

Town of Hamburg
Planning Board Work Session
September 5, 2007

The Town of Hamburg Planning Board met for a Work Session on Wednesday, September 5, 2007 at 7:30 p.m. in Room 7B of the Hamburg Town Hall, S-6100 South Park Avenue. Those attending included Chairman Gerard Koenig, Steve McCabe, Paul Eustace, Richard Taber, Karen Rogers, and Sasha Yerkovich.

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

Excused: David Phillips

Absent: Attorney Michael Fruth

Lutz Mobile Convenience Store (5073 Camp Road)

David Lutz spoke on behalf of the project showing the members of the board the proposed layout of the enlarged convenience store with a Dunkin Donuts and the proposed new car wash facility. He stated that a drive-thru is proposed for the Dunkin Donuts and people could also enter the convenience store to access the Dunkin Donuts. He also stated that, although it is not part of the Mobil project, a new configuration for the Tim Horton's drive-thru is shown on the plan, which would help alleviate some of Tim Horton's traffic problems.

Mrs. desJardins stated that the Building Inspector is in the process of determining the number of parking spaces required for the addition and car wash. Mrs. desJardins spoke on behalf of Drew Reilly, relaying his concerns, most important of which was whether an 'abandonment lane' exists for the car wash drive-thru and controlling the internal traffic flow of the property if two drive-thru lanes are added. Mr. Lutz told the Board that the drive-thru lane is wide enough for someone to abandon the lane if necessary and that the type of proposed car wash is not conducive to stacking and there should be little traffic concern.

Mr. Koenig stated that the Traffic Safety Advisory Board would be meeting on Thursday, September 6 to discuss the project.

Mrs. desJardins asked Mr. Lutz about the ownership of the small separate parcel in one corner of the site that is listed on the tax map as being owned by Reckio. Mr. Lutz stated that he is the owner of that parcel.

Sasha Yerkovich made a motion, seconded by Steve McCabe, to schedule public hearings on September 19, 2007 for Special Use Permit and Site Plan approval. Carried.

Engineering Department comments are attached.

Oakwood Avenue Subdivision

Chairman Koenig stated that the applicant asked to be tabled until the October 3, 2007 meeting.

Sasha Yerkovich made a motion, seconded by Rich Taber, to table the project until October 3, 2007. Carried.

Verizon Wireless

Attorney Jared Lusk from Nixon Peabody spoke on behalf of the project. He provided to all Board members a document showing all actions taken by Verizon in response to Mr. Reilly's memorandum that gave Verizon a list of potential alternate sites to explore. Following is a summary of each:

1. The town-owned property south of the Tops site is designated parkland.
2. There are no industrial zoned properties in the area.
3. The potential site on the ECC Campus fails to provide adequate coverage to the western portion of the desired coverage area. The tower is too close to an existing tower.
4. Representatives from Verizon Wireless have twice contacted the owners of Top's property (by phone and by certified letter dated June 6, 2007) regarding a lease. No response has been received.
5. Commercial property on the north side of Southwestern Blvd. between Big Tree Road and the NYS Thruway (west of the Seven Corners) is owned by Busshart and Metz. There was some initial interest and Verizon representatives made preliminary site visits to analyze the site but lease negotiations were halted on August 22, 2007 when Verizon received an email from Mr. Metz terminating the lease negotiations.

6. The commercial property south of Big Tree Road to the east of Seven Corners is a Toyota Car Dealership. Verizon Wireless has twice contacted the owner of the property (once by phone and once by certified letter dated June 6, 2007) to express an interest in a potential lease. No response was received.
7. Commercial properties on the south side of Big Tree Road east of Seven Corners were considered, including Wal-Mart and the adjoining commercially zoned land which is owned by Seven Corners Development. There was no response to a certified letter to Wal-Mart. Although there appeared to be some interest by Seven Corners Development, they have stopped responding to phone messages, letters and emails from Verizon representatives.

Mr. Lusk stated that they essentially are back to the first proposed site, Monro Muffler, and that this site is the only viable site on which a tower can be located in the area. He further stated that the Town Code indicates that the height of the tower cannot be more than the distance the tower is from a residential district and that, although there are residences nearby, they are located in a commercial zone and therefore the tower meets the requirements for this site. Mr. Koenig stated that he would like to see an agreement from the mattress store adjacent to the site regarding what would happen if the tower were to fall on the mattress store.

Mr. Lusk stated that the traffic generated from this project would consist of one or two Verizon vans per month to insure that the tower is operating correctly. He further stated that Verizon will landscape the eastern portion of the site in such a way as to prevent 'cut-through' traffic between McKinley Parkway and Allendale Parkway.

Mr. Reilly commented on the original Planning Board approval of the Monro Muffler Building in 1996, which required that the east end of the parcel be left in its natural state and that no access onto Allendale Parkway be allowed. He further stated that approving the tower as it is currently proposed would probably require a revision to the Board's 1996 original approval of the Monro Muffler project.

Mr. Koenig inquired about the use of propane to operate the generator instead of natural gas. Mr. Lusk stated that the use of natural gas would require putting in underground lines. After some discussion by the board, Verizon will research using existing gas lines instead of propane.

Mr. Lusk stated that the surrounding property owners have been notified about the project and he presented the return receipts of the notification letters.

Mr. McCabe made a motion, seconded by Paul Eustace to schedule a public hearing for Site Plan approval for September 19, 2007. Carried.

Engineering Department comments are attached.

Carubba Collision

Frank Wailand spoke on behalf of the project addressing the Board's concerns regarding emissions and explained by diagram the sequence of operations that would take place at Carubba Collision. Mr. McCabe asked where the emissions from the paint booth would be vented. Mr. Wailand responded that the emissions would be vented straight up through the roof of the building.

Mr. Reilly stated that there were some complaints by one person regarding the Carubba Collision facility in Tonawanda that were investigated by the Tonawanda Building Inspection Department. However, no violations were found and no citations issued.

Chairman Koenig noted that the other concern of the Board had to do with a statement by a resident at the public hearing that another business in Hamburg had sought a variance to operate a collision shop but had been denied. He stated that the Planning Department's research indicates that the business in question is located in the Village of Hamburg, rather than the Town, and therefore the issue is not relevant.

In response to a question from Mr. Taber, Mr. Reilly stated that he will contact the NYS Department of Environmental Conservation regarding whether or not the level of emissions generated by this business could adversely affect the scuba business located across Camp Road from the site.

Mrs. Rogers stated that she drove by another location of Carubba Collision and noticed doors that were open. She also spoke with residents bordering the proposed site and she stated her concerns about emissions and the health of the neighbors in the immediate area.

Attorney Robert Bencini, general counselor for Carubba, spoke on the air quality issue. He stated that for over 20 years, at all locations, there has never been a violation cited by OSHA or DEC regarding emissions.

Mr. Reilly advised the board to review the Special Use Permit criteria and put together a list of limitations (i.e. the maximum number of cars to be parked outside) and reasonable conditions to present at the next meeting.

Sasha Yerkovich made a motion, seconded by Karen Rogers to table the project until the September 19, 2007 meeting. Carried.

Engineering Department comments are attached.

Lowe's

Mr. Reilly requested that the Board comment on the Draft Environmental Impact Statement so that those comments can be addressed at the next Town Board Meeting on September 24, 2007. He noted that the DEIS has been accepted as complete by the Town Board and that on September 24, 2007 a public hearing will be held on the document. He stated that the Board's comments, along with the public's substantive comments, are needed so that they can be addressed in the Final Environmental Impact Statement. Mr. Reilly stated that the NYSDOT has indicated that a traffic signal is not warranted on Southwestern Boulevard at this time. He further noted that the applicant will have to research this issue, address it in the Final EIS and possibly justify the need for a signal.

Attorney Jay Pohlman spoke on behalf of the project. Mr. Pohlman stated that Lowe's has met with the Town Board and the Conservation Board and a public meeting was held with the surrounding neighbors with the general consensus being favorable.

Mr. Pohlman showed the Board the different aesthetic models for the exterior of the store with four or five different models to choose from. Mr. Reilly asked the Board to consider the architecture of the building.

Mr. Pohlman stated that they have met with the Town Legal Department and with the Town Highway Superintendent who are in favor of them deeding the property to the town and then putting in a conservation easement and putting together a fund to allow the Town Highway Department to police the property.

Mrs. Rogers questioned the visibility of the garden center from Southwestern Boulevard and Mr. Pohlman showed the Board a diagram showing that the property is surrounded by trees and the garden center would not be visible from Southwestern Boulevard.

Proposed Storage Facility – Wanakah Heights 38A

Mr. Ferdinand Garcia spoke on behalf of the project, stating that he is requesting a Special Use Permit to use an existing building on his property for storage of residential lawn maintenance items. There is no residence on the property.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to schedule public hearings for Special Use Permit and Site Plan approval for September 19, 2007. Carried.

Engineering Department comments are attached.

Kogut Two-Lot Subdivision – 4353 Fairview Parkway

Mr. Kogut spoke on behalf of the project stated that he is requesting to subdivide his property located at 4353 Fairview Parkway which extends to Abbott Parkway. The existing lot houses his residence and the new lot's access would be on Abbott Parkway.

Mr. Kogut informed the Board that the lot acreage for both lots meets the Town's requirements but that the width of the lots does not. Therefore, a variance is required, which he will apply for. Mr. Reilly noted that most lots in that area in the 50' wide range. The Planning Board can send a recommendation to the Zoning Board at its September 19, 2007 meeting if it so desires.

Mr. McCabe made a motion, seconded by Mr. Eustace, to schedule a public hearing for September 19, 2007. Carried.

Engineering Department comments are attached.

Fisher Bus Facility (Southwestern Boulevard)

Andrew Gow from Nussbaumer & Clarke, Inc. spoke on behalf of the project, noting that the applicant is requesting Site Plan approval of an 18,750 sq. ft. office and bus maintenance facility on a vacant heavily wooded parcel with access to Southwestern Boulevard. He informed the Board that, in addition to the office and maintenance building, over 80 parking spaces for school buses and motor coaches, as well as over 100 parking spaces for employees, are proposed. He further noted that a 50-foot dense buffer is proposed to be maintained in its natural state to help shield the project from the adjoining subdivision.

Mr. Gow stated that along with the purchase of the parcel is an access agreement for vehicular access out to Southwestern Boulevard. Mr. Reilly informed the Board that the Access Agreement is to be submitted for review and approval by the Planning Board's attorney, Donald McKenna.

It was determined that a center turn lane exists on Southwestern Boulevard in the vicinity of the project's access to Southwestern Boulevard, alleviating some of Mr. Taber's concerns regarding school buses stacking up on that highway waiting to make a left turn into the access road.

Mr. Reilly noted that the Conservation Advisory Board has indicated that it has concerns regarding potential wetlands on the site. Mr. Gow responded that the applicant contacted Don Wilson of Wilson Environmental, who has walked the site. Mr. Reilly suggested that Mr. Wilson attend a Conservation Advisory Board meeting to discuss the issue with that Board. Mr. Gow was given a copy of the Conservation Advisory Board's memorandum to the Planning Board.

Mr. Reilly advised Mr. Gow that the applicant's goal should be to provide a proper buffer between this project and the neighbors to the west of the site.

Mrs. Yerkovich made a motion, seconded by Mr. Taber, to schedule a public hearing for Site Plan approval on September 19, 2007. Carried

Engineering Department comments are attached.

Other Business:

Stonebridge Subdivision

Mr. Reilly informed the Board members that when they granted Preliminary Approval to the Stonebridge Subdivision, one of the conditions was that a deed restriction on approximately 16 acres of open space on the site be put in place. However, it was determined that this condition was not worded correctly and should be amended at the next meeting.

Mr. McCabe stated that there was an error in the draft minutes from August 15, 2007 regarding the proposed Villas at Brierwood. The minutes will be amended for the Board's approval on September 19, 2007.

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,
Paul Eustace, Secretary
Planning Board