environmental Conservation, Erie County Department of Environment and Planning and the Engineering Department, although no comments have been received from the New York State Department of Transportation.

Chairman Koenig stated that the Planning Board will request that the emergency access be installed when Phase I is built.

Mr. Reilly stated that he has written a memo to the Board outlining what he thinks are substantive comments, including (but not limited to) the need for a better explanation of the open spaces and what areas are in the conservation easement, questions about storm water detention basins and their locations, questions about the existing drainage courses under and parallel to the railroad, the need for a better explanation of the proposed lighting for the project and any proposed signage, the need for landscaping around any signage on Camp Road (due

to the Camp Road Overlay requirements) and questions about where sidewalks are proposed and the existing federal wetlands. (A copy of this memo has been filed in the Planning Department).

It was determined that, because Phase I will not be under different ownership than the balance of the site, subdivision approval will not be required at this time.

Mr. Reilly stated that, once the applicant has comments from the New York State Department of Transportation, the Final Supplemental Environmental Impact Statement (FSEIS) will be prepared, which will consist of answers to the substantive comments received to date and any typographical revisions as necessary. He noted that Planning Board members will receive copies of the FSEIS and will have to decide if they agree with the applicant's answers to the substantive comments. If the Board agrees with the answers, it will accept the FEIS as complete and issue Findings.

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

Engineering Department comments have been filed with the Planning Department.

Autumnview Health Care Facility

Leanne Voit from Greenman-Pederson and Colby Smith from the McGuire Group appeared on behalf of the applicant.

Mr. Reilly stated that the Planning Department received a letter from Mrs. Mary Philbin, 4002 Nottingham Terrace, a copy of which will be given to the applicant for a response. He noted that Mrs. Philbin's concerns revolve around buffering of her property, lighting and why the applicant is now proposing to build in an area of the site that they previously could not build on, per the Planning Board minutes of June 30, 1982.

Mr. Reilly stated that the applicant's plans are complete, the Engineering Department has only a few minor outstanding issues and the Board must decide if it is time to proceed to the approval phase.

In response to a question from Mr. Taber regarding the fact that in 1982 the applicant moved the building toward Southwestern Boulevard due to results of soil borings in the rear of the site, Ms. Voit stated that her best guess as to why the applicant is now proposing to build in the rear of the site is that engineering technology, as well as the applicant's financial situation, has improved over the years.

Mr. Reilly stated that there are no environmental restrictions that would stop the applicant from building in the rear of the site.

Regarding the submitted landscape plan, Mr. Reilly requested input from the Planning Board regarding whether or not it is adequate to appropriately buffer the adjacent residents from the addition. He reminded the Board that the applicant has decided to install a new water line adjacent to the existing building and, therefore, landscaping will

be removed and then replaced, along with a certain amount of new plantings as well.

Chairman Koenig stated that, when he first was made aware that the water line was required in the existing buffer area, he was very concerned. However, after learning that the applicant plans to use a trencher with a narrow path, not disturb any more vegetation than is absolutely necessary and replace any trees that have to be removed, he is satisfied.

Mr. Reilly noted that, per the Town Code, the entire parking area must be screened with some sort of hedge, etc. and asked the applicant to add this to the area of the parking area where a hedge is not currently shown.

Board members discussed at length the proposed landscaping and different ideas as to how to better buffer the nearby residents, noting that some residents (such as Mrs. Philbin) currently can clearly see into the windows of the existing facility. Chairman Koenig stated that these residents would like to be shielded from this view.

Mrs. Rogers asked Mrs. Philbin, who was in attendance, if she has considered some sort of fencing as a buffer. Mrs. Philbin responded that, because her property is so much lower than the health care facility, placing a fence on her property line would do nothing to shield her view of the facility.

It was determined that a tree planted on Mrs. Philbin's property line would have to be twelve (12) feet tall in order to block her view in the facility's windows. The Board discussed what type of trees grow and fill in the fastest.

Mr. Taber stated that he does not think the applicant would let an issue like landscaping stop the project and asked Mrs. Philbin if (in a perfect world) she would rather have a large number of very large trees planted now so that from the beginning she cannot see in the windows of the facility or have smaller trees planted now that will grow in time.

Mrs. Philbin responded that the neighbors want privacy and want to be able to use their back yards again and stated that of course she would like the perfect buffer, as well as something that would stop children from cutting through her yard. She further stated that a fence would stop the trespassing issue but would do nothing to help with buffering because of the elevation change between her property and the facility's property.

In response to a question from Mr. Taber, Mrs. Philbin stated that she does not think that the landscape plan as presented is sufficient.

The Board discussed the possibility of putting trees in front of the facility's windows into which the neighbors can see (twelve feet from the windows) or of placing a fence on the applicant's property.

Mr. Smith stated that the applicant has spent a lot of money trying not to impact the existing natural buffer area, noting that the sewer line will be installed under the building even though the County would prefer that it is installed along the property line.

Mr. Reilly confirmed with Board members that the Planning Department will prepare a Negative Declaration and an approval resolution for the Board's next meeting. He further stated that the Wendel Landscape Architects and the applicant's engineer will work together to come up with minor changes to the landscape plan that make it more acceptable to the Board.

Mr. Phillips made a motion, seconded by Mr. McCabe, to table this project. Carried. Engineering Department comments have been filed with the Planning Department.

Brierwood Square Signage

Mr. Reilly stated that Benderson Development is requesting a variance to allow a thirty (30)-foot tall ground sign and is requesting a recommendation from the Planning Board regarding the variance request.

Mr. Reilly stated that Mrs. Yerkovich relayed to the Planning Department the fact that she approves of the proposed sign and would recommend favorably to the Zoning Board of Appeals.

Mr. Reilly stated that based on the Environmental Impact Statement prepared for the Wal-Mart/Brierwood Square plaza, a pylon sign is not allowed. He further noted that, in his opinion, Benderson Development's proposed sign is a ground sign.

Mr. Phillips made a motion, seconded by Mr. Reszka, to forward a positive recommendation to the Zoning Board of Appeals for the following reasons:

1. The request is in compliance with the Wal-Mart sign that has been approved for the plaza.
2. The sign meets the aesthetic requirements of the Environmental Impact Statement previously prepared for the plaza.

Carried.

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

Hasenoehrl Two-Lot Subdivision

Mr. Reilly stated that Mr. Hasenoehrl is proposing a minor subdivision on the east side of Smith Road, noting that the property is only 3.44 acres in size and the applicant proposes to split it into two lots. Mr. Reilly further stated that the property is located in the RA zone, which requires that each lot be two acres in size and that the applicant would have to apply for a variance for lot area.

The Board discussed how it feels the applicant should propose to split the property,

whether it is so that each lot is the same size or so that one lot meets the two-acre size requirement and the other lot is smaller.

Mr. Reilly stated that perhaps the applicant should see if the farmer who owns land behind this property would be willing to sell him a small amount so that he would have four acres of land to split, therefore eliminating the need for a variance. Board members concurred that the best case scenario would be if the applicant were able to purchase additional land.

Attorney McFaddon-Zak stated that she does not think the Zoning Board of Appeals would grant an area variance without the applicant having a plan for the property, noting that the Zoning Board of Appeals typically asks what the hardship is and without a plan there would be no hardship.

Mr. Reilly stated that he will have aerial photographs of this area at the next meeting for the Board's review.

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

Engineering Department comments have been filed with the Planning Department.

EduKids

Mr. Reilly stated that EduKids proposes to demolish the existing building and build a new one, which requires a rezoning from R-1 to R-3, adding that the Planning Board can forward a recommendation to the Town Board at its next meeting.

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

Southwestern Boulevard Rezoning

Mr. Reilly stated that the property in question is located on Southwestern Boulevard, across from Michael's and between the new Lowe's store and Howard Road. He noted that the owners of four of these parcels have previously asked the Town to rezone them from residential to commercial and a total of seven parcels are being considered. He further stated that these seven properties are the only properties between the new Lowe's and Howard Road that are still zoned residential.

Mr. Reilly stated that the property owners have asked the Town to rezone the properties to C-2 but the Planning Department is recommending that they be rezoned to C-1 because the properties are too small for C-2 uses.

Mr. Reilly stated that one of the main issues is going to be buffering the existing residential properties on the south side of Dogwood Lane, noting that one of the properties runs along the south side of the homes on Dogwood Lane. He further stated

Hamburg Planning Board meeting August 5, 2009

that the Comprehensive Plan indicates that adjoining residential properties must be buffered from commercial uses.

Chairman Koenig confirmed with Mr. Reilly that the Town Board is requesting a recommendation from the Planning Board regarding this rezoning and that the Board could forward that input at its next meeting.

Mr. Phillips asked Mr. Reilly when the Town will know how the property owners whose properties are being considered for rezoning but who have not requested it feel about the rezoning. Mr. Reilly responded that he intends to invite those property owners to the Board's next meeting to hear their thoughts. He also stated that there will be no rezoning until the issue of how the adjoining residences will be buffered is resolved.

Mr. Phillips made a motion, seconded by Mrs. Rogers, to table this issue until the Board's next meeting.

J. P. Fitzgerald's

Mr. Reilly stated that the applicant proposes to demolish the existing vacant converted residence on South Park Avenue and construct a new entrance and parking for J. P. Fitzgerald's.

Mrs. Rogers stated that she is concerned that the new entrance would be very close to the splitter island installed in front of the Walgreen's property. Mr. Reilly responded that the Planning Department will notify the applicant's architect that the Planning Board needs to see where the proposed entrance would be located relative to the new roundabout and the splitter island recently installed.

It was determined that J. P. Fitzgerald's is located in the Village of Hamburg and the property the applicant plans to purchase is located in the Town. Mr. Reilly stated that the Building Inspector determined that, because the improvements are proposed in the Town, the Town will be the approving entity with input from the Village.

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

Engineering Department comments have been filed with the Planning Department.

Mr. Phillips made a motion, seconded by Mr. McCabe, to approve the minutes of July 15, 2009. As there were four (4) ayes and two (2) abstentions (Mrs. Rogers and Mr. Taber) the motion carried.

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

The meeting was adjourned at 9:00 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board