

Town of Hamburg  
Planning Board Work Session

August 6, 2008

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, August 6, 2008 at 7:30 p.m. in Room 7B in Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Gerard Koenig, Vice-Chairman David Phillips, Steve McCabe, Sasha Yerkovich, Karen Rogers and Peter Reszka.

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

Excused: Richard Taber

### **Hamburg Self Storage**

Mr. Michael Schmidt, applicant, appeared on behalf of the proposed project.

Mrs. desJardins stated that the Building Inspector has requested that the Planning Board defer entertaining this request until the Town has revised its Zoning Code regarding outdoor storage in an M-2 zone, as he has determined that Mr. Schmidt's request to store vehicles outside does not conform to the existing regulations. She noted that the Code Review Committee is working on revisions to the Code regarding outdoor storage and will meet next on August 27, 2008.

Mr. Schmidt discussed his proposed site plan with the Board, stating that he wants to feel comfortable that when this request does return to the Planning Board, the Board will not have any problems with his proposal as presented. He confirmed that the site plan indicates that millings will be installed, as discussed at the Board's previous meeting, and the vehicle storage area will be properly drained, per the Engineering Department's comment memo.

In response to a question from Chairman Koenig regarding a fire hydrant, Mr. Schmidt stated that a fire hydrant exists on the self-storage facility property, well within the required 500' of the proposed storage area, and that it will be located on the site plan.

Mr. Schmidt stated that lighting exists on his self-storage site adjacent to this property that would illuminate the storage area in the case of an emergency. He further noted that he will limit the hours of operation of the outdoor storage area to lighted hours and the gate to the outdoor storage area will be locked after

dark. He stated that the outdoor storage area will not be illuminated and that the area will not be fenced because a natural barrier already exists consisting of an earthen berm on one side, a ditch on one side and a large stand of trees on another side. Additionally, he stated that the only access to the outdoor storage area would be from the existing self-storage facility (no access from the street).

Mr. McCabe stated that the virtue of this site is that it cannot be seen from the road. He further stated that the height of the berm on the west side is sufficient to screen the stored vehicles.

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

Engineering Department comments are attached.

### **Walgreen's Pharmacy**

Attorney Sean Hopkins, along with Tony Battista and Kim Fiedler from Benderson Development, appeared on behalf of the proposed project.

Mrs. desJardins distributed a response letter from the applicant regarding the public comments received by the Planning Board at the July 16, 2008 public hearing regarding this proposal. The Board members indicated that they will review the response letter before the Board's August 20, 2008 meeting.

Mr. Reilly stated that the Town Planning Board and the Village Planning Commission should meet before the Town Planning Board issues a SEQRA determination, as the Town Planning Board, as Lead Agency, would like input from the Village Planning Commission regarding this proposal. It was determined that the Village Planning Commission's next meeting is August 12, 2008 but that the Walgreen's proposal was not on the agenda. It was decided that the Building Inspector would be contacted to see if the Walgreen's project could be added to the Village's agenda. Several Planning Board members indicated that they would attend the Village's meeting if the Walgreen's project is placed on the agenda.

Regarding the applicant's response letter, Attorney Hopkins stated that every comment received at the public hearing was addressed individually. He further noted two changes that were made to the site plan as a result of comments received at the public hearing and previous meetings:

1. An internal pedestrian connection and a bike rack have been added

along Legion Drive.

2. Regarding tractor trailer movement through the site, the applicant has modified the plan so that tractor trailers would access the site via Walker Place, back into the loading area (north of the building), make a forward turning motion out of the loading area and exit the site via Legion Drive.

In response to a question from Chairman Koenig regarding the idea brought up at the public hearing to construct a gated access to South Park Avenue strictly for tractor trailers so that they would not have to access Walker Place, Attorney Hopkins stated that the applicant discussed that idea with the New York State Department of Transportation but the DOT indicated that it is opposed to an additional curb cut onto South Park Avenue.

Mr. Reilly stated that the Planning Department has been attempting to get input regarding this project from the Town Highway Superintendent, as Walker Place is a Town-owned road.

Mr. Reilly reviewed Part 2 of the SEQRA Environmental Assessment Form with the Board members to determine if the Board has all of the information it needs to make a SEQR determination. He stated that correspondence received to date, other than from the applicant, has been from the New York State Department of Transportation, the New York State Department of Conservation, Erie County Department of Sewerage Management, Erie County Department of Environment & Planning and the Town and Village Traffic Safety Advisory Boards.

In reviewing Part 2 of the Environmental Assessment Form, a potentially large impact of the project that was identified is the increase in traffic due to the location of additional curb cuts on Legion Drive and Buffalo Street.

Another identified potentially large impact is the issue of pedestrian safety in the area, although Board members discussed whether this project alone would create a pedestrian safety issue or whether the new round-about would add to the safety issue as well. Mr. Reilly stated that his profession opinion is that the Village, Town and School District should get together and look at pedestrian pathways for the school children and that they should have done this when construction of the round-about was initiated. He further stated that, whether this project is approved or not, school children probably should not be crossing at the round-about. He noted that he feels the school children should walk up Division Street to Colonial and from there to the intersection of Colonial and South Park Avenue, where there should be a pedestrian crossing, since a light already exists at that intersection. He does not feel that school children should be crossing at the round-about.

Mrs. Yerkovich stated that the Walgreen's project gives the Town the opportunity to discuss the issue of pedestrian safety, although the Town should have been thinking about this issue when the round-about was planned. She further stated that this is a crisis well beyond the proposed Walgreen's project and asked what can be done to initiate the discussion. Mr. Reilly responded that the Planning Board can send a resolution to the Town Board indicating its concern about pedestrian safety in this area.

Mr. Phillips made a motion, seconded by Mrs. Yerkovich, to recommend to the Town Board that the issue of pedestrian safety in the area of the planned round-about on Buffalo Street be immediately addressed. There should be a meeting between the Town, the Village, the School Board, Erie County and New York State Department of Transportation to resolve this potential problem. Mr. Reilly will draft a letter to this effect that the Chairman will sign. Carried.

Given the fact that the applicant has agreed to install sidewalks on Walker Place along the applicant's property line, the Board discussed the issue of whether or not they believe that sidewalks should be installed on Walker Place and whether they want to encourage pedestrians to walk along Walker Place.

Mrs. Yerkovich stated that she would like more formal input from the School Board regarding the pedestrian issue.

It was determined that there has not been a member of the Superintendent's Office at any Village Planning Commission meetings to provide input.

Mr. Reilly asked the Board members if they need additional information at this point. Chairman Koenig responded that at this point he does not need any more information, although he has not read the applicant's response letter yet. Mr. Reilly stated that if any Board members have additional questions after reading the applicant's response letter, they should advise him and he will really the questions to the applicant so the questions can be answered in a timely fashion.

In response to a question from Mr. Reszka, Mr. Reilly stated that the Planning Department will continue to solicit input from the Highway Superintendent regarding whether Walker Place can handle truck traffic. Attorney Hopkins stated that the applicant is willing to make any improvements to Walker Place that are deemed necessary.

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

Engineering Department comments are attached.

**Woods at Versailles Subdivision, Part IV**

Leanne Voit from Greenman-Pederson appeared on behalf of the proposed project, stating that the applicant has submitted a letter responding to the Engineering Department comments from July 16, 2008. Ms. Voit reviewed the letter with the Board.

Mr. Reilly stated that the purpose of this project being on the Board's Work Session agenda was so that the applicant can receive direction from the Planning Board regarding any additional information the Board needs in order to make a decision on a SEQRA determination and Preliminary Plat Approval.

The Board discussed the Conservation Board's concern regarding the importance of preserving trees in the rear of the southernmost lots, as well as whether the developer should be asked to restrict the size of homes on the small lots in order to accommodate the protection of additional trees on the lots. The applicant was told to think about this and respond at the Board's next meeting.

The Planning Board authorized Mr. Reilly to prepare drafts of a SEQRA determination, as well as Preliminary Subdivision Approval for the Board's next meeting.

Mr. Phillips made a motion, seconded by Mr. McCabe, to table this project until the Board's next meeting. Carried.

Engineering Department comments are attached.

**Lake Shore Road Three-Lot Subdivision**

Attorney Neil Katz appeared on behalf of the proposal, explaining that the applicant requests to subdivide the property into three commercial lots. Attorney Katz requested that the Planning Board issue a recommendation to the Zoning Board of Appeals regarding a side yard setback the applicant will be requesting from that Board.

The Board discussed Rick Lardo's comments regarding a previous site plan approval granted for this property that contained a condition that an easement be drawn up for beach access. Mr. Phillips stated that he believes that "beach access" means access from the road to the lake, while Mr. Reilly stated that he believes it means access along the beach. This precipitated discussion regarding the legality of access to the waterfront. Attorney McKenna presented a letter written in 1996 as his opinion on this issue and asked for it to be attached

to the meeting minutes.

Attorney Katz suggested that the Planning Board consider dealing with this issue as they did with the previously approved site plan, at the time of site plan approval for this particular property (the applicant is only asking for permission to subdivide the property at this time). In general the Planning Board agreed with this concept.

Mr. Phillips made a motion, seconded by Mr. McCabe, to forward a positive recommendation to the Zoning Board of Appeals regarding the side yard setback variance request. Carried.

Mr. Phillips made a motion, seconded by Mrs. Rogers, to schedule a public hearing for August 20, 2008. Carried.

Mr. Phillips made a motion, seconded by Mr. Reszka, to table this project until the Board's next meeting. Carried.

Engineering Department comments are attached.

Regarding the minutes of July 16, 2008, Attorney McKenna stated that he would like the discussion regarding whether the developer can/should restrict the size of homes in this phase of Woods at Versailles in order to reduce the impact to the existing trees added to the minutes. It was determined that the Board would not approve the minutes and they will be revised to reflect Attorney McKenna's request.

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