

Town of Hamburg  
Planning Board Work Session

January 6, 2010

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, January 6, 2010 at 7:30 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Gerard Koenig, Stephen McCabe, Richard Taber, Karen Rogers, Sasha Yerkovich and David Bellissimo.

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

Members discussed the positions of Secretary and Vice-Chairman for 2010. It was the consensus of the Board that Steve McCabe would remain Secretary and Sasha Yerkovich would be named Vice-Chairman.

### **Hamburg Crossings, Phase I**

Mr. Reilly stated that this property was rezoned last year and was subject to an Environmental Impact Statement at that time. He further stated that the applicant is now proposing Phase I of the retail project and is looking for Site Plan Approval. He noted that the Conservation Advisory Board has issued a memo outlining certain ideas to make this retail center unique and a destination location for shoppers that the Planning Board will discuss at length as the review process moves along.

It was determined that Mrs. desJardins would send the Planning Board members a copy of the Findings issued for this project by the Town Board when the property was rezoned for the members' review.

Mr. Reilly stated that the next step is for a public hearing to be held for Phase I only and that each subsequent phase will be the subject of a separate public hearing. He noted that input from the residents living on Creekview Drive will be very important, as they would be the most affected neighbors of this project.

Board members discussed the problems the Town has had with the Wal-mart and Lowe's projects after they were built regarding lighting and after-hours noise that was problematic for the nearby residents and how the Board can attempt to ensure that these problems do not occur with this project.

Although there is no requirement to notify adjoining neighbors of a Site Plan Approval public hearing, it was determined that the residents whose properties' adjoin Phase I will be notified of the Planning Board public hearing, as required by the Town Board when the rezoning was approved.

Mr. Michael Lotocki of the Scranton Fire Company stated that he received the proposed site plan for this project in November and that the plan does not show any fire protection, water supply or sewer system. Mr. Reilly responded that it is the policy of the Planning Department to send just the site plan initially and then if the project is a large one, a joint meeting can be held between the Fire Department, Engineering Department and Building Inspector to discuss fire protection

issues.

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Mr. Reilly stated that the Planning Board approves site plans and does not get into fire protection issues at that time. He noted that the Fire Department is initially asked to comment on the layout of the site plan in terms of fire apparatus access to the site, etc. He further noted that, beyond the layout of the project, it is hoped that the Fire Department would meet with the Engineering and Building Inspection Departments to discuss issues such as building codes, fire walls, location of wall hydrants, etc.

It was determined that Mr. Lotocki will contact the Engineering Department and meet with Rick Lardo regarding the Fire Department's concerns regarding this project.

Mr. Koenig made a motion, seconded by Mr. McCabe, to schedule a public hearing for Hamburg Crossings, Phase I for January 20, 2010 and that the residents adjoining the property will be notified of same. Carried.

Engineering Department comments have been filed with the Planning Department.

### **Villages at Mission Hills, Phase I**

David Manko, applicant and LeAnne Voit, from Greenman-Pederson appeared on behalf of the proposed project.

Mr. Reilly reminded the Board that this project has been the subject of a Supplemental Environmental Impact Statement (SEIS) that the next step for the Planning Board is to issue Findings. He stated that Board members have been provided with draft Findings, which they should review and make changes to, if appropriate, before the Board's next meeting, and noted that the applicant hopes that the Board will issue the Findings at that time. Mr. Reilly further stated that, if the Board issues Positive Findings, the next step would be to move to approval of the site plan for Phase I.

Mr. Reilly noted that the one issue that has arisen between the Final SEIS and the draft Findings being written is that the New York State Department of Environmental Conservation (DEC) has expressed concerns regarding the applicant's plans to cross the creek on the site. He stated that, although the applicant received permits for that creek crossing from the Federal Emergency Management Agency (FEMA), the DEC is concerned that the applicant did not understand that the flood plain and the upstream properties will, in fact, be affected. He further noted that the Building Inspector, who is the Flood Plain Manager, is reviewing this creek crossing to make sure it meets Town requirements.

Mr. Reilly stated that the DEC wanted to make sure the Planning Board is aware of this small impact on the flood plan and upstream properties and of the fact that, even if an action meets the guidelines of the federal government, the Town has the right to deny that action if it feels it affects the Town too severely.

Mr. Reilly advised the applicant that Mr. Lardo noticed, during his review of the site plan, that the existing sidewalk on Camp Road ends approximately fifty feet from where the project's new sidewalk would begin leading into the development. Ms. Voit stated that sidewalk will be installed so that the two are connected.

The Board discussed the traffic study that was performed for this project, noting that it is located on the Town of Hamburg's website for public review.

Mrs. Yerkovich made a motion, seconded by Mrs. Rogers, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

**Southtowns Three-Lot Subdivision**

Mr. Reilly stated that this proposed subdivision is located in an R-1 zone on Old Lakeview Road in the South Central Overlay District and reminded the Board that in this Overlay District standard road frontage lots are discouraged and that if standard road frontage lots are proposed, the bulk requirements (area, lot width at the building line, etc.) shall be increased by 50%. However, he reminded Board members that the Planning Board can waive this requirement if it is so inclined. He further stated that the proposed subdivision meets all present zoning.

Mrs. desJardins stated that she met with the applicant and explained that the bulk requirements can be increased by 50%. She noted that she and the applicant worked with the parcel to determine if the 50% increase could be met, if required by the Planning Board. They determined that the applicant could propose flag lots in that case that would meet the requirement of additional area, lot width, etc.

Elizabeth Srutowsky, a resident of Old Lakeview Road, stated that she would prefer that the Planning Board not impose the 50% increase in bulk regulations if it would result in the creation of flag lots. She asked the Board if it will take into consideration the draining of the two new homes. Mr. Reilly responded that the Board looks at the "big picture" issue of drainage on the property and that if/when it approves the subdivision, individual drainage plans for the proposed homes are submitted, along with the building plans, to the Building Inspection Department. He further stated that typically building a home on a ¾ acre parcel or larger has negligible drainage impacts.

Board members discussed the Town of Hamburg easement along the west side of the applicant's property and that the Engineering Department will determine how the two new lots would drain if the subdivision is approved.

Mr. Koenig stated that the applicant does not have to alleviate any existing drainage problems in the area, but he also cannot make any existing drainage problems worse as a result of the subdivision.

Mr. Reilly stated that these lots would back up to Eighteen Mile Creek and, as such, any structures must be at least 100 feet from the centerline of the creek or a minimum of 60 feet from the top of the bank.

Board members agreed that the applicant should include a line on the subdivision plan indicating 60 feet from the top of the bank and a note that no structure can be built closer than 60 feet from the top of the bank.

Attorney McKenna recommended that the Planning Board not waive the filing of the map cover, if this subdivision is approved.

In response to a question from Mrs. Srukowsky, Mr. Reilly stated that the Town cannot dictate to the applicant the size of the new homes on the lots (other than requiring them to be the minimum size per Town Code), but the applicant could place deed restrictions on the lots requiring the homes to be a certain size.

It was determined that the applicant will be asked to submit a new subdivision plan indicating 60 feet from the top of the bank of Eighteen Mile Creek, as well as a site location map.

The Board discussed the fact that, because this property adjoins Eighteen Mile Creek and is located near a Critical Environmental Area, input from the Conservation Advisory Board (CAB) will be important. Mr. Reilly stated that it is his recommendation that the Board schedule a public hearing for January 20, 2010 to gather public input and then, if input has not been received from the CAB, it can table the project to await input from that Board.

Chairman Reszka stated that he would rather wait to schedule the public hearing until the drawing has been revised and until he has had a chance to visit the site.

Mr. Bellissimo made a motion, seconded by Mr. Koenig, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

**OTHER BUSINESS**

Mrs. desJardins stated that the Hamburg Senior Apartments project will be on the Board's January 20, 2010 agenda.

Mr. McCabe made a motion, seconded by Mr. Koenig, to approve the minutes of December 16, 2010. Carried.

Mrs. Yerkovich made a motion, seconded by Mrs. Rogers, to adjourn the meeting. The meeting was adjourned at 8:25 P.M.

Respectfully submitted,  
Stephen J. McCabe, Secretary  
Planning Board