

Town of Hamburg
Planning Board Work Session
June 2, 2010
Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, June 2, 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, Karen Rogers, Sasha Yerkovich and Brendan Lovullo.

Others in attendance included Sarah desJardins and Attorney Cheryl McFaddon-Zak

Buffalo Computer Graphics

Mrs. desJardins stated that the applicant did not plan to attend the Work Session and nothing new had been submitted regarding this project to the Planning Department since the Board's last meeting. She further noted, however, that the Town Board did approve the applicant's request for a curb cut onto Bayview Road with the condition that the Planning Board will be responsible for determining the location of the curb cut and whether or not a cross-access will be required with K-Technologies.

Mrs. desJardins stated that the Board received correspondence from a resident and that each member has been provided a copy of that correspondence. She further stated that a public hearing cannot be scheduled for this project because a full site plan has not been submitted to the Planning Department yet.

Chairman Reszka stated that, to his knowledge, the Town does not require cross access in industrial zones. Mr. McCabe stated that the Town does require them in commercial zones. He further stated that he will be very interested in hearing any comments the Fire Department has regarding this issue.

Chairman Reszka stated that when the Planning Board was reviewing the K-Technologies project on the corner of Bayview Road and Jeffrey Boulevard, the residents in the area were concerned about the safety of the children walking along Bayview Road. He further stated that perhaps the Planning Board should waive the requirement of installing the cross access in exchange for the applicant installing sidewalks on the opposite side of Bayview road.

Mr. Koenig questioned the legality of the Board even asking the applicant to install sidewalks on the other side of the road. Chairman Reszka responded that the sidewalks would be installed in the right of way and therefore would not be on someone else's property.

Mr. Koenig asked if the Planning Board has any jurisdiction whatsoever regarding Carole Gillette's request to require that the approved curb cut for K-Technologies be removed. Mrs. desJardins responded that the Planning Board would not have the ability to require that the approved curb cut be removed, as that curb cut was allowed by the Town Board.

Mrs. Yerkovich stated that, because Carole Gillette has requested a response to her correspondence, the Planning Board should send her a response indicating that the Planning Board does not have the ability to require that K-Technologies' curb cut not be installed and that she would have to speak with the Town Board about that concern. Mrs. Yerkovich further stated that, although Ms. Gillette's concern is not the responsibility of the Planning Board, it is important that she receive a response of some kind. Board members agreed.

Mrs. Yerkovich made a motion, seconded by Mr. Bellissimo, to authorize the Planning Department to send Carole Gillette a letter indicating who the proper people are she should talk to regarding her concern about the approved curb cut for K-Technologies, that the Town will respond in kind and that the Planning Board has no jurisdiction over this particular concern. Carried.

Engineering Department comments have been filed with the Planning Department.

Hamburg Senior Apartments

Mrs. desJardins stated that both the Lake Shore Volunteer Fire Department Chief, Chad Witkowski, and the Chairman of the Traffic Safety Advisory Board (TSAB), Jerry Giglio, were invited to this Work Session and both were in attendance.

Mr. Witkowski stated that his first concern regarding this proposed project is the distance of this complex from the railroad tracks, noting that he finds that to be a complete hazard because if there ever was a train derailment or leak, it would definitely overtax the fire department in many ways and put the residents in danger due to the proximity of the buildings to the tracks.

Mr. Witkowski stated that, in an emergency, evacuating 72 units would be far more than the fire department can handle and noted that seniors need a lot more help getting out than younger people, noting that this is a health and safety issue.

Mr. Witkowski stated that if the Board allows this project to be built right next to the railroad tracks and there is an emergency there, his department will not be able to handle the evacuation, triage, traffic control, emergency medical services and putting fires out that would be required.

Mr. Witkowski stated, for the record, that the Lake Shore Volunteer Fire Department is completely against this project going in this area next to the railroad tracks and that it would put the people who live there in danger, given the possibility of a train derailment and given the type of chemicals being transported by the rail cars, especially chlorine.

In response to a question from Mrs. Yerkovich, Mr. Witkowski stated that he would be against this project being so close to the tracks even if it was not proposed for seniors.

In response to a question from Mr. McCabe, Mr. Witkowski stated that he does not

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have a distance in mind he would be comfortable with. He noted that if the applicant reduced the number of units and moved the buildings further from the railroad tracks, perhaps that would help. Mrs. Rogers commented that it would be very difficult to determine how many units to allow the applicant.

Mr. Witkowski stated that getting the fire apparatus into the proposed parking lot would probably be feasible and he feels he could work with the proposed layout.

Jerry Giglio, Chairman of the TSAB, stated that, from a traffic safety point of view, the TSAB sees no real problem with seniors moving in to this area. He further stated that there probably would be vans entering the site to pick up residents, most residents would be retired and some might not drive at all and that the traffic entering the secondary highways from this development should not be a problem. Mr. Giglio noted that the internal traffic flow also would not be a problem.

In response to a question from Chairman Reszka, Mr. Giglio stated, for the record, that he was employed by the New York State Department of Transportation (NYSDOT) for over 35 years and did accident investigations, as well as general training of NYSDOT first responders and fire chiefs to ensure adequate responses to all situations, including chemical spills, on our highways.

Mr. Giglio stated that, from a traffic advisory standpoint, he has no reservations as Chairman of the TSAB, about this proposal.

Mrs. desJardins stated that the applicant has requested of the Police Department the accident reports for the intersection of Briercliff Drive and Cloverbank Road, as well as Briercliff Drive and Amsdell Road, and for Briercliff Drive itself.

Mrs. desJardins stated that, at its last meeting, the Planning Board asked the Planning Department to research several issues and she had the following to report:

- Per Section 230-20 of the subdivision chapter of the Town Code, a buffer distance of at least 50' from the railroad right of way is required when constructing homes near railroad tracks. (Board members were provided with a copy of this section of the Code.)
- Regarding the "Quiet Zone", Mrs. desJardins spoke to Rick Lardo in the Engineering Department, who informed her that the Town is still working on this issue with the Railroad.
- The Town has not collected recreation fees for the previous phases of the Brierwood PUD.
- Over the past twenty years, proposals for the different phases of the Brierwood PUD have shown this property developed in different ways and both a single entrance and two entrances to the site from Briercliff Drive have been shown. In addition, one proposal showed access to the property from Cloverbank Road. Where two entrances were shown to the site from Briercliff Drive, they have

been in different locations, as well.

Mrs. desJardins stated that she will contact Senior Services and get information for the Board regarding whether Senior Services feels that this development would adversely affect its ability to service seniors in the Town of Hamburg. She further stated that she will have this information for Board members before their next meeting.

Mr. Brian Burke, owner of the property, stated that two entrances are proposed to the site from Briercliff Drive because that was the request of the Planning Board.

Board members discussed the possibility of requesting that the soil on the site be tested. Attorney Georger stated that, besides being a quarry, this site was a barrow pit and the soils that were there were stripped down to the bedrock. He further stated that to ask the applicant to test the soil at this late date would not have a basis.

Mr. Koenig stated that the concern of some people regarding the soils on this site is that they may be contaminated or that barrels were dumped there. He asked Attorney Georger if he was contending that, because the soils have been stripped away, any problems with the soils have been removed. Attorney Georger responded that he has no objective indication that barrels were dumped on the property.

Chairman Reszka asked Mr. Donald Weiss (a member of the audience) if he ever submitted any written correspondence to the New York State Department of Environmental Conservation (NYSDEC) or any other official organization that would back up Mr. Weiss's allegations about dumping on this site. Mr. Weiss responded that he contacted the NYSDEC, the Town of Hamburg Building Inspector, Engineering Department, Planning Department and the owner of the property. He further stated that at that time the owner did a cosmetic clean-up of the site and removed all the barrels but that in 1989 the owner began dumping materials on the site.

In response to a question from Chairman Reszka, Mr. Weiss stated that any records of complaints made by him regarding dumping on the site would be found in the Planning Department, Building Department or Engineering Department.

Mr. Weiss stated that there still is soil on the site along the area where the Heart Trail signs are.

Chairman Reszka asked the Board members if they have enough information to make a decision as to whether a Supplemental Environmental Impact Statement should be required by the Planning Board.

Mrs. Rogers stated that she still believes that soil samples should be taken from the site and tested, noting that she does not think it would hurt anything and it would reassure the community about the safety of the site.

Mr. Koenig stated that, based on everything he has learned about this project, he is satisfied that the Environmental Impact Statement that was done many years ago is sufficient. Mr. Bellissimo concurred.

Chairman Reszka stated that no additional comments will be received by the Planning Board after 5:00 P.M. Friday, June 4, 2010.

In response to a question from Mr. Weiss, Chairman Reszka stated that the gas wells on the site have been identified.

Board members discussed the two proposed entrances to the site from Briercliff Drive. Mr. Brian Burke stated that the lots on which the two entrances are proposed were set aside prior to the selling of any other lots so that each person who purchased a lot understood where the access points were to be located.

Mr. Bellissimo stated that he approves of the location of the two entrances and likes the fact that they are not lined up across from homes where vehicle lights might shine in residents' windows.

Attorney Art Giacalone, representing Briercliff Drive residents, stated that it should be clarified that the Town's Subdivision ordinance requires a buffer of at least 50' from the railroad right of way not only for the placement of buildings, but also for activities related to a development.

Chairman Reszka stated that one of the Board's concerns has been the size of the proposed tot lot, noting that it seems to be a lot smaller than it should be. He further stated that it is identified in all of the drawings the Board has seen as a tot lot and that he would like the applicant to provide the Board with the green space calculations to show that the correct amount of green space per the Environmental Impact Statement is being provided. Attorney Georger agreed to provide this information to the Board in a stand-alone document.

Mr. Bellissimo made a motion, seconded by Mrs. Rogers, to table this proposal. Carried.

Engineering Department comments have been filed with the Planning Department.

BHC Reload & Metal Processing

Andrew Gow, from Nussbaumer & Clarke, appeared on behalf of the applicant, stating that the proposal is to build a 10,000 sq.ft. metal processing facility on the west side of Route 5, just south of the Hamburg – Lackawanna border. He further stated that scrap metal would be dropped off at this facility, where it would be reduced to smaller pieces, loaded on rail cars and taken away. Mr. Gow noted that this process is already being done at this location but would be done inside the building, if Site Plan Approval is granted.

It was determined that the types of scrap metal that are brought to the facility include metal sheet, washers, dryers, flattened cars, etc. It was further determined that scrap metal that is dropped off at this location is usually stored on the site for two to three weeks before it is reduced.

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

Mr. Bellissimo made a motion, seconded by Mr. McCabe, to approve the minutes of
May 19, 2010. Carried.

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

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board