

Town of Hamburg
Planning Board Work Session

December 2, 2009

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, December 2, 2009 at 7:30 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Gerard Koenig, David Phillips, Stephen McCabe, Richard Taber, Karen Rogers, Sasha Yerkovich and Peter Reszka.

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

Whispering Pines Patio Homes (formerly Dorchester Patio Homes)

Mrs. desJardins stated that the applicant asked that the project be tabled to give the Planning Board members more time to visit the site.

Chairman Koenig stated that he agrees with Mr. McCabe, who previously stated that, although Mr. Reilly recommends that the Board look at the proposed cluster design and layout first and concentrate on the number of lots that would be allowed secondarily, he has concerns about the standard R-2 layout presented by the applicant, which would affect the number of lots allowed if cluster development is authorized.

Mr. McCabe stated that he understands Mr. Reilly's feeling that the Board should look at the total piece of property and find the best fit, but he keeps coming back to the fact that, in his opinion, there are too many lots proposed. He further stated that if the applicant would reduce the number of proposed lots in the cluster development, it would free up the capability to leave some large chunks of undisturbed green space.

Mr. McCabe stated that, as Mr. Philips asked at a previous meeting, how does this proposal differ from a standard R-2 subdivision with bigger back yards?

Board members agreed that the R-2 layout submitted by the applicant would not ever be approved by the Board because of the large number of flag lots. Board members further agreed that they would like the applicant to submit a revised R-2 layout without the flag lots. It was decided that the Board will then compare the standard R-2 layout to the proposed cluster development and, if cluster development is to be authorized, determine the number of allowable lots based on the revised R-2 layout.

Mrs. desJardins stated that the Engineering Department strongly encourages a second means of egress for the development, noting that the applicant could revise the plan to include access to Brompton via the northern portion of this property.

Mr. Phillips made a motion, second by Mrs. Rogers, that the Planning Board would like to see a revised R-2 layout with two means of egress and without the previously shown flag lots. Carried.

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

Engineering Department comments have been filed with the Planning Department.

Bill Ciaravino (A Better Cleaner)

Mrs. desJardins stated that the applicant has asked the Board to table this project at this time. She further stated that she and the applicant had been working together to reduce the size of the proposed pole barn to attempt to position it further away from South Park Avenue. She noted that the applicant has reduced the size of the building to approximately 30' X 40', which would position it 30 feet from South Park Avenue at its closest point. However, she further stated that it has come to their attention that the additional right-of-way on the east side of South Park Avenue that belongs to the New York State Department of Transportation (DOT) is not shown on the applicant's site plan correctly. She stated that the additional DOT right-of-way actually runs almost the full length of the applicant's property along South Park Avenue, unlike what is depicted on the site plan, and that therefore it would not be possible to construct a pole barn on the west side of the existing house on the property without being entirely too close to the additional DOT right-of-way on South Park Avenue.

It was determined that Mrs. desJardins will contact the applicant's representative to discuss the problems with this proposal.

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

Engineering Department comments have been filed with the Planning Department.

Hamburg Crossings Retail Center

Mrs. desJardins reminded the Board that this property, located on Camp Road near the Thruway interchange, was rezoned to C-2 earlier this year. She further stated that the applicant is proposing Phase One of the retail center at this time.

Mrs. desJardins stated that the Conservation Advisory Board (CAB) has issued a rather lengthy memo outlining its concerns and ideas for making this project one that would stand out as unique. Board members indicated that they will read the CAB's memo and discuss it the next time this project is before the Board. The applicant was given a copy of the CAB memo.

Mrs. desJardins stated that the Building Inspector has some strong opinions regarding how best to buffer the residences that would back up to this retail center that are based on problems his department has had to handle with the opening of the new Lowe's and Wal-mart stores. She further stated that the Building Inspector would like the residents whose homes would back up to this project to come to a meeting with the Planning Board and the applicant to make sure they are very aware of what is proposed.

Mrs. desJardins stated that the Building Inspector suggested that the applicant install a twelve foot high sound barrier behind the new buildings with landscaping and trees on the side facing the residences. He further recommends that no wall packs be installed on the buildings that might shine into the residents' homes; rather, lights could be installed on the side of the sound barrier facing the new buildings.

Mr. Bill Rae, representing Benderson Development (applicant), stated that when the property was rezoned and a public hearing was held, the neighbors indicated that they preferred a berm behind the buildings along with pine trees in the area where there currently are no trees.

Mr. Rae stated that a Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) were done during the rezoning process earlier this year and as part of this process a noise study was performed that took into consideration the impact on the neighbors. He further stated that the wall pack lighting proposed for this project is downward-facing.

It was determined that a public hearing will be held on January 20, 2010 for this proposal. It was further determined that the applicant will give a presentation regarding the proposed project at the public hearing and therefore will not need to be on the Board's December 16, 2009 agenda.

Mr. Rae stated that the Engineering Department is requiring that a phasing plan indicate which areas of Phase Two would be impacted relative to ground disturbance in connection with the construction of Phase One.

In response to a question from Mrs. desJardins, Mr. Rae stated that the applicant proposes to construct approximately 472 fewer parking spaces than the Town Code requires, noting that the project is a mixed use development including retail stores and restaurants that may not necessarily be operating at the same time. It was determined that a variance would be required for the reduced number of parking spaces.

In response to a question from Mrs. desJardins, Mr. Rae stated that Benderson Development does not know at this time what retailers/restaurants would go in this development. He further stated that hopefully in a few weeks' time the applicant will have a better idea.

Board members agreed that the neighbors most affected by this development (those homes on Creekview Drive that back up to this property) will be notified of the public hearing to be held on January 20, 2010.

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

Engineering Department comments have been filed with the Planning Department.

Oma's Guest Haus

Mr. Karl Takacs, applicant, appeared on behalf of the project, stating that the home has been in his family for fifteen years and that he inherited it approximately three years ago. He further stated that rooms in the home had been rented out in the past and that it has slowly been transformed into a bed and breakfast establishment. He noted that he is hoping to bring the establishment into compliance and obtain the appropriate approvals for the use (Special Use Permit and Site Plan Approval).

Mrs. desJardins stated that the home has four units and, as such, the Town Code requires that the applicant provide four parking spaces (one for each unit) and two spaces for himself. She noted that the applicant has a garage for his vehicle and a driveway where the guests can park, but he probably could not fit four guests' vehicles in his driveway at one time. She stated that the applicant has indicated that the times he would have all four units full at the same time are few and far between and that he has submitted a letter from a nearby restaurant owner giving him permission to park his or his guests' vehicles in the restaurant parking lot if the need ever arises.

Mrs. desJardins stated that the Planning Department will research whether a variance would be required for the number of parking spaces provided.

Mrs. Yerkovich made a motion, seconded by Mr. Phillips, to schedule a public hearing for this project for January 20, 2010. Carried.

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

Villages at Mission Hills

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

Mrs. desJardins stated that the Final Supplemental Environmental Impact Statement (FSEIS) was submitted by the applicant in November and that Board members have a copy and have had the opportunity to review it. She further stated that Board members have been provided with a memo from Mr. Reilly indicating that the applicant has addressed comments received from the New York State Department of Transportation, the New York State Department of Environmental Conservation, the Town of Hamburg Engineering and Planning Departments, the Planning Board and the public.

Chairman Koenig stated that he feels the document adequately addresses the substantive comments of the Draft Supplemental Environmental Impact Statement. Board members concurred and Mr. Phillips commented that there are several misspellings in the document.

Mrs. Rogers stated that the FSEIS states that the project is "geared" towards seniors and she asked Ms. Voit if the project is specifically being marketed as senior housing. Ms. Voit responded that the project has a mix of residential uses and, excepting the portion of the project that involves patio homes, will be marketed to seniors. She further

stated that, because the patio homes would be owner-occupied, she does not think the applicant could strictly market them to seniors.

Mr. Manko stated that one of the occupants of the multi-family units must be 55 years old or over.

Mrs. Rogers asked Mr. Manko if he has other projects with rental units and owner-occupied homes on the same campus. Mr. Manko replied in the affirmative.

Mr. Phillips made the following motion, seconded by Mr. McCabe:

“WHEREAS, the Town of Hamburg has received a site plan application from Mission Hills Senior Apartments, LLC for the construction of a 339-unit residential development; and,

WHEREAS, the Town of Hamburg Planning Board, as Lead Agency, issued a Determination of Significance for a Positive Declaration for this project on April 17, 2002, requiring the completion of a Supplemental Environmental Impact Statement; and,

WHEREAS, the Planning Board accepted the Draft Supplemental Environmental Impact Statement (DSEIS) as complete for agency and public review on June 17, 2009 and held a Public Hearing on July 15, 2009; and,

WHEREAS, The Planning Board has considered all substantive comments in the development of the Final Supplemental Environmental Impact Statement (FSEIS).

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hamburg Planning Board accepts the Final Supplemental Environmental Impact Statement for The Villages at Mission Hills as adequately addressing the substantive comments of the DSEIS; and,

BE IT FURTHER RESOLVED, that the Planning Board authorizes the Planning Department to prepare and mail all required notices regarding the acceptance of the FSEIS; and,

BE IT FURTHER RESOLVED, that the Planning Board will begin developing its draft Findings Statement for the proposed project.” Carried.

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

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mrs. desJardins stated that the Villas at Brierwood project on Southwestern Boulevard is currently being constructed and that, instead of installing a hot box to house the backflow preventer, the applicant proposes to construct a building instead that will also include the residents' mailboxes. Planning Board members agreed that they have no problem with the change.

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Mr. McCabe made a motion, seconded by Mr. Reszka, to approve the minutes of

November 18, 2009. As the vote on the motion was six (6) ayes and one (1) abstention, the motion carried.

Mr. Phillips 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