

Town of Hamburg
Planning Board Work Session
March 3, 2010
Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, March 3, 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, Sasha Yerkovich and Brendan Lovullo.

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

Absent: David Bellissimo

Hamburg Crossings, Phase I

Mr. Reilly stated that the applicant has asked to be tabled until the Board's April Work Session and noted that the biggest issue the applicant is currently attempting to deal with is the fact that the residents whose properties are adjacent to this site are concerned about potential noise, lighting, etc. Mr. Reilly further stated that, when the project site was rezoned from residential to commercial, the Town Board stipulated that there is to be protection for the residents from this development, especially in the area that has no vegetation.

Mr. Reilly stated that the residents are very concerned about noise and have suggested that the applicant install an eighteen-foot high sound wall from one end of the site to the other. He further noted that, during the rezoning approval process, an Environmental Impact Statement (EIS) was done for this project that indicated that with certain mitigations and with the existing buffer in place, there would not be a noise impact on the nearby residents. He stated that, because of the results of the EIS, the applicant is (at this point) only proposing mitigations such as screening the loading docks and dumpster areas and dampening the noise from the HVAC equipment by installing a parapet around the equipment on the roof.

Mr. Reilly stated that it is his understanding that the nearby residents would like the applicant to do more to lessen the impact of the expected noise generated by this development and that the applicant has met with the neighbors regarding their concerns. He further noted that he does not know what the results have been of these meetings.

Chairman Reszka stated that the Town of Hamburg has been asking the Thruway Authority for years to consider making the Thruway entrance to Camp Road an at-grade entrance and eliminating the cloverleaf associated with the existing entrance. He asked Mr. Reilly if there have been any discussions recently regarding this request. Mr. Reilly responded that it is his understanding that the Thruway Authority is researching this possibility.

Mr. Koenig stated that the Conservation Advisory Board's desire that this project be "green" is an issue the applicant needs to address.

Board members discussed the noise study done in conjunction with the EIS, as well as the different noise mitigation measures proposed by both the applicant and the nearby residents and how effective they would be. They also discussed whether and how the Town could enforce conditions such as truck deliveries not being allowed after 11:00 PM.

Mrs. Yerkovich stated that the residents seem skeptical that placing restrictions on when trucks can deliver, the type of dumpster the applicant can use, when loading docks can be accessed, etc. will actually be enforced.

Mrs. Rogers stated that she would like Benderson Development to address the feasibility of this

project, given the fact that there are so many existing vacant sites owned by Benderson in the Town of Hamburg.

Mr. Koenig made a motion, seconded by Mrs. Yerkovich, to table this project until the Board's April Work Session. Carried.

Engineering Department comments have been filed with the Planning Department.

Hamburg Senior Apartments

Attorney Roland Georger, appearing on behalf of the proposed project, submitted information to the Board that was requested at the Board's last meeting. Specifically, he submitted to each Board member a copy of the Long Form Environmental Assessment Form (EAF), a letter from Nussbaumer & Clark comparing 72 market rate apartment units to 72 senior apartment units and a revised sketch plan that increases the proposed green space and accommodates, to some extent, the area that has always been designated as a recreation area.

Mr. Reilly reminded Board members that the next step is for the Board to determine whether a Supplemental Environmental Impact Statement (SEIS) is warranted for this project, noting that the information submitted by the applicant will help the Board make that decision. He further stated that the Board must decide either to require an SEIS or determine that the project will not have a negative impact on the environment.

Chairman Reszka asked Attorney Georger if the applicant has spoken with the Lake Shore Fire Chief regarding his concerns about locating the proposed buildings so close to the railroad tracks, as well as about evacuating the buildings in the event of a derailment or chemical release, given the age of the residents in the development. Attorney Georger responded that the applicant has spoken with the Fire Chief and noted that his (Attorney Georger's) personal opinion is that the concerns are a bit overstated. He further stated that most likely any multi-family complex, regardless of the age of the tenants, will be troublesome to evacuate in the event of an emergency and noted that this scenario is a low probability event in any case. He stated that the applicant will continue to talk to the Fire Chief but that they disagree with the Fire Chief's assertions.

Mr. Reilly stated that the Planning Board will need a written response from the applicant regarding the Fire Chief's stated concerns and why the applicant does not feel these concerns will be a problem for the record.

Chairman Reszka stated that he has done a lot of research regarding how far buildings should be set back from railroad tracks and asked Attorney Georger if he has received any information in that regard. Attorney Georger responded that he will look into this issue.

Mr. Reilly stated that the railroad industry says that it has sufficient right of way for the proper buffer to the railroad tracks.

Attorney Georger stated that the applicant can do his best through access points and conforming to the Building Codes to maintain the safest project possible, noting again that a railroad emergency is a low probability issue.

Attorney Georger stated that by the Board's next meeting he should be able to provide additional information regarding setbacks from the railroad tracks, as well as a letter addressing the concerns of the Lake Shore Fire Chief.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to table this project. Carried.
Engineering Department comments have been filed with the Planning Department.

Victor Liberatore Rezoning Request (5811 South Park Avenue)

Chairman Reszka stated that the property in question is located across from the South Park Avenue entrance to the Fairgrounds and that currently there are office buildings on the property.

Mr. Reilly stated that the property in question is currently zoned C-2 and it is his understanding that the applicant would like to put residential rental units in the buildings, which requires a rezoning. He further stated that he recommended to the applicant that he request NC (Neighborhood Commercial) rezoning, as it is the only commercial zoning in the Town that allows commercial and residential uses together.

Mr. Reilly handed out to the Board members the section of the Comprehensive Plan that indicates that this area of the Town would be good for mixed uses. He further noted that the Code Review Committee has recommended that this rezoning request be granted and that the Town Board has referred this request to the Planning Board for its review and recommendation.

Mr. Reilly stated that the Planning Department highly recommends the approval of this request, noting that as commercial uses in this corridor begin to struggle, it makes sense to allow the property owners to try and make the properties viable. He further stated that the property's proximity to the Village and the bus route makes it a good location for residential use in the form of apartments.

Mr. Reilly stated that, if this property is rezoned to NC, the applicant would be allowed to continue the commercial uses on the property and at the same time convert the rest of the buildings to apartments. However, he cautioned the applicant that, if in the future he or a future owner of the property wishes to demolish the existing buildings on the site and construct new commercial buildings, the buildings would not be allowed to be more than 2,000 square feet in size.

Chairman Reszka confirmed with the applicant (Victor Liberatore) that at this time he does not have any firm plans for the property but would like it rezoned so that he has options for the site.

Mrs. Yerkovich made a motion, seconded by Mrs. Rogers, to table this project. Carried.
Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Southtowns Market (Southwestern Boulevard):

Mr. Reilly stated that the Planning Board granted Conditional Site Plan Approval for a project at this location that never came to fruition. He further stated that the applicant is asking the Planning Board to relieve him from completing two required items that were conditions of approval (paving a section of the site for parking and installing a dumpster pad and dumpster) at this time since he has no tenant for the building.

Mr. Reilly stated that the applicant will be informed that he does not have to complete the above two issues at this time but that when he does have a new tenant for the building, regardless of what type of business it is, he will have to return to the Planning Board for direction regarding these issues at that time. Board members concurred.

Old Time Baptist Church:

Mr. Reilly reported that the church has decided not to pursue construction of the new church on the Route 62 / Hickox Road site and has withdrawn the application for that site.

Avanti Mansion:

Mr. Reilly reminded the Board that the applicant was given two options after it was learned that the building and parking will be constructed thirty feet closer to South Park Avenue than what was originally proposed. The two options were to either return to the Planning Board for re-approval of the project without landscaping along South Park Avenue or to submit a proposed landscaping plan for the area within the required forty-foot setback from South Park Avenue for the Board's review. He further stated that the applicant's response was that she does not want to return to the Planning Board so she plans to submit a landscaping plan (this has not been done to date).

Mrs. desJardins stated that another problem the applicant has is that the Storm Water Pollution Prevention Plan (SWPPP) requirements state that a report is to be issued weekly and copied to the Town. This is not being done and the applicant has been given a deadline to come into compliance or a stop work order will be issued.

Mr. Reilly reported that the Town Board is considering rezoning five parcels on the north side of Southwestern Boulevard (east of Lowe's) from R-2 to C-1 and that a public hearing has been scheduled for March 22, 2010. Board members agreed to place this item on the March 17, 2010 Planning Board agenda so that the Board can forward a recommendation to the Town Board.

It was determined that two Board members did not receive the minutes from February 17, 2010 and therefore the Board decided not to address the approval of those minutes.

Mrs. Yerkovich made a motion, seconded by Mrs. Rogers, to adjourn the meeting. The meeting was adjourned at 7:50 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board