

Town of Hamburg
Planning Board Meeting Minutes
September 17, 2008

The Town of Hamburg Planning Board met in regular session on Wednesday, September 17, 2008 at 7:30 p.m. in Room 7B of Hamburg Town Hall. Those attending included Chairman Gerard Koenig, David Phillips, Stephen McCabe, Richard Taber, Sasha Yerkovich, Karen Rogers and Peter Reszka.

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

Excused: Councilman Kevin Smardz

Arthur Court Development

Mrs. desJardins informed the Board that the applicant submitted revised plans showing a proposed public road and the location of the proposed recreation area. However, it has been determined that, because the proposed road is now public instead of private, the plan does not meet the Town's setback requirements from the public right-of-way, as well as the lot size requirements. She stated that the applicant plans to rework the plan and resubmit it to the Board as quickly as possible.

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

Engineering Department comments are attached.

Lake Shore Commercial Subdivision

Chairman Koenig noted that the applicant did receive a variance from the Zoning Board of Appeals regarding a side yard setback.

Mr. Phillips made a motion, seconded by Mr. McCabe, to issue a Negative Declaration and grant Preliminary Approval to the Lake Shore Road Three Lot Subdivision with the following conditions:

1. Approval is subject to the Engineering Department comment letter dated September 17, 2008.

2. The installation of sidewalks shall be waived.
3. The filing of a map cover is waived.
4. Any site plans that are submitted by the future owners of the parcels currently being subdivided shall be reviewed at that time by the Shoreline Committee for consistency with the Town's Local Waterfront Revitalization Program, including the need for improved public access to the waterfront.

Carried.

Engineering Department comments are attached.

Walgreen's

Mrs. desJardins stated that the applicant asked to be tabled, as nothing new has transpired since the Board's last meeting.

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

Engineering Department comments are attached

John Kuebler Rezoning Request

Chairman Koenig noted that the Town Board adopted the 2010 Comprehensive Plan in early September, making it possible for Mr. Kuebler to request rezoning of his property on McKinley Parkway.

Mrs. desJardins stated that the new Comprehensive Plan indicates that there will be conditions (no access to Allendale Parkway, substantial buffering requirements, cross-access, etc.) placed on any rezoning of property along this stretch of McKinley Parkway.

Chairman Koenig stated that the Planning Board will eventually be issuing a recommendation to the Town Board on Mr. Kuebler's rezoning request, but that this will not happen until Mr. Kuebler presents a plan for the property to the Board.

Mr. Kuebler stated that he is aware that whatever he does on his property, if rezoned, would be subject to the conditions outlined in the 2010 Comprehensive Plan and asked why the Board could not rezone the property to C-2 first and then he would present a site plan for its review after the rezoning is complete.

Mrs. desJardins responded that if the Town were to rezone his property to C-2 without a

specific plan in mind, the applicant might subsequently propose a use that is permitted in the C-2 zone but that the Board might not feel is appropriate at that location. In that case, the Town would not have as much control over what is built.

Mr. Phillips stated that the Planning Board will not entertain a rezoning request that is not accompanied by a proposed site plan. He further stated that the Town Board will not rezone a property without a plan in mind.

Chairman Koenig recommended that Mr. Kuebler resubmit the plan that he originally presented when requesting Site Plan Approval earlier this year.

Mr. Kuebler asked the Board for direction regarding what type of buffering the members will want to see for the neighboring properties on Allendale Parkway. Mrs. desJardins reviewed the updated Comprehensive Plan's requirement of a landscaped berm and buffer area to Allendale Parkway to ensure screening of the applicant's use from the adjacent residential properties.

The Board discussed the fact that Mr. Kuebler will have to comply with the buffering requirements as well as the McKinley Parkway Commercial Overlay setback requirements.

Mr. Phillips advised Mr. Kuebler to submit a site plan for the property to the Planning Department, at which time the Planning and Engineering Departments will review the plan and make recommendations to the Planning Board. Subsequently, the Planning Board will review and discuss the site plan with Mr. Kuebler and indicate any changes that are required. He reiterated that the Planning Board will not make a recommendation on the rezoning request until the above has been completed.

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

Engineering Department comments are attached.

First Niagara Bank (5334 Southwestern Boulevard)

Mrs. desJardins stated that the Board previously granted conditional Site Plan Approval to this bank project and that the applicant has requested Planning Board approval of an amended site plan. Changes included moving the building closer to the road, moving the entrance from Southwestern Boulevard slightly further west and reducing the number of parking spaces.

Mr. Phillips made a motion, seconded by Mr. Reszka, to approve the revised site plan for First Niagara Bank with the following conditions:

1. Approval is subject to the Engineering Department comment letter dated

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2. The landscape plan shall be reviewed and approved by the Planning Department.

Carried.

Engineering Department comments are attached.

OTHER BUSINESS

Attorney McKenna stated that he received the proposed conservation easement for the Lowe's project and reviewed the details of the document with the Board members. The consensus of the Board members was that, as long as the Engineering Department and Attorney McKenna are satisfied with the document, the document will be acceptable to the Board.

Mr. Phillips made a motion, seconded by Mrs. Yerkovich, to approve the minutes of September 3, 2008. Carried.

Mrs. Yerkovich made a motion, seconded by Mrs. Rogers, to adjourn the meeting. Carried.

The meeting was adjourned at 7:55 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board