

Town of Hamburg
Planning Board Work Session

December 3, 2008

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, December 3, 2008 at 7:30 p.m. in Room 7B in Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Gerard Koenig, David Phillips, Steve McCabe, Karen Rogers, Sasha Yerkovich, Richard Taber and Peter Reszka.

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

Public Hearing, Airway Point Two-Lot Subdivision

Mr. McCabe read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a two-lot subdivision known as Airway Point Two-Lot Subdivision to be located on the north and south sides of Heltz Road on December 3, 2008 in Room 7 B of Hamburg Town Hall at 7:30 P.M.”

Gail Walter, applicant, appeared on behalf of the project, stating that the parcel to be subdivided has one SBL number but was split into two pieces by Heltz Road when the Thruway was constructed. She further stated that she is requesting to make each piece of property a separate parcel and therefore market them separately.

Chairman Koenig noted that these are existing lots, although they are parts of the same parcel that is divided by Heltz Road. He further stated that variances would be required for lot area and lot width at the building line.

Chairman Koenig read the following correspondence received from Leona Rockwood, Conservation Advisory Board member:

“After walking this proposed two-lot subdivision I found no significant environmental impact. I have two concerns:

1. Lack of sewers and need for some septic system on land with bedrock close to the surface (2-4') and small ponds on both sides of the property.
2. Proposed subdivision does not meet present RA zoning requirements.”

Ms. Walter stated that the lots would have public water and would require septic systems. Mr. Reilly noted that the applicant will have to get approval of the septic systems from the Health Department.

Mr. Reilly stated that currently, per the Town's law, the applicant can only build one

home on the property, even though it is split by Heltz Road.

Chairman Koenig stated that it is his opinion that the Planning Board should wait until after the Zoning Board of Appeals rules on the variances required before approving this subdivision.

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 forward a positive recommendation to the Zoning Board of Appeals regarding the applicant's request for relief from the lot area and lot width at the building line requirements. This recommendation is forwarded for the following reasons:

1. The lot is grandfathered.
2. It is not the fault of the applicant that the lot is split by Heltz Road.

Carried.

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

Engineering Department comments are attached.

Franciscan Sisters of St. Joseph (South Park Avenue)

William Schutt, engineer, appeared on behalf of the proposed project, stating that the applicant submitted a revised sketch plan in November based on input received from the Planning Board. He further stated that the applicant is hoping to get an indication from Board members as to whether this revised plan is acceptable to the Board. He noted that preliminary landscape plans have been submitted showing how the applicant proposes to mitigate the requirement of the South Park Overlay District of a forty-foot green area along South Park Avenue, as the access road is proposed in the required green area.

In response to a question from Mr. Taber, Mr. Schutt stated that the only change to the plan the Board reviewed in November is that the access road is now proposed to be one-way. He further noted that the storm water detention area would be located behind the building. Additionally, he stated that the number of parking spaces proposed is more than adequate for the sisters.

Board members agreed that they like what they have seen to this point regarding the proposal and would like the applicant to proceed to the site plan stage and submit a full site plan for review.

Engineering Department comments are attached.

E.F. Burke (Subway – South Park Avenue and Bayview Road)

Michael Borowiak, engineer, and Patrick Burke, applicant, appeared on behalf of the proposed project.

Mr. Reilly stated that it is his understanding that at the Board's November work session the applicant submitted a sketch plan, which was not entirely to the Board members' liking. He further stated that the applicant decided to proceed to the site plan stage knowing the Board's feeling about the project.

Chairman Koenig stated that the Traffic Safety Advisory Board indicated that it feels this is a poor location for this use, the driveway on Bayview Road should be moved to the western edge of the property and that the driveway on South Park Avenue should be eliminated, as it was never approved by the Town of Hamburg.

Mr. Borowiak presented to the Board different layouts of the property and each one was discussed at length. He noted that the applicant would prefer to utilize the existing curb cuts, although Board members recollected that the previous approval for this site did not include a curb cut on South Park Avenue and therefore it is not considered legal.

The layout that Board members generally preferred was "Site Plan C", which included the Bayview Road curb cut moved as far west as possible and the South Park Avenue curb cut closed and relocated further south on South Park Avenue. Mr. Burke stated that the proposal is to close both the existing curb cut on the parcel in question and the curb cut adjacent to the existing business south of this parcel (The Town House Restaurant) and construct a new curb cut generally equidistant between Southwestern Boulevard and Bayview Road that could service the Subway restaurant as well as future development in the business park behind it.

Mr. Borowiak confirmed that the applicant plans to install as many seats inside the building as the Town Code will allow, given the number of parking spaces that can be located on the property. (The Town Code requires two parking spaces for every five seats inside the restaurant).

Mr. Phillips made a motion, seconded by Mr. Reszka, to authorize the Planning Department to initiate a SEQR Coordinated Review in order to obtain input from involved/interested agencies. Carried.

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

Engineering Department comments are attached.

Walgreen's Pharmacy

Attorney Sean Hopkins appeared on behalf of the proposed project, stating that the project received variances from the Village Zoning Board of Appeals, as well as the Town Zoning Boards of Appeals, and a positive recommendation to the Village Board of Trustees from the Village Planning Board. He further noted that the project is on the Village Board of Trustees' agenda for December 15, 2008 for consideration.

Attorney Hopkins stated that, based upon input received from the Village Architectural Review Committee, the elevation of the proposed building has been revised slightly. He further noted that each of the Architectural Review Committee's comments regarding the project was addressed by the applicant in a lengthy report and the project ultimately received a positive recommendation from the Committee.

In response to a question from Mr. Reilly, Attorney Hopkins stated that the extended splitter island that is planned will be installed once the applicant closes on the property. He further confirmed that the curb cut on South Park Avenue will be right-in right-out only.

In response to a question from Mrs. desJardins, Attorney Hopkins stated that applicant will be responsible for removing snow from the sidewalks in front of the building. Further, he stated that there is a certain amount of room to store the snow, but that if a major storm event occurs, the applicant would truck the snow off the property.

It was the consensus of the Board members that if the project receives Village approval on December 15, 2008, the Planning Board will consider the project at its December 17, 2008 meeting.

Tony Battista from Benderson Development Co. stated that Benderson does have a signed lease in place for this property.

Engineering Department comments are attached.

Villages at Mission Hills (Camp Road)

Mr. Reilly stated that this property is zoned R-4 and that an Environmental Impact Statement was performed on this site in 1994 for a previous project that never went forward. He further noted that the current proposal for this site involves senior housing and patio homes.

Leanne Voit and Cliff Krum from Greenman-Pederson appeared on behalf of the proposed project. Ms. Voit stated that the proposed apartments and townhomes would be for seniors, while the proposed patio homes would not be solely for seniors.

Mr. Reilly noted that the "patio homes" proposed are actually single family homes on one very large lot and could be referred to as "single family condominiums". He stated that the Building Inspector will have to determine density issues, lot sizes, etc. of the

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area of single family homes. He further stated that the applicant should outline an area on the site plan that is associated with the single family homes so that a density calculation can be done.

Regarding the proposed townhouses, Mr. Reilly stated that if the applicant wishes to designate them as “townhouses”, the townhouse regulations in the Code must be adhered to. Mr. Krum responded that the sketch plan will be amended to refer to these units as “apartments” instead of “townhouses”.

In response to a question from Chairman Koenig, Mr. Krum stated that a Homeowners' Association is proposed for the entire project, as well as private roads throughout.

Chairman Koenig noted that an emergency means of egress is proposed. He further noted that the applicant proposes to construct the apartments a substantial distance away from the existing railroad tracks.

Ms. Voit stated that all of the concerns the Board had with the previously proposed project for this site have been taken into consideration when preparing the currently proposed plan. She further noted that as much green space as possible will be preserved on the site.

Mr. Reilly stated that, because there is an Environmental Impact Statement on record for this site concerning a previous proposal, a Supplemental Environmental Impact Statement will be prepared for this proposal. He stated that the Planning Board will identify what information needs to be supplemented and how it should be presented.

Mr. Krum stated that the applicant, David Manko, has been involved in several senior housing projects in western New York. He further noted that the currently proposed project will involve a substantial reduction in impacts such as traffic and water usage from the previously proposed project for this site.

It was determined that the apartments would be rentals and the patio homes would be owner-occupied.

Mr. Reilly noted that the applicant will probably have to pursue a variance from the Zoning Board of Appeals for the number of parking spaces proposed for the apartments, as the applicant proposes 1.5 spaces per unit and the Town Code requires two spaces per unit.

Mr. McCabe made a motion, seconded by Mr. Taber, to table this project. Carried.

Engineering Department comments are attached.

Autumnview Health Car Facility

Leanne Voit, from Greenman Pederson, appeared on behalf of the proposed addition to the existing health care facility on Southwestern Boulevard.

Mr. Reilly stated that this addition to the facility, along with two smaller additions, was proposed approximately four years ago but the applicant decided at that time not to go ahead with the larger addition and therefore it was withdrawn for consideration. He further stated that the construction of the two smaller additions created many problems for the adjoining neighbors. He stated that, because of the problems that arose with the previous additions, the Planning Board will need to make sure that these types of problems do not arise with the current proposal.

Mary Philbin, who resides at 4002 Nottingham Terrace, showed the Board members photographs of her back yard, which is adjacent to the health care facility. She stated that, in her opinion, the Planning Board did not adequately take into consideration the adjacent property owners when it approved the last two additions to the facility. She asked that the Board give consideration to how the currently proposed addition will affect the adjoining neighbors. She also requested that the applicant be asked to alleviate the problems residents like her have as a result of the previous additions to the facility.

Mr. Reilly responded that the property is zoned correctly for a health care facility, but that the Planning Board will take very seriously how the adjoining neighbors, who have lived there for years, can be least impacted by this proposal.

Mr. Reilly informed Ms. Voit that the grading plans for this proposal will be very important, as how the land is graded will very much affect the neighbors. He further stated that landscaping, as well as buffering the adjoining neighbors, will also be very important to the Board. He stated that preliminary grading plans, as well as a landscape plan, should be submitted to the Board in the early stages of the process.

Mr. Reilly stated that, although the currently proposed addition has nothing to do with the problems created by the previous additions, the Board will be looking at the entire site plan for this facility and can attempt to correct the previous problems at this time. Ms. Voit responded that she will relay the Board members' concerns to the owner.

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

Engineering Department comments are attached.

Berkeley Square, Part 10

Michael Borowiak, from Nussbaumer & Clarke, as well as Andrew Romanowski, applicant, appeared on behalf of the project.

Mr. Reilly reminded the Board that this property is in the Berkeley Square PUD and that the Town Board recently amended the PUD to allow this property to be developed residentially. He further noted that the applicant now is requesting Planning Board approval of a thirteen-lot subdivision.

Mr. Reilly noted that the Town Code relative to PUDs does not have specific requirements for lot sizes, etc. but they must be practical in nature. He stated that the

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lots that are adjacent to the park are only 75 feet deep and asked Mr. Romanowski if

these lots would have enough room for a home and a practical front yard setback. Mr. Romanowski responded that if the existing PUD regulations are adhered to, the front yard setbacks for the homes would be fifteen feet. Mr. Reilly noted that the gas company has had problems placing the gas lines in front of homes that are only fifteen feet from the road and still keeping them the required distance from the homes' foundations. Mr. Romanowski stated that there is a very large right-of-way in this area of the development and therefore there would not be such a problem locating the gas lines. He further stated that he will discuss this issue with the Engineering Department.

Mr. Romanowski stated that he is confident that he will be acquiring twenty feet of the park behind the homes in order to enlarge the size of these lots, although it may take some time. He further stated that, once he acquires this extra land, he would amend the subdivision plat plan.

Mr. Reilly stated that the applicant should pay the required \$1,000.00 per lot recreation fee. Mr. Romanowski asked if fees were previously paid as part of the PUD approval and if he would receive credit for the existing park. It was determined that the Planning Department will research the history of what fees have been paid.

Mr. Phillips made a motion, seconded by Mr. Taber, to schedule a public hearing for December 17, 2008 for this proposal. Carried.

Mr. Reilly asked Mr. Romanowski to contact the Berkeley Square Homeowners' Association to make them aware of the upcoming public hearing. Mr. Romanowski agreed to do so.

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

Engineering Department comments are attached.

Mr. Phillips made a motion, seconded by Mr. Reszka, to approve the minutes of November 19, 2008. Carried.

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

The meeting was adjourned at 9:25 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board