

Town of Hamburg
Planning Board Meeting Minutes
November 19, 2008

The Town of Hamburg Planning Board met in regular session on Wednesday, November 19, 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, Councilman Kevin Smardz and Attorney Don McKenna.

Public Hearing – Battery Post

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 The Battery Post, located at 4109 St. Francis Drive. The applicant proposes to expand an existing parking facility.

In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on November 19, 2008 at 7:30 p.m. in Room 7B of Hamburg Town Hall.”

Mr. Donald Gallo, engineer, stated that the north fence and proposed edge of pavement have been revised to parallel the south fence and edge of pavement. He further noted that drainage will be installed as required by the Engineering Department and that no variances will be required.

Mr. Phillips stated that he visited the site and it is as the applicant represents on the site plan.

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 Mr. Taber, to issue a Negative Declaration and approve this project subject to the Engineering Department comment letter dated November 19, 2008. Carried.

Engineering Department comments are attached.

Public Hearing - NDC Apartments, LLC

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 NDC Homes for property located at 4678 Big Tree Road. The applicant proposes to construct a 40’ X 140’ garage associated with an existing apartment complex.

In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on November 19, 2008 at 7:30 p.m. in Room 7B of Hamburg Town Hall.”

In response to a question from Chairman Koenig, Mr. Lardo stated that if the existing fire hydrant is not close enough to the back corner of the proposed garage, it is the Building Inspector’s decision regarding what may or may not be required to rectify that situation. Chairman Koenig stated that this issue is not a factor in the Planning Board’s approval, although the applicant may have to resolve it with the Building Inspector at a later date.

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. Yerkovich, to forward a positive recommendation to the Zoning Board of Appeals regarding the rear yard setback variance the applicant will be applying for. Carried.

Mr. Phillips made a motion, seconded by Mr. McCabe, to issue a Negative Declaration and approve the NDC Apartments’ site plan subject to the Engineering Department comment letter dated November 19, 2008. The approval is also contingent upon the Building Inspector determining the location of the fire hydrant. Carried.

Engineering Department comments are attached.

Franciscan Sister of St. Joseph

William Schutt, engineer, distributed revised sketch plans for the Board members’ review, as well as a detailed list of the comments made at the Board’s work session and the applicant’s responses to those comments. He noted that the comments received from the Engineering Department have been addressed, a side yard setback variance will be sought for both side yards and the building footprint has been modified to reduce the impact of that variance.

Mr. Schutt stated that the sketch plan has been amended to eliminate the previously proposed parking in the 40 foot setback area along South Park Avenue, reduce the access drive pavement area within that setback area by 32%, increase the green space in that setback area from 10 to 20 feet and increase the overall green space from 44% to 68%.

Mr. Schutt distributed to the members a landscape architect's plan providing greater detail regarding the South Park Avenue frontage that also includes a sidewalk along South Park Avenue. He noted that the revised sketch plan eliminates all proposed disturbance to the existing federally jurisdictional wetlands in the rear of the property.

In response to a question from Mr. Reszka, Mr. Schutt stated that the footprint of the proposed building has been reduced by eliminating the extensions that faced South Park Avenue and adding a second story component to the building in the front.

Chairman Koenig stated that the Traffic Safety Advisory Board recommends that additional parking be provided in the rear and that the access road be one-way and properly signed. Mr. Schutt responded that, with respect to parking, he has worked very closely with the Building Inspector regarding the parking requirements and the parking shown is more than what is required and is based on the projected needs of the facility. He further reminded the Board that half of the units would be for assisted living residents who would not have vehicles and many of the independent living residents do not have vehicles either.

The Board discussed which way the traffic should flow on the access road around the building. Mr. Schutt stated that he will take a look at this, as well as whether the proposed parking is sufficient for the facility's needs.

In response to a question from Mrs. desJardins, Mr. Schutt stated that he and the Building Inspector met with the Fire Chief regarding this project and as a result of that meeting the access road was proposed.

In response to a question from Mr. Phillips, Mr. Schutt stated that fire hydrants will be installed on site and the building will be sprinklered.

It was determined that the Board members would like the Planning and Engineering Departments to review the revised sketch plan and that the Board will discuss the project further at its next meeting.

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

Engineering Department comments are attached.

Airway Point Subdivision

Mrs. desJardins explained that this property was divided in half when Heltz Road was relocated due to the construction of the Thruway. She further noted that the applicant is requesting approval to subdivide the parcel into the two pieces on either side of the road in order to market them separately.

Mrs. desJardins stated that in order to subdivide this parcel, the applicant would require variances for lot area and width at the building for both lots. She further noted that the property lies in the South Central Overlay District, which requires that new frontage lots' bulk requirements be increased by 50%. This would mean that, in addition to larger lot area and width at the building line variances, the applicant would also need to request a variance for the width at the street line for both lots. However, she stated that the Planning Board can waive the South Central Overlay District requirements if it sees fit.

Gail Walter, applicant, stated that she has someone interested in purchasing the parcel on one side of Heltz Road for a group home for autistic teenaged boys, but that buyer is not interested in the half that backs up to the Thruway because it might be hazardous to the boys.

It was determined that the parcel as it exists is a legal building lot of record (with a road in the middle of it.)

Chairman Koenig stated that it is his understanding that there are no other lots of similar size to this one in the immediate area.

Mrs. desJardins noted that the requirements of the South Central Overlay District are aimed more at newly created frontage lots, rather than existing frontage lots like these.

Mr. McCabe made a motion, seconded by Mr. Taber, to schedule a public hearing for this request for December 3, 2008. Carried.

Mr. Phillips made a motion, seconded by Mrs. Rogers, to table this request. Carried.
Engineering Department comments are attached.

E.F. Burke Realty (Subway)

Mrs. desJardins stated that nothing new has been submitted regarding this project since the Board's last meeting. No one appeared on behalf of the project.

It was determined that the minutes from the Traffic Safety Advisory Board's November meeting would be forwarded to the applicant's engineer.

Mr. Lardo stated that approval was granted for the previous use of this site (a sign shop), the applicant was told to remove the entrance onto South Park Avenue and install landscaping along South Park Avenue. Mr. Phillips stated that that is his recollection, as well.

Mr. Phillips made a motion, seconded by Mrs. Yerkovich, to table this project. Carried.
Engineering Department comments are attached.

Deer Springs Subdivision, Part 4, Phases 2-6

Pete Johnston, engineer, appeared on behalf of Marrano Marc Equity, stating that Part 4, Phases 2 through 6 was approved by the Planning Board in 1995 and Preliminary design plans were submitted to the Engineering Department last year. He further stated that the Engineering Department determined that the detention basin has to be installed where three sub lots were proposed. He added that the area has already been cleared. He stated that the developer would like to get the revised Preliminary Plat approved by the Planning Board.

In response to a question from Chairman Koenig, Mr. Johnston stated that putting the detention basin in will probably alleviate drainage problems in the adjacent subdivision (Woods at Versailles).

Mrs. desJardins stated that the Board can hold a public hearing on the revised Preliminary Plat if it feels the change is big enough. Mr. Phillips stated that he does not think a public hearing is necessary because the detention basin has to go in the area shown on the revised plan and the number of lots will be reduced. Board members concurred.

It was determined that no further action is required on the part of the Planning Board because it is a reduction in the number of lots and the detention basin has to go where it is shown on the Preliminary Plat.

OTHER BUSINESS

In response to a question regarding Walgreen's from Chairman Koenig, Mrs. desJardins stated that the project will be placed on the Board's December meeting agendas, as the applicant has received the required area variances from both the Village and the Town.

Mr. Taber stated that, now that the traffic circle has been installed at the intersection of South Park Avenue and Legion Drive and he has seen how traffic flows through it, he has fewer concerns about congestion at that intersection.

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Mrs. desJardins reviewed with the Board the three new projects the Board will see at its December meetings.

Mr. Phillips made a motion, seconded by Mr. McCabe, to approve the minutes of November 5, 2008. Carried.

Mr. Phillips made a motion, seconded by Mr. Taber, to adjourn the meeting. Carried.

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

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board