

Town of Hamburg  
Planning Board Work Session  
April 7, 2010

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, April 7, 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, David Bellissimo and Sasha Yerkovich.

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

Absent: Brendan Lovullo

Excused: Karen Rogers

### **Walgreens**

Chairman Reszka stated that the Building Inspector has asked the Planning Board to review and provide input on the revised landscaping plan for the project.

Mr. Reilly stated that Walgreens received a variance from the Zoning Board of Appeals (ZBA) to locate the parking area two (2) feet from the rear property (ten feet is required). He further noted that the revised landscaping plan actually proposes the parking area four (4) feet from the property line because the parking spaces in that area have been shortened from 20 feet to 18 feet in length.

Mr. Reilly stated that, because the building will be located eight (8) feet further away from South Park Avenue, the applicant is proposing landscaping in front of the building and ornamental grasses are proposed along the rear property line in the four-foot area.

Attorney James Boglioli, representing Benderson Development, stated that in addition to adding the ornamental grasses along the rear property line, the landscaping along Walker Place has been enhanced to help mitigate the loss of the six (6) feet of green space along the rear property line.

Mr. Reilly stated that technically the Planning Department approves landscaping plans and noted that input from the Planning Board is very important.

In response to a question from Chairman Reszka, Attorney Boglioli stated that Walgreens does not want any plantings in the four (4) feet of green space in the rear to overhang the parking curbs, which is why the ornamental grasses are proposed in that area as opposed to bushes.

It was determined that perennials are proposed in front of the building with mulch as ground cover.

Mr. Donald Borzelleri, Maelou Drive, stated that he attended the ZBA meeting and was under the impression that the variance granted was not for a setback in the rear yard. He noted that, when he asked the ZBA about the eight (8) feet of green space in the rear yard, he was told by the ZBA that they were only discussing the request of the applicant to move the building eight (8) feet back from the road and that if he wanted to talk about the rear yard he would have to speak to the Planning Board.

Chairman Reszka informed Mr. Borzelleri that the applicant received all of the Zoning  
Hamburg Planning Board meeting                      April 7, 2010

Board variances they needed and that the Planning Board is only discussing the proposed changes to the landscaping as a result of the variances received, as any other concerns are out of the Planning Board's hands.

Attorney Boglioli stated that the variance granted was for an eight (8) foot variance in the rear for the parking and further noted that when some residents asked about what landscaping would go in the green space, they were directed to the Planning Board.

In response to a question from Mr. Borzelleri regarding whether the Town Code requires that there be ten feet of green space in the rear yard, Attorney Cheryl McFaddon-Zak stated that she cannot give him advice.

Mr. Reilly stated that the Town Code requires that parking areas be set back ten feet from the rear property line and that the applicant received a variance to locate the parking area two (2) feet from the rear property line. He further stated that the variance request was advertised correctly.

Mrs. desJardins read the following excerpt from the ZBA minutes of March 23, 2010 regarding Benderson Development's request for a variance:

“Several residents were present to express concerns about drainage problems, parking concerns, dissatisfactions with the project and store hours. Mr. Gugliuzza, Mr. Rybczynski and the Town legal counsel informed the residents that the Board can only address the issue before them, which is a front yard setback variance.”

Attorney McFaddon-Zak recommended that Mr. Borzelleri speak to Attorney Shaw, the ZBA's attorney.

Mr. Borzelleri stated that he is concerned that when it snows Walgreens will push the snow into the four-foot area between the parking area and the rear property line, which will then drain onto the property of the resident next door. Chairman Reszka responded that the snow will be trucked off the site if it gets to be too much.

Mr. Reilly stated that the Engineering Department is reviewing the revised drainage plan to make sure that the site drains property and that nothing drains onto the neighbor's property.

Mr. Reilly stated that he will have Wendel's Landscape Architects review the ornamental grasses proposed for the four-foot area in the rear of the property to see if there is something else that could go in there that wouldn't overhang the parking area.

### **KMB Two-Lot Subdivision**

Mrs. desJardins stated that the applicant is in the process of purchasing this property and demolishing some of the existing structures on the site. She further stated that the applicant would like to subdivide the property so that she can build on one lot (Lot #2) and sell the other Lot #1). She noted that the property is located in the Lakeview Overlay District and it meets all zoning requirements, even if the Planning Board requires that the bulk requirements be increased by 25% per the Code.

Kelly Ballagh, applicant, stated that the house on the property that burned down was

connected to the sanitary sewer and she assumes that all the buildings on the property  
Hamburg Planning Board meeting April 7, 2010

were serviced by sewers. She noted that the newly created lot is not serviced by sewer currently, as it was vacant.

Mr. Reilly stated that the existing sewer main ends in front of Lot #2 and that, in order to obtain approval of this subdivision, Ms. Ballagh will probably have to connect the sewer all the way across the newly created lot. He advised Ms. Ballagh to talk to the Erie County Sewer District and Erie County Health Department, as this property is located in a sewer district.

The Board discussed the possibility that the applicant may be able to obtain a waiver from the Department of Health to install a septic system instead of extending the sewer main.

It was determined that a public hearing would be scheduled for April 21, 2010 and in the meantime the applicant will find out whether the sewer must be connected or not.

Mr. Bellissimo made a motion, seconded by Mrs. Yerkovich, to schedule a public hearing for April 21, 2010. Carried.

Engineering Department comments have been filed with the Planning Department.

### **Bevilacqua Homes Two-Lot Subdivision**

Mrs. desJardins stated that the applicant purchased the Cooper Ridge Nursery and that the Nursery consisted of two parcels (two separate SBL numbers). She further stated that one of these parcels is segmented by Pleasant Avenue so that one part of it is vacant (north side of Pleasant Avenue) and the other contains the building used by Cooper Ridge as its office (south side of Pleasant Avenue). Mrs. desJardins noted that the applicant would like each of these pieces to have its own SBL number, which is why a subdivision is being proposed.

Mrs. desJardins stated that, at this time, the applicant is not requesting approval of any development on the vacant parcel, although he may propose something in the future.

It was noted that the larger, vacant parcel is zoned RA and the small parcel with the office building on it is zoned R-1.

Chairman Reszka stated that the Conservation Board has advised him that this property is located in the Agricultural District.

Mr. McCabe made a motion, seconded by Mr. Koenig, to schedule a public hearing for April 21, 2010. Carried.

Engineering Department comments have been filed with the Planning Department.

### **OTHER BUSINESS**

Mrs. desJardins reported that the attorney representing the Hamburg Senior Apartments project (Attorney Roland Georger) advised her that, although the Planning

Board asked that additional information be submitted to the Planning Department by  
Hamburg Planning Board meeting April 7, 2010

April 7, 2010, the information has not yet been fully compiled. She noted that Attorney Georger further stated that the revised plans and information requested will be submitted to the Planning Department as soon as possible and he asked that the Board still discuss the project at its April 21, 2010 meeting. He also stated that the applicant understands that the Planning Board will not make any determinations at that meeting, as it will not have enough time to review the material before the meeting.

Mr. Bellissimo made a motion, seconded by Mr. Koenig, to approve the minutes of March 17, 2010. Carried.

Mr. Koenig made a motion, seconded by Mr. McCabe, to adjourn the meeting. The meeting was adjourned at 7:45 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board