

Town of Hamburg
Planning Board Meeting

May 19, 2010

Minutes

The Town of Hamburg Planning Board met in regular session on Wednesday, May 19, 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, Sasha Yerkovich, Karen Rogers, Stephen McCabe and Brendan Lovullo.

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

Hamburg Senior Apartments

Chairman Reszka stated that the Board would be reviewing the requested environmental information submitted by the applicant to see if Board members are ready to determine whether a Supplemental Environmental Impact Statement (SEIS) is warranted for this project.

Mr. Reilly stated that the Board would not be making a decision at this meeting but would be providing direction regarding whether any additional information will be required and/or whether any submitted information needs clarification. He further noted that Board members have been provided with pertinent sections of the original Environmental Impact Statement (EIS), as well as correspondence received from the public and affected agencies regarding this project. He stated that, at this meeting, the Board would focus on the issues raised previously that need clarification (such as the Heart Trail, open space, drainage, lighting, senior services, setbacks from the railroad, emergency access, wetlands, screening and buffering, infrastructure, noise, etc.) and would also review Part II of the Long Environmental Assessment Form (EAF) to make sure all environmental concerns have been addressed.

Mr. Reilly reminded the Board that an EIS was done for the overall Planned Unit Development (PUD) several years ago and the Board will be focusing on this particular project and its relevancy to the EIS, as well as on whether this project as proposed will have an impact on the environment.

Attorney Jeffrey Palumbo, representing the applicant, stated that the applicant has submitted the information requested by the Planning Board and noted that this project was the subject of an EIS many years ago and, as is required under SEQRA, an environmental review was done at the earliest possible opportunity. He further stated that he does not believe that the changes result in any significant adverse impacts to the environment.

Attorney Palumbo noted that the number of units proposed is far less than what was originally anticipated.

Mr. Reilly noted that the site plan has been revised to enlarge the tot lot area,

although it does not exactly match what was portrayed on the original open space map. Attorney Palumbo responded that the original open space acreage including the tot lot and a portion of the railroad buffer was approximately 6.2 acres and that, although the current site plan does not show the green space in exactly the same configuration, it includes a larger amount of green area than what was originally anticipated.

It was determined that the Planning Board received recent correspondence from Attorney Palumbo, as well as Attorney Giacalone, at this meeting and therefore had not had an opportunity to review either.

Attorney Arthur Giacalone, representing residents of Briercliff Drive, stated that the original EIS in 1988 was not very thoroughly done and noted that he is concerned that the information presented by the applicant "spins" the issues of concern in a positive direction. He noted that he does not see anything substantive in the applicant's engineering report presented to the Planning Board and stated that it appears that no soil samples were collected at all.

Attorney Giacalone stated that he believes that the soil types on this property, given the proposed density in use, is significant because the Eire County Soil Survey indicates that the soil on this property has severe limitations for any kind of building and that it is somewhat poorly drained. He further stated that this project is being brought to the Planning Board by the owner of the land, rather than by the developer who wants to build on it. He also noted that the level of railroad activity is much higher now than it was when the PUD was originally planned.

Attorney Giacalone noted that the proposed buildings are far larger than anything nearby in the surrounding community and that the scale of the project is inconsistent with the surrounding area.

The Planning Board discussed the following potential impacts to the environment listed in the Part II of the Long EAF:

- Impact on land – depth to the water table, possible blasting during construction, construction lasting longer than one year
- Impact on water – confirmation that no wetlands exist on the site, requirement of a discharge permit, drainage patterns, possibility of underground detention, question of water pressure/ fire flow capacities, sewer capacity, question of inflow and infiltration problems
- Impact on aesthetic resources – compatibility of the proposed buildings with the surrounding neighborhood, buffering of the existing homes from the rear of the new buildings, elevations of the proposed buildings
- Impact on open space and recreation – location of the recreation area (tot lot), overall green space provided, maintenance of the green area and the Heart Trail within the project site
- Impact on transportation – increase in neighborhood traffic as a result of this

project, specific traffic counts for senior housing, age of prospective tenants, number of parking spaces provided

- Noise and odor impact – Noise generated during construction, location of dumpsters, proximity of the buildings to the railroad tracks (noise concerns), the status of the “Quiet Zone”, impact of the project’s lighting on existing homes on Briercliff Drive
- Impact on public health – Question of contaminants on site, whether the soil on the site was tested, proximity of the project to the railroad tracks (safety concerns), the idea of a safety barrier being constructed along the railroad tracks
- Impact on growth and character of the community – Increase in emergency services, compatibility of this project with the surrounding neighborhood, snow removal from the internal roads, the number of people allowed to reside in a unit

It was determined that the Planning Board would like accident reports from the intersections of Briercliff Drive and Cloverbank Road and Briercliff Drive and Amsdell Road, as well as on Briercliff Drive itself. It was further determined that the Lake Shore Volunteer Fire Company Chief, as well as the Traffic Safety Advisory Board Chairman, will be invited to attend the Board’s June 2, 2010 work session to provide input regarding any concerns they might have about this project.

Mrs. Rogers reminded the Board and the applicants that previously asked for the soil to be tested, given that this property was used for excavating by Bethlehem Steel, noting that she still thinks testing the soil would be worthwhile. She stated that she specifically gave the applicant information about which part of the site she was concerned about. Mr. Reilly agreed to research this for Mrs. Rogers.

Mr. Reilly stated that there have been questions from residents about the Heart Trail and whether or not the apartment tenants would have access to it. He noted that the Town will require that the Heart Trail be installed on the property as a requirement of the PUD and it must be available to everyone in the PUD. Board members further discussed who would pay for and maintain the Heart Trail once it is installed.

It was determined that the Planning Department will research the requirements in the Subdivision Law regarding how far homes must be set back from railroad tracks.

It was determined that the Planning Department will research what impact the project’s use of Senior Vans would have on the Senior Services Department in terms of the number of vans left for the rest of Hamburg seniors.

It was determined that the Planning Department will research whether or not recreation fees have been assessed on the different phases of the Brierwood PUD.

Mr. Bellissimo made a motion, seconded by Mr. McCabe, to table this project to the Board’s next meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

Mr. Don Weiss asked the Board if he could comment on the above project and was informed by the Chairman that Mr. Weiss can submit comments in writing if he wishes and the public comment period is over.

Mr. Tom Nowak, 5249 Briercliff Drive, stated that one of the questions he raised at the Board's public hearing has not been addressed. Chairman Reszka responded that if he missed Mr. Nowak's question when reviewing the public hearing minutes, it will be addressed at the Board's June 2, 2010 work session.

OTHER BUSINESS

Mr. Reilly stated that the developer of the Villas at Brierwood project on Southwestern Boulevard filled in wetlands on a different parcel in Hamburg and, per the New York State Department of Conservation, will have to mitigate this transgression by creating wetlands elsewhere, as well as pay a fine. Mr. Reilly stated that the developer is proposing to expand the wetland area on the Villas at Brierwood site as mitigation for filling in the wetlands on the other site.

Mr. Koenig stated that he believes that traditionally the Town of Hamburg does not allow mitigation of wetlands in residential developments.

Chairman Reszka stated that his only concern is that, if the Planning Board gets the developer out of this predicament, what is to say the developer won't get himself into another predicament like this in the future?

Mr. Koenig made a motion, seconded by Mr. Bellissimo, that this proposed mitigation is inconsequential. Carried.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to approve the minutes of April 21, 2010. As there were five (5) ayes and two (2) abstaining (Mr. McCabe and Mrs. Rogers), the motion carried.

Mr. McCabe made a motion, seconded by Mr. Koenig, to approve the minutes of May 5, 2010. As there were six (6) ayes and one (1) abstaining (Mrs. Yerkovich) the motion carried.

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

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

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board