

Town of Hamburg  
Planning Board Work Session

October 1, 2008

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, October 1, 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, Karen Rogers and Peter Reszka.

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

Excused: Sasha Yerkovich, Richard Taber

**Arthur Court Townhouse Development**

Andrew Gow from Nussbaumer & Clarke appeared on behalf of the applicant.

Mr. Reilly reminded the Board that the applicant originally proposed a project on this property but could not develop the land in the rear due to the existence of wetlands. Since that time the U.S. Army Corps of Engineers has determined that the wetlands are not jurisdictional and therefore the applicant has proposed a revised project incorporating the land in the rear. Mr. Reilly added that the most recent layout included a private road but that the applicant decided to propose a public road instead. He noted that the applicant had to revise the plans again to comply with the Town's requirements regarding public roads (setbacks, etc.) and has resubmitted them for the Board's review. It was determined that the proposed townhouses are now located further away from the proposed public road because of the existence of the public right-of-way.

Chairman Koenig confirmed that the consequence of moving the townhouses further away from the public road is that green space is lost at the rear of the buildings.

Mr. Gow stated that, aside from installing any required drainage, the applicant would like to keep the area behind the buildings in its natural state.

In response to a question from Mr. Reilly, Mr. Gow stated that the applicant proposes that the recreation area to be provided be passive in nature. Mr. Reilly responded that the applicant will be required to provide a recreation fee of \$1,000.00 per lot in lieu of active recreation land.

Mr. Reilly stated that the Town of Hamburg's townhouse regulations require that at least 250 square feet of patio living area be provided for each townhouse lot. Mr. Gow responded that he will show a sample on the plan of what the patios will look like.

In response to a question from Mr. Phillips, Mr. Gow stated that a homeowners' association will be formed for the townhouses in this development.

In response to a question from Mrs. Rogers, Mr. Gow stated that he believes that a single pole light will be installed at the end of the street. He further noted that if NYSEG or the Town Engineering Department indicates that additional light poles are necessary, the applicant will install them.

In response to a question from Mrs. Rogers, Mr. Gow stated that he believes that the design of the proposed townhouses will be similar to the design of the existing townhouses in the Franklin development off of Camp Road. He further confirmed that the units will be owner-occupied and not rental units.

Mr. Gow stated that the development is proposed in phases. Phase One would be the duplexes on the existing public road and Phase Two would be the townhouses, which would be built all at once.

Mr. Reilly informed Mr. Gow that, in order for the Board to act on this proposal at its next meeting, the applicant must provide elevations of the proposed buildings.

In response to a question from Mr. McCabe, Mr. Gow stated that the installation of sidewalks is planned.

Mr. Gow stated that the cultural resources investigation either is being performed or has been performed and a letter will be forthcoming.

Engineering Department comments are attached.

### **Walgreen's Pharmacy**

Mr. Reilly stated that the applicant has asked to be tabled. He further noted that the Village Planning Board did forward a unanimous positive recommendation to the Village Zoning Board of Appeals regarding the requested variances. He stated that the project will come back to the Town Planning Board once the Village approvals are received.

Engineering Department comments are attached.

### **John Kuebler Rezoning Request (McKinley Parkway)**

John Kuebler, applicant, appeared on behalf of the rezoning request. He presented to the Board a sketch of what he proposes to do on the property if it is rezoned.

Mr. Reilly stated that a few years ago Mr. Kuebler's property was rezoned to HC (Hamburg Commercial) at his request, based upon the Comprehensive Plan that existed at that time. He further noted that since that time, the Town of Hamburg has adopted a new Comprehensive Plan that allows rezoning requests to be made on properties along this area of McKinley Parkway to C-1 or C-2. He stated that Mr. Kuebler is requesting

that the property be rezoned to C-2 at this time.

Mr. Reilly stated that the Planning Board is to make a recommendation to the Town Board on this request and that it can be a positive recommendation, a negative recommendation, a positive recommendation with conditions or a recommendation that a C-1 zoning be considered.

Mr. Reilly stated that the applicant and the Town Board have asked that the Planning Board forward a recommendation to the Town Board at its October 15, 2008 meeting.

In response to a question from Chairman Koenig, Mr. Kuebler stated that the plan presented has been modified slightly from the plan the Board reviewed when it recommended the rezoning to HC a few years ago.

In response to a question from Chairman Koenig, Mr. Reilly stated that the applicant is proposing retail and warehousing on the site. Retail is permitted in both C-1 and C-2 but warehousing is not permitted in the C-1 zone. He further noted that the applicant will have issues regarding setbacks from and screening of the residential properties behind this site, as it is quite shallow.

Mr. Reilly stated that if the Board recommends C-2 zoning for this site, it would probably recommend against outdoor storage. He further stated that the condition of any rezoning approval would be that cross access to the adjoining properties be provided.

The Board discussed potential problems the applicant may have adhering to the rear yard setback requirement and the front yard building setback requirement.

Chairman Koenig stated that he does not see any reason why the rezoning for this site should be anything but C-1. He asked Mr. Kuebler if he has any reason for wanting the site rezoned to C-2. Mr. Kuebler responded that he would like the property rezoned to C-2 in order to keep his options open for development.

Mr. Reilly stated that if the property is rezoned to C-2, the Town should respect the adjoining property owners on Allendale Parkway and keep their best interests in mind. He further stated that, if outdoor storage is allowed, special attention should be paid to buffering it from the neighbors on Allendale Parkway.

Engineering Department comments are attached.

#### **4501 Southwestern Boulevard**

Mr. Sean Hanley and Mr. Frank Corsi, applicants, appeared on behalf of the project.

Mr. Reilly stated that the Planning Board approved a site plan for this site for Southtown Market a few years ago. He noted that a new tenant is proposed for the building (Gamble Printing) and that the applicants would like to make a few minor changes to the previously approved site plan and receive a re-approval of the site plan for the new tenant.

Mrs. desJardins stated that one of the proposed changes to the site plan is that previously the applicants proposed installing a new roof on the building and they would prefer to do that in the future, rather than at this time.

Chairman Koenig stated that the Planning Board would still like to see the aesthetics of the building improved, although a new roof is not imperative.

In response to a question from Mr. Reilly, Mr. Hanley stated that the driveway onto Southwestern Boulevard will be aligned with Riley Boulevard as per New York State Department of Transportation requirements and the applicant has deposited money in escrow to the Building Inspector to ensure that that work is done.

Mr. Hanley stated that the cross access agreement required when Southtown Market was proposed has been filed with Erie County.

Mrs. desJardins stated that the Engineering Department requires that the dumpster be located on the plan and that a note on the plan indicate that the dumpster will be installed on a concrete pad and properly enclosed.

It was determined that a public hearing would be scheduled for October 15, 2008 for this project.

Engineering Department comments are attached.

## **OTHER BUSINESS**

Mr. Reilly stated that Mark Trammell will be on the Board's October 15, 2008 agenda to request that the Board extend the site plan approval that was granted previously for the Hickey Farms project. He further noted that Mr. Trammell has indicated that the site plan is identical to the previously approved plan.

Mr. Reilly stated that the Stonebridge patio home development has changed its classification to condominium status. He stated that the Town of Hamburg's position is that it did not approve a condominium project for this site and therefore the applicant must request a re-approval of the project. Much discussion ensued regarding whether the Planning Board can approve a condominium development that is proposed on property located in a zone that does not allow condominiums.

Mr. Phillips made a motion, seconded by Mr. McCabe, to approve the minutes of September 17, 2008. Carried.

Mr. Phillips made a motion, seconded by Mrs. Rogers, to adjourn the meeting. Carried.  
The meeting was adjourned at 8:24 P.M.

Hamburg Planning Board Meeting    October 1, 2008

Respectfully submitted,  
Stephen J. McCabe, Secretary  
Planning Board