

Town of Hamburg
Planning Board Meeting
December 15, 2010
Minutes

The Town of Hamburg Planning Board met in regular session on Wednesday, December 15, 2010 at 7:00 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Gerard Koenig, Stephen McCabe, Karen Rogers, Brendan Lovullo, Sasha Yerkovich and David Bellissimo.

Others in attendance included Sarah desJardins, Andrew Reilly and Richard Lardo, Principal Engineer.

Public Hearing – Foit Two-Lot Subdivision

Mr. McCabe read the following public hearing notice:

“Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a two-lot subdivision known as the Foit Two-Lot Subdivision located on the west side of Smith Road, north and south side of Lakeview Road, on December 15, 2010 in Room 7B of Hamburg Town Hall at 7:00 P.M. The property to be divided is identified as SBL # 195-00.1-11. Additional information concerning the proposed subdivision is available at the Town of Hamburg Planning Department, 6100 South Park Avenue, Hamburg, New York.”

Chairman Reszka reminded Board members that the property in question has one SBL number but is bisected by Lakeview Road. He noted that the applicant wishes to sell the two parcels separately and therefore needs subdivision approval so that a second SBL number can be assigned.

Chairman Reszka declared the public hearing open. No one spoke.

Chairman Reszka declared the public hearing closed.

Mrs. Yerkovich made a motion, seconded by Mr. Koenig, to issue a Negative Declaration. Carried.

Mrs. Yerkovich made a motion, seconded by Mr. Bellissimo, to grant Preliminary Approval for the Foit two-lot subdivision subject to the following conditions:

1. Approval is contingent upon the Engineering Department letter dated December 15, 2010.
2. The filing of a Map Cover is waived.
3. The installation of sidewalks is waived.

Carried.

Engineering Department comments have been filed with the Planning Department.

Villages at Mission Hills Senior Apartments, Phase Two

It was determined that all required fees have been paid by the applicant.

Mr. Reilly stated that the proposed project is in accordance with the accepted SEIS (Supplemental Environmental Impact Statement) and that no SEQR determination is required regarding this project. He further stated that the project is in general conformance with the original concept plan.

Ms. LeAnne Voit from Greenman-Pederson, appearing on behalf of the project, stated that at the Board's last meeting there were questions about the proposed retaining wall and what the elevation would look like between the wall and the existing neighboring homes. She noted that there is a federal wetland area (to be placed in a conservation easement) between the wall and the existing homes and that the wall in the area of the Board's concern is located at the greatest distance (205 feet) between the new apartment buildings and the existing homes. She further stated that the elevation difference in this area between the top of the wall and the first floor of the existing homes would be two feet.

Ms. Voit stated that towards the rear of the site near the railroad ditch is where there would be the greatest difference in elevation (eleven feet) between the wall and the nearby homes. She noted that the wall would be ten feet tall in this area but would be 180 feet from the nearby residential area and that the wetland area would be in between.

In response to a question from Mr. Koenig, Ms. Voit stated that the wetlands would not be disturbed in order to build the wall. She further noted that 1,000 feet of wall is proposed.

In response to a question from Mrs. Rogers, Ms. Voit stated that the distance between the new apartment dwellers' living area and the wall would be approximately 25 feet.

In response to a question from Chairman Reszka, Ms. Voit stated that the Fire Department will be contacted for its comments. She further noted that the Fire Department would access the project from the road and that the fire hydrants would be located internally. She stated that there is no road for Fire Department access proposed around the apartment project site.

Mrs. Yerkovich made a motion, seconded by Mrs. Rogers, to grant Conditional Site Plan Approval for the Villages at Mission Hills Apartments, Phase Two, with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated December 15, 2010.
2. Approval is contingent upon Fire Department review of the proposed retaining wall.
3. No SEQR determination is required, as the project is in conformance with the SEIS.

Carried.

Engineering Department comments have been filed with the Planning Department.

Villages at Mission Hills Subdivision, Phase One

It was determined that recreation fees would be required for each lot.

Mr. Lardo stated that the Building Inspector has requested that the side yard setbacks be specifically called out on the subdivision map. He further noted that the Building Inspector has requested a meeting with the applicant so that he (the applicant) is aware of what the side yard setback requirements are.

Ms. Voit agreed to relay the Building Inspector's comments to the applicant.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to grant Preliminary Approval for the Villages at Mission Hills Subdivision, Phase One with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated December 15, 2010.
2. The side yard setbacks shall be noted on the subdivision map and a meeting is to be set up between the applicant and the Building Inspector regarding these setback requirements.
3. Recreation fees shall be required.

Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

1. Regarding the Benderson Seven Corners project, Mr. Reilly stated that the one remaining outstanding issue to be resolved remains the proposed clearing of the entire site. He further stated that the Engineering Department has issued a memo indicating that this is a Planning Board issue and not an engineering issue. Mr. Reilly noted that if the Planning Board approves this project and decides not to allow the applicant to clear cut the property, the Engineering Department will work with the applicant to re-do the grading plans.

Mr. Reilly stated that when the Town Board approved the rezoning of the property from C-1 to C-2, the applicant was told to only clear the site as necessary (this was not a condition of the rezoning, however) as the site is developed.

Mr. Reilly stated that if the entire site is cleared, the Town will undoubtedly receive calls from unhappy residents because the site will not be aesthetically pleasing.

It was the Board's unanimous feeling that the applicant will be required to submit a revised plan indicating that only those trees that absolutely must be cleared will be cleared as each phase of the project is constructed.

Mrs. Rogers stated that when the project is under construction (and after it is

completed) she does not want large mounds of dirt left on the site.

2. Mrs. desJardins stated that Mr. Jeff Walker requests Planning Board input on a project he may propose on the corner of Big Tree Road and Southwestern Boulevard (south side of Big Tree Road). She noted that Mr. Walker proposes to display pools on the property and that he would install a shed-type building, grass and landscaping on the site. She further stated that customers could go the site, see the pool displays and pick up information on the pools and how to contact Mr. Walker (the displays would not be staffed).

Board members expressed concerns regarding the aesthetics of this type of business, liability issues and the fact that there would be no employees there during business hours (or at any time).

Mr. Bellissimo made a motion, seconded by Mr. Koenig, to approve the minutes of December 1, 2010. Carried.

Mr. Lovullo made a motion, seconded by Mr. Bellissimo, to adjourn the meeting. Carried.

The meeting was adjourned at 7:30 PM.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board