

Town of Hamburg
Planning Board Meeting Minutes
October 15, 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

Public Hearing – 4501 Southwestern Boulevard

Mr. McCabe read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Sean Hanley, owner of property located at 4501 Southwestern Boulevard.

The applicant proposes to change the use of the existing building to a printing business.

In accordance with the new Town of Hamburg site plan ordinance, a Public Hearing will be held on October 15, 2008 at 7:30 p.m. in Room 7B of Hamburg Town Hall.”

Mrs. desJardins stated that the plans have been revised to include a note regarding the location and enclosure of the dumpster, as well as the paving of the stone area west of the building.

Chairman Koenig declared the public hearing open. He then asked if anyone in the audience wished to speak in favor of or in opposition to the proposal. No one spoke.

Chairman Koenig declared the public hearing closed.

Mr. Phillips made a motion, seconded by Mrs. Rogers, to approve this project with the following conditions:

1. A SEQRA determination is not required, as this is a Type II Action.
2. The dumpster shall be placed on a concrete pad and properly enclosed.

3. Paving over the existing stone base along the west side of the building shall be completed.
4. The landscaping shall be approved by the Planning Department.
5. Approval is subject to the conditions of the Engineering Department's comment letter dated October 15, 2008.

Carried.

Engineering Department comments are attached.

Arthur Court Development

Mrs. desJardins stated that the applicant asked to be tabled, as the requested elevations of the townhouses are not ready for the Board's review yet.

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

Engineering Department comments are attached.

John Kuebler Rezoning Request

Mr. John Kuebler, applicant, appeared on behalf of the proposed rezoning, stating that he is requesting that the Planning Board forward a recommendation to the Town Board regarding his rezoning request.

Chairman Koenig stated that the Board's responsibility is to decide whether C-1 or C-2 zoning is appropriate for the site in question, as well as to consider any conditions the Board feels should be imposed on the granting of a zoning change.

The Board discussed possible conditions to be placed on a rezoning, including not permitting access to Allendale Parkway, buffering for the residences to the east of this property and a cross-access agreement requirement between Mr. Kuebler and adjacent property owners, as well as uses the Board does not feel should be allowed on this site.

Regarding whether a berm or fencing would be more appropriate as part of a buffer for the residences to the east, Mr. McCabe stated that the Board would defer to whatever the affected neighbors prefer and stressed that a buffer will be required.

Chairman Koenig noted that requiring the applicant to provide cross-access to the properties on either side could potentially reduce the number of parking spaces that can be provided. He further noted that requiring the applicant to provide a buffer area in the rear for the residences to the east could also potentially reduce the number of parking spaces provided. The Board discussed the fact that the applicant feels he would not need the required number of parking spaces based on the nature of his business.

Mr. Kuebler stated that he would like to be able to reduce the amount of buffer he is required to provide to the rear so that if the use of the property changes in the future the opportunity would be there to add additional parking spaces. Mr. Phillips responded that if the Planning Board forwards a positive recommendation to the Town Board regarding the rezoning of this parcel for a specific use, knowing that the applicant might sell the parcel in the future and change the use, the Board must think about what the maximum build out could be of the property.

Mrs. desJardins noted that the new Comprehensive Plan specifically states, relative to this area of McKinley Parkway, that rezonings to C-1 and C-2 will be considered on an individual basis and that restrictions may be placed on the rezoning.

The Board discussed the permitted uses in the C-2 zone and determined that automotive uses should not be allowed on this property if it is rezoned to C-2.

In response to a question from Mr. Taber, Mr. Kuebler stated that he would like the opportunity to incorporate outdoor display into his site, as well as use the rear of the property for parking of employee vehicles and/or the utility truck or for outdoor storage of pallets of pool sand.

Mrs. desJardins stated that the applicant would like the required buffer to the rear to be reduced by the Town Board at the time that Board approves the rezoning of the property. She noted that it may not be a good idea for the Planning Board to forward a positive recommendation on that request, given the fact that the applicant has not submitted a concrete site plan to the Planning Board to consider. She further noted that the Board might want to consider waiting until the applicant returns for Site Plan Approval to decide whether to recommend that a reduction in the buffer area to the rear be allowed.

Board members discussed whether outdoor storage should be allowed on the property. Mr. Phillips noted that if outdoor storage is allowed, it must be enclosed by a solid wall or fence.

Mr. Phillips made a motion, seconded by Mr. Reszka, to forward a positive recommendation to the Town Board regarding Mr. Kuebler's request for rezoning from HC to C-2 with the following conditions:

1. No access to Allendale Parkway shall be allowed.

2. A landscaped berm or fence (to be determined by the Planning Board) shall be required in order to achieve a heavily buffered area along the rear lot line to screen the eventual use from the residential properties on Allendale Parkway.
3. A cross-access agreement between the property owner and the adjoining property owners shall be provided and access shall be shown on future development plans.
4. No automotive uses (filling stations, gasoline stations, automotive repair including oil change, muffler and brake shops, collisions shops and tire shops) shall be allowed.

As there were six (6) ayes and one (1) nay (Mrs. Rogers), the motion carried.

Engineering Department comments are attached.

Battery Post (4109 St. Francis Drive)

Jeffrey Logsdon, applicant, and Donald Gallo, engineer, appeared on behalf of the proposed project. Mr. Logsdon stated that he needs to expand the area currently used for the storage of golf carts.

In response to a question from Mr. Lardo, Mr. Gallo stated that the wetlands on the property have been previously delineated, generally exist east of the proposed parking area and will be shown on the site plan.

Mrs. desJardins stated that the Town Code requires that all parking areas in a C-2 zone be located 35' from the right-of-way of the public road. The Board discussed whether the proposed parking area would be bound by this requirement, as it would be used for the storage of golf carts. It was determined that Mrs. desJardins would request an interpretation from the Building Inspector regarding this question.

Mr. Phillips made a motion, seconded by Mrs. Yerkovich, to schedule a public hearing for this proposal for November 19, 2008. Carried.

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

Engineering Department comments are attached.

OTHER BUSINESS

Hickey Farms

Hamburg Planning Board Meeting

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Mrs. desJardins stated that the Planning Board approved this project in 2005 and the site plan was never signed by the Town Engineer and the Planning Board Chairman. She further stated that the applicant is requesting that the Planning Board approve an extension of the site plan approval, as he intends to move forward with the project in the near future.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to approve an extension of the site plan approval. Carried.

Hamburg Self Storage

Mrs. desJardins reminded the Board that Mr. Schmidt appeared before the Board in July and August 2008 but was tabled in order for the Code Review Committee to review his request as it relates to the Town Code. She further noted that the Code Review Committee has determined that Mr. Schmidt's request for outdoor storage on his property adjacent to the existing Hamburg Self Storage facility can be entertained by the Planning Board. She asked the Board to set a public hearing for this request.

Mr. Phillips made a motion, seconded by Mr. Taber, set a public hearing for this request for November 5, 2008. Carried.

Stonebridge Subdivision

Mrs. desJardins reviewed with the Board that the final map cover for the subdivision has been signed by the Town Engineer but has not been signed by the Planning Board Chairman. She confirmed that the members are not in favor of Chairman Koenig signing the map cover at this time because the applicant is marketing the single family homes as condominiums, which are not permitted in the R-2 zone.

Mrs. desJardins stated that the Planning Board must take some sort of action on this final plat because if a final plat is submitted and the Board does not act within 45 days, it is automatically approved. She explained that the Board's options are to either set a public hearing for this project, as the final plat is not in substantial agreement with the preliminary plat approved by the Board previously, or place the project on the Board's next agenda so that the Board can take action on the final plat.

The Board discussed its options and decided not to set a public hearing but rather to place the subdivision on its next meeting agenda (November 5, 2008) to discuss the problem with the developer.

Mr. Phillips made a motion, seconded by Mr. McCabe, to approve the minutes of October 1, 2008. Carried.

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

The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board