

Town of Hamburg  
Planning Board Meeting

February 17, 2010

Minutes

The Town of Hamburg Planning Board met in regular session on Wednesday, February 17, 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, David Bellissimo, Steve McCabe, Sasha Yerkovich and Karen Rogers.

Others in attendance included Andrew Reilly, Sarah desJardins, Richard Lardo and Councilman Kevin Smardz.

**Public Hearing – Becker II 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 Becker II Two-Lot Subdivision to be located on the east side of Old Lakeshore Road on February 17, 2010 in Room 7B of Hamburg Town Hall.”

Mr. Reilly stated that this proposal is the logical breaking off of the last piece of a larger parcel on Old Lakeshore Road and that the applicant has indicated that he does not have a plan to subdivide the larger parcel at this time. He further stated that the proposal meets all zoning requirements.

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 regarding the Becker II Two-Lot Subdivision and grant Preliminary Approval with the following conditions:

- Approval is contingent upon the Engineering Department comment letter dated February 17, 2010.
- The requirement of filing a Map Cover is waived.
- The requirement that sidewalks be installed is waived.

Carried.

Engineering Department comments have been filed with the Planning Department.

**Public Hearing – Southtowns Three-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 three-lot subdivision known as the Southtowns Three-Lot Subdivision to be located on the south side of Old Lakeview Road on February 17, 2010 in Room 7B of Hamburg Town Hall at 7:00 P.M.”

William Savage, applicant, appeared on behalf of the proposed project, stating that he would prefer two standard road frontage lots, as opposed to one road frontage lot and one flag lot.

Mr. Reilly stated that the applicant originally proposed a subdivision that included two standard road frontage lots. However, because this property is located in the South Central Overlay District and, as such, the Planning Board can increase the bulk requirements by 50% if it feels it is appropriate, the applicant subsequently submitted a layout that includes a road frontage lot and a flag lot (in this layout, both lots meet the 50% increase in bulk regulations).

Board members concurred that they prefer the layout with the two road frontage lots.

Chairman Reszka declared the public hearing open. The following people spoke:

- Elizabeth Srutowsky, 3573 Old Lakeview Road, stated that when the drainage swale next to her home was installed in connection with the new homes across the street, there was a requirement that the swale not be used for any homes other than the ones across the street. She noted that she has a copy of the report issued by the New York State Department of Environmental Conservation (DEC) regarding the swale that was installed. She further stated that she has no objection to the applicant’s layout that includes the two standard road frontage lots. She also stated that she would like to see the large trees along the road in front of the new lots remain.
- Mr. Savage stated that the drainage swale Mrs. Srutowski referred to was designed by him and approved by the Hamburg Engineering Department, noting that the swale was designed to include the two new lots between his home and Mrs. Srutowski’s home. He further stated that when the swale was installed, Mrs. Srutowski requested that the New York State Department of Environmental Conservation review the swale and he (Mr. Savage) was required to obtain a permit from that department because the drainage system was being installed within fifty feet of the bank of Eighteen Mile Creek.

Mr. Lardo stated that he needs documentation regarding the swale being discussed in order to comment further on the issue.

Chairman Reszka declared the public hearing closed.

Mrs. Yerkovich made a motion, seconded by Mr. Bellissimo, to issue a Negative Declaration regarding the Southtowns Three-Lot Subdivision and grant Preliminary

Approval with the following conditions:

- The drawing will be amended to indicate that the four existing trees in the front of the lots will be preserved.
- The requirement that sidewalks be installed is waived.
- The Engineering Department will review and approve the drainage design.
- Approval is contingent upon the Engineering Department comment letter dated February 17, 2010.
- A Map Cover will be filed.

Carried.

Engineering Department comments have been filed with the Planning Department.

### **Hamburg Senior Apartments**

Mr. Reilly stated that the Planning Board had previously determined that the applicant will submit updated environmental information and the Board will use that information, along with the original Environmental Impact Statement (EIS) to determine whether the project warrants a Supplemental Environmental Impact Statement (SEIS).

Mr. Reilly stated that the submitted sketch plan must be amended because it is not in conformance with the original EIS, noting that building #11 is shown in the area that has always been referred to as a "recreation area". He further stated that if the applicant does not wish to remove building #11 from that area, the Town Board would have to be petitioned to amend the original approval of the Planned Unit Development (PUD).

Mr. Reilly noted that a letter was received from the Chief of the Lake Shore Volunteer Fire Company indicating concern about the distance of the project from the railroad tracks, as well as concern about seniors living so close to the tracks.

Attorney Jeff Palumbo from Damon Morey appeared on behalf of the applicant, stating that the applicant is in the process of preparing a Long Environmental Assessment Form (EAF), which will be submitted to the Planning Board, along with numerous documents and documentation dealing with the issues raised by the Board to date (wetlands, water and sewage capacity, drainage, aesthetics, open space, traffic, emergency services and railroad traffic/ railroad setback requirements).

In response to a question from Chairman Reszka, Attorney Palumbo stated that the sketch plan will be updated to take the recreation area into account and the letter from the Lake Shore Fire Chief will be addressed.

Chairman Reszka stated that he would like information on the difference between the traffic generated by an apartment project on this site that is not a senior complex and

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this project, which is for seniors. Attorney Palumbo responded that the applicant will submit that information to the Planning Board for its review.

Mr. McCabe stated that once the Planning Board receives the Full EAF, it can begin to identify any significant changes that have occurred since the initial documentation was reviewed years ago.

Mrs. Rogers stated that the original EIS dated 1988 indicates that excavation of this site was performed by Bethlehem Steel but does not indicate whether soil testing was ever done for any type of contamination. Attorney Palumbo stated that he will look into that question.

Mr. Bellissimo made a motion, seconded by Mrs. Rogers, to table this project to the Board's next meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

Mr. Koenig made a motion, seconded by Mr. McCabe, to approve the minutes of February 3, 2010. Carried.

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

The meeting was adjourned at 7:45 P.M.

Respectfully submitted,  
Stephen J. McCabe, Secretary  
Planning Board