

Town of Hamburg
Planning Board Work Session
November 7, 2007

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

Others in attendance included Andrew Reilly, Attorney Donald McKenna and Attorney Michael Fruth.

Excused: David Phillips, Sasha Yerkovich

Steel Winds II Wind Energy Facility

Mr. Reilly stated that the applicant asked that the project be tabled, as the City of Lackawanna has not yet completed its environmental review and therefore the Hamburg Planning Board cannot act on this project.

Engineering Department comments are attached.

Verizon Wireless

Attorney Jared Lusk from Nixon Peabody appeared on behalf of the project. Attorney Lusk reminded the Board that at its October 3, 2007 meeting the Board asked him to investigate additional alternate sites to locate the proposed cell tower. He stated that he has provided to the Board an analysis of the sites that were investigated.

Attorney Lusk stated that Verizon did, in fact, send its leasing inquiry letter to the correct owner of the Tops property at the Seven Corners more than once and no response was received by Verizon.

Attorney Lusk noted that Verizon investigated the National Grid power line property, as requested by the Planning Board. However, National Grid responded that it does not permit replacement of existing utility poles for the purpose of co-locating wireless telecommunication facilities and therefore co-location is not possible. Additionally, National Grid's setback requirements for towers placed in its right-of-ways makes placing Verizon's tower there impossible.

Attorney Lusk further stated that Verizon investigated the Fraccica and Tewey property suggested by the Planning Board but found that the property is located completely within a federal wetland area, making the site unbuildable.

Attorney Lusk stated that Verizon also investigated the ECC property suggested by the Planning Board but found that locating a cell tower on that site would be economically unfeasible. He further explained that Erie County property is subject to an ordinance limiting lease terms to no more than ten years and Verizon feels that a new site must be secured for at least twenty years due to the significant capital investment required to build a tower site.

Attorney Lusk noted that, although not requested by the Planning Board, Verizon investigated the Swiss Chalet parcel but found that the property lacks sufficient land area to accommodate a tower facility without either eliminating parking spaces or placing the tower immediately adjacent to the intersection of Southwestern Boulevard and McKinley Parkway.

Mr. Reilly stated that several residents have asked him why the proposed tower cannot be located on the billboard near the Seven Corners. Attorney Lusk responded that the billboard company does not respond to inquiries about this possibility.

Mr. Reilly noted that east of Seven Corners on the north side of Southwestern Boulevard there is an old landscaping business that is currently for sale. He asked Attorney Lusk if that site would be feasible. The response was that this site is too close to the Ralph Wilson Stadium site and therefore will not work.

Chairman Koenig stated that the original site proposed (Monro Muffler) will have to be the site the Board considers, as it appears to be the only feasible site for the tower.

The Engineering Department comment letter dated November 7, 2007 was discussed with the applicant.

Mr. Reilly confirmed that the Planning Department will prepare draft resolutions for the Board regarding this project in anticipation of the Board's next meeting.

Engineering Department comments are attached.

Oakwood Avenue Subdivision

Mr. Reilly stated that the applicant has asked that the project be tabled until the Board's December Work Session.

Engineering Department comments are attached.

Woods at Versailles Subdivision, Part IV

Chad Rush from Ryan Homes appeared before the Board to discuss the issue of clear-cutting that has occurred in the current phase of the Woods at Versailles subdivision. Mr. Ryan stated that on October 26, 2006 he submitted a letter to the Planning Board acknowledging the concerns of the Board and the responsibility Ryan Homes accepts for what has occurred at the Woods at Versailles subdivision. He further stated that over the past year there have been numerous meetings regarding what a successful outcome of that clearing should be and that, after receiving input from the Hamburg Conservation Advisory Board, he presented a tree mitigation plan to the Board that included additional tree plantings along with the payment of additional recreation fees. Mr. Rush noted that he is willing and motivated to have the issue resolved. He further stated that over the past year there have been multiple issues related to this problem and that he feels his mitigation plan benefits all parties involved.

Chairman Koenig stated that the Board's initial reaction to the proposed mitigation plan was that the two trees proposed on each lot are, in fact, required by the Zoning Code and therefore would not be considered mitigation. He further noted that after receiving the recommended mitigation plan from the Conservation Advisory Board, Ryan Homes does not appear to be offering the Town anything other than that which is already required (two trees per lot).

Mr. McCabe stated that Ryan Homes' proposed mitigation plan is disappointing and he does not feel the two sides are any closer to a resolution to this problem.

Mr. Rush asked the Board what its motivation is for what it is asking for from Ryan Homes. He stated that if the Board feels that Ryan Homes blatantly acted against a Town directive, it was not intentional.

Mr. Reilly stated that a problem arises because the Town requires that the developers install two trees on each lot but the trees are not placed in the Town's right-of-way and therefore are not owned by the Town. Sometimes the trees are not installed because the homeowner does not wish them there and a waiver has been issued by the Building Inspector, which has been part of the confusion regarding this subdivision and the lack of trees installed. Mr. Reilly stated that perhaps the Town should require the two trees on every lot and not issue waivers from this point forward.

Mr. Reilly stated that he feels the Planning Board cannot do any more regarding this issue and that Ryan Homes should work with the Building Inspector to resolve the problem. Chairman Koenig agreed, noting that he would like Mr. Rush to meet with the Building Inspector to resolve the problem and then he would like the Building Inspector to report to the Planning Board on the resolution. Mr. Rush agreed to meet with Mr. Allen.

Camp Road Collision

Mr. Errol Howarka appeared on behalf of the proposed project.

Mr. Reilly reviewed the history of this property with the Board, stating that the original site plan was approved in 1991. In 1998 the applicant proposed an addition for the automotive sales area, as well as an expansion to the collision shop, both of which were approved. However, the automotive sales office was constructed but the addition to the collision shop was not built. Mr. Reilly further noted that the site plan currently before the Planning Board is the same site plan the applicant proposed previously, with the addition of the area behind the existing building to be used for automobile storage.

Mr. Howarka stated that there is a lot of open space behind the building and he wishes to put some gravel down and store automobiles there. Mr. Reilly responded that the Town will not allow gravel parking areas and that it must be paved. He further noted that a parking pattern for the storage vehicles, as well as an unloading pattern will be required and that no unloading of vehicles will be allowed on Camp Road. Chairman Koenig stated that the Board would prefer that the area be paved but would accept approved millings as an alternative.

Chairman Koenig asked the applicant if he plans to fence the area, to which Mr. Howarka responded that he does not plan to fence it.

Mr. Howarka stated that the proposed auto storage area would be used to store automotive dealers' used vehicles. He further stated that he might want to also store campers, boats or motor homes on the site. Mr. Reilly responded that that will not be allowed unless the vehicles stored are for sale.

Mr. Reilly stated that the Planning Board will handle this as a request to expand the existing approved automotive sales site.

Chairman Koenig noted that the Traffic Safety Advisory Board wants assurances that no tractor trailers will be unloaded in the highway and that a location will be available for them to unload if they are to be used for that business. In addition, the TSAB wants the curb cut from the highway designed so that the low car-carrying tractor trailers will be able to clear the pavement.

The Board asked the applicant to submit revised plans showing the area to be disturbed paved and the delineation of the parking layout of the area. In addition, Mr. Reilly advised the applicant that he should either reduce the amount of disturbed area to less than one acre or be prepared to meet the SPDES requirement for storm water management.

Engineering Department comments are attached.

OTHER BUSINESS

Mr. Reilly reported that Lowe's has submitted its Final Environmental Impact Statement and it has been accepted by the Hamburg Town Board. The document will go on the Town's website for public review.

Mr. Reilly stated that Wal-Mart needs an extension of its site plan approval, since construction has not commenced and the one-year time frame is about to expire.

Mr. Reilly showed the Board a slight change on the site plan regarding the location of the sidewalk for the Benderson retail development to be located on the corner of McKinley Parkway and East Highland Parkway. The consensus of the Board was that the change is not large enough to require the applicant to come back before the Board.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Paul Eustace, Secretary

Planning Board