

Town of Hamburg
Planning Board Work Session

November 5, 2008

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, November 5, 2008 at 7:30 p.m. in Room 7B in Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Gerard Koenig, Steve McCabe, Karen Rogers, Richard Taber and Peter Reszka.

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

Excused: Sasha Yerkovich, David Phillips

Public Hearing, Hamburg Self Storage (5139 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 Michael Schmidt, owner of property located at 5139 Southwestern Boulevard. The applicant proposes an accessory use (outdoor storage) to an existing mini-storage facility. In accordance with the new Town of Hamburg site plan ordinance, a Public Hearing will be held on November 5, 2008 at 7:30 p.m. in Room 7B of Hamburg Town Hall.”

Michael Schmidt, applicant, appeared on behalf of the project, stating that he is proposing to construct a vehicle storage area on a parcel adjacent to his self-storage facility.

The Board discussed with the applicant the location of the existing fire hydrant on the property.

Mr. Schmidt stated that the use of this parking area would be limited to daytime hours only and therefore no lighting of the storage area is planned. He further stated that he does not feel a fence is necessary, since there is a ditch around the proposed storage area, as well as an existing earthen berm along the front of the site. He feels the area will be secure.

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. McCabe made a motion, seconded by Mr. Taber, issue a Negative Declaration and approve the requested outdoor storage based on the site plan dated 10/31/08 subject to the conditions of the Engineering Department comment letter dated 11/5/08. Carried.

Engineering Department comments are attached.

Arthur Court Development

Andrew Gow, from Nussbaumer & Clarke, appeared on behalf of the proposed project, stating that the applicant has asked to be tabled until further notice. He noted that the applicant is preparing the elevations of the buildings for the Board's review.

Engineering Department comments are attached.

Stonebridge Subdivision

Mrs. desJardins stated that the following is the opinion of the Town Attorney, Ken Farrell:

"The law is clear that the condominium form of ownership cannot be regulated by a municipality. Condominiums are primarily an ownership issue, not a land use issue. The current zoning class allows single family, detached homes, which is exactly what this project is. Therefore, this project is identical to the preliminary plat for the project. As no substantial change has occurred, the final plat can be signed by the Chairman Koenig, and no action is required by the Planning Board."

Chairman Koenig stated that he planned to sign the map cover for the Stonebridge Subdivision after the meeting.

NDC Homes (4687 Big Tree Road)

Mr. Ken Nigro, applicant, appeared on behalf of the proposed project, stating that he is in need of more garage space at the apartment complex his wife owns on Big Tree Road. He acknowledged the fact that he will need a variance from the Zoning Board of Appeals because part of the proposed garage building would be located four feet less than the required 30' from the property's rear lot line.

Chairman Koenig confirmed with Mr. Nigro that the garages on the property are not necessarily used for the parking of vehicles, but rather are also used for the storage of personal items.

Mrs. desJardins asked Mr. Nigro where the nearest fire hydrant is located. Mr. Nigro responded that he will get that information for the Board.

Chairman Koenig stated that at its November 19, 2008 meeting, the Board can hold a public hearing, as well as forward a recommendation to the Zoning Board of Appeals regarding the applicant's requested rear yard setback variance.

Mrs. Rogers made a motion, seconded by Mr. McCabe, to schedule a public hearing for

this proposal for November 19, 2008. Carried.
Engineering Department comments are attached.

Franciscan Sisters of St. Joseph (5251 South Park Avenue)

William Schutt, engineer, appeared on behalf of the proposed project, stating that the Franciscan Sisters of St. Joseph are proposing a new motherhouse, as their existing facility is under utilized, does not serve their needs very well and is not very energy efficient. He further stated that the Sisters plan to sell their existing facility to Hilbert College and use the funds to construct the new motherhouse. He noted that 72 living units are proposed, half being assisted living housing and half being independent living housing.

Mr. Schutt stated that, because a large wetland area exists in the back of the property, the building has been moved as close as possible to South Park Avenue so as to not disturb the wetlands. Chairman Koenig responded that, by doing that, they have not met some of the requirements of the South Park Overlay District. Specifically, the South Park Overlay District requires that a 40' green area be maintained from South Park Avenue with no access roadways or parking in it.

Chairman Koenig noted that the applicant proposes just ten feet of green space along South Park Avenue and also that an access roadway is proposed within the forty foot area. He further noted that the building does not meet the side yard setback requirements.

In response to a question from Chairman Koenig, Mr. Schutt stated that the proposed parking spaces in front of the building would be used for visitors.

Mrs. desJardins stated that the South Park Overlay District also requires that sidewalks be installed. The Board discussed whether there would be room to install sidewalks in this area, given the proposed layout of the project.

In response to a question from Chairman Koenig, Mr. Schutt stated that the Franciscan Sisters have considered pursuing approval from the Corps of Engineers to fill some of the wetlands in the back of the property so the building and access roadway could be moved further away from South Park Avenue. He noted that the biggest objection they would have to this is the fact that the permitting process takes so long.

In response to a question from Mr. Reszka, Mr. Schutt stated that the existing house on the property would be demolished.

Mrs. desJardins stated that the applicant would have to request variances from the Zoning Board of Appeals regarding the side yard setback infractions, but the requirements of the South Park Overlay District can be waived or modified by the Planning Board if it feels that the intent and purpose of the requirements have been substantially met in some other way.

Mr. Schutt stated that he has spoken to Drew Reilly about planting a row of hedges

along South Park Avenue to screen a significant amount of the pavement in front of the building.

In response to a question from Chairman Koenig, Mr. Schutt stated that he does not believe the distance between the existing Hilbert College exit on the east side of South Park Avenue and the entrance to the proposed motherhouse would be a problem.

Mr. Schutt stated that the loop road around the building is proposed because of the New York State Fire Code and also because the sisters would like to use it for exercise purposes.

Mr. McCabe noted that it appears that the applicant is proposing ten feet of green space along South Park Avenue to work with and stated that the applicant would have to be very creative with a landscaped solution to make up for not providing the required forty feet of green area in the front.

Mr. Taber requested information regarding the location and design of any proposed signage.

It was determined that the Planning Board will discuss this project further at its next meeting.

Engineering Department comments are attached.

Airway Point Two-Lot Subdivision (Heltz Road)

Mrs. desJardins stated that the property to be subdivided was split by Heltz Road when the Thruway was constructed and that the property has remained as one tax parcel. She further stated that the applicant proposes to split the property into two tax parcels so that a home can be constructed on each lot and noted that both lots would need variances for lot area and lot width at the building line. She stated that the property also lies in the South Central Overlay District, which requires that the bulk requirements for frontage (building and front line) and lot size be increased by 50% for new road frontage lots. She further stated that the Planning Board can waive the increase in bulk requirements if it so chooses.

Mrs. desJardins stated that the South Central Overlay District also requires that the applicant submit percolation test results to the Town.

Mrs. desJardins stated that, because the applicant has not yet submitted the legal description to the Town for approval by the Engineering Department, the Board cannot schedule a public hearing at this time.

It was determined that the Board does not wish to forward a recommendation to the Zoning Board of Appeals regarding the required variances until it has held a public hearing and heard any input from the public.

Engineering Department comments are attached.

E.F. Burke Realty (southwest corner of Bayview Road and South Park Avenue)

Andrew Gow, from Nussbaumer & Clarke, appeared on behalf of the project, stating that the applicant proposes to occupy an existing building on the west side of South Park Avenue, south of Bayview Road, as a Subway restaurant. He noted that the applicant is attempting to locate as many parking spaces as possible on the sketch plan. He further stated that, based on the number of parking spaces that can be provided on the site, the number of seats in the restaurant will be arrived at, since the number of parking spaces will dictate how many seats the applicant can have inside. (Two parking spaces are required for every five seats in the restaurant).

In response to a question from Mr. McCabe, Mr. Gow stated that a drive-thru is planned and estimated that six vehicles could be in the drive-thru lane at any given time.

Chairman Koenig stated that he was informed that the proposed entrance on South Park Avenue is not a legal curb cut and asked Mr. Gow what he knows about this. Mr. Gow responded that it is an existing curb cut and the plan reflects that fact.

Mrs. desJardins stated that the Engineering Department indicated that the previously approved site plan for this parcel did not have an entrance onto South Park Avenue, yet a curb cut exists now that apparently was installed without the Planning Board's approval.

Mr. Patrick Burke, applicant, responded that it is his understanding that, regarding the previous site plan, there was no reference to the curb cut on South Park Avenue being illegal. He further stated that it is his understanding that the curb cut did not exist at the time of the previous site plan approval but rather was being proposed. Mr. Burke also stated that, with respect to the South Park Avenue curb cut, the New York State Department of Transportation installed it, along with right-of-way improvements, two years ago without Mr. Burke's requesting it.

Board members suggested that the applicant discuss this issue with the Engineering Department.

It was determined that Chairman Koenig would present the submitted sketch plan for this project to the Traffic Safety Advisory Board on November 6, 2008 for its review and input. Board members indicated that they will be interested in what the Traffic Safety Advisory Board recommends.

In response to a question from Mr. Taber, Mr. Burke stated that he does own land adjacent to this property and that, if the Board ultimately determines that this property has too many problems to accommodate Mr. Burke's project, anything is possible regarding adding property to this site.

Mrs. desJardins noted that this property lies in the South Park Overlay District, which requires a forty foot area of green space, devoid of parking and access roadways, along South Park Avenue. She stated that the building cannot be moved, of course, but that if the curb cut on South Park Avenue were to be removed, the intent of the Overlay

District could be more easily met.

Mr. Burke responded that it is his understanding that the previous site plan showed the landscaping in compliance with the South Park Overlay District.

Mr. Taber stated that perhaps a sidewalk should be installed in the area of this property to help keep the school children walking from Frontier School safer.

Engineering Department comments are attached.

OTHER BUSINESS

Mrs. desJardins stated that William Schutt & Associates, engineer for the Deer Springs Subdivision Park 4, Phases 2-6 has requested Planning Board review of a revised Preliminary Plat that was approved by the Board in 1995. She explained that three sublots have been removed from the Preliminary Plat due to the addition of a detention pond.

The consensus of the Board was to discuss the re-approval process with the applicant on November 19, 2008.

Attorney McKenna discussed with the Board the time frames for approval of subdivisions, which he had researched.

Mr. McCabe made a motion, seconded by Mr. McCabe, to approve the minutes of September 15, 2008. Carried.

Mrs. Rogers made a motion, seconded by Mr. Reszka, to adjourn the meeting. Carried.
The meeting was adjourned at 8:35 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board