

Town of Hamburg  
Planning Board Meeting

July 21, 2010

Minutes

The Town of Hamburg Planning Board met in regular session on Wednesday, July 21, 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, Stephen McCabe and Brendan Lovullo.

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

Excused: Karen Rogers

**Public Hearing - Buffalo Computer Graphics**

Mr. McCabe read the following public hearing notice:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Buffalo Computer Graphics regarding vacant property located on the north side of Bayview Road, across from Riggs Street. The applicant proposes to construct a 20,000 square foot building on the property. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on July 21, 2010 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

At this point in the meeting, Attorney McFaddon-Zak recused herself due to conflict and left the table.

Chairman Reszka stated that a letter was received from the Big Tree Volunteer Fire Company that included the following comments:

- It agrees with the location of a new fire hydrant.
- It does not see the need to require cross-access with K-Technologies.
- It requests that the new curb cut be located opposite Riggs Street.
- It requests a fire department access turn-around in the back corner of the site.
- It requests that a Knox box be installed at the main entrance of the facility.

Steve Carmina, from Carmina Wood Morris Architects, stated that a Landscape Plan has been submitted for the Planning Board's review, noting that it contains an extensive amount of plantings. He described the grading of the site and the proposed landscaping in extensive detail, noting that a berm is proposed on the east side of the property.

In response to a question from Mr. Koenig, Mr. Carmina stated that representatives of the project met with the Big Tree Fire Chief and will comply with the above-mentioned requests.

It was determined that 73 parking spaces are required by Code and 73 are proposed.

Mr. Carmina noted that there is plenty of space to put additional parking spaces in, but the applicant does not need more than the 70 spaces proposed. It was further determined that Buffalo Computer Graphics employs 34 people.

In response to a question from Chairman Reszka, Mr. Reilly stated that this project is located in an area where there are no specific landscaping requirements, although he noted that if parking is proposed across the street from a residential zone, the parking area must be screened.

In response to a question from Chairman Reszka regarding the proposed lighting for the site, Mr. Carmina stated that parking lot light fixtures would be eighteen (18) feet or less in height and the fixtures would have cut-offs. He further noted that decorative lighting is proposed on the building. He stated that the applicant will provide specific information about the proposed lighting, including photometrics, at the Board's next meeting.

Mr. Carmina stated that as soon as the applicant is comfortable with the building design, he will submit it to the Planning Board for its review.

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

- Carole Gillette, 4035 Harwood Avenue, stated that she has no problem with Buffalo Computer Graphics having its own curb cut onto Bayview Avenue but thinks that there should be cross-access between this business and K-Technologies and that K-Technologies should not be allowed its curb cut onto Bayview Avenue. She further stated that she does not think that sidewalks on the south side of Bayview Road are necessary, as that is not part of the residents' safety concerns. She also stated that the residents were assured by the Town Board last year that there would only be one curb cut onto Bayview Road.

Chairman Reszka clarified for Ms. Gillette that the Town Board approved a curb cut for K-Technologies last year, so that is something the Planning Board has no approval power over. He noted that the Town Board has determined that the Planning Board will have the responsibility for deciding whether or not the two businesses (K-Technologies and Buffalo Computer Graphics) should have a cross-access between them. He further clarified that both businesses have been approved for a curb cut by the Town Board and the only issue the Planning Board can determine is whether or not they will be connected by the cross-access.

Mr. Reilly stated that when the Town Board approved K-Technologies' request for a curb cut onto Bayview Road, it determined that if the property to the west was ever developed the Town would look at cross-access between the two properties and only having one curb cut. He further noted that when the Buffalo Computer Graphics project was proposed, both businesses stated that they did not want to share a curb cut and subsequently the Town Board changed its resolution to grant each business a curb cut

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and resolved that the Planning Board will determine if cross access between the two businesses will be required.

- Jim Lehmann, 3975 Delmar Avenue, stated that he is concerned that where Jeffrey

Boulevard meets Bayview Road is not at a ninety degree angle and he wants to make sure that the new curb cut for Buffalo Computer Graphics is at a ninety degree angle. He also stated that he does a lot of astronomy work with children in the neighborhood and wants to make sure that the lighting for this project is not vertical in nature and does not spill onto neighboring properties.

Mr. Carmina stated that there will be security lighting over the doors and that, generally, most of the lights would be off by 10:00 P.M.

In response to a question from Ms. Gillette, Mr. Reilly stated that he will review the approved landscape plan for K-Technologies to make sure that the trees along Bayview Road have been installed.

Chairman Reszka declared the public hearing closed.

Mr. Bellissimo made a motion, seconded by Mr. Lovullo, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

### **Public Hearing – Battin Opticians**

Mr. McCabe read the following public hearing notice:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Battin Opticians regarding property located at 6175 South Park Avenue. The applicant proposes to construct a 2,000 square foot addition to the existing building on the property. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on July 21, 2010 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Mrs. desJardins confirmed that the Planning Department had received no correspondence regarding this proposal.

Dave Sutton, from Dean Sutton Architects, stated that the applicant proposes to construct an 1,800 sq.ft. boutique style optical retail store as an addition to the existing structure on the property. He further stated that the existing building would remain residential.

Mr. Sutton submitted renderings of the proposed building to the Planning Board members for their review.

Regarding parking, Mr. Sutton stated that five parking spaces are proposed on the south side of the addition for customers, noting that this number is more than sufficient

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for this type of retail store. He further noted that six additional parking spaces are proposed on the west side of the property, two of which would be for the residents of the existing house on the site.

Mr. Sutton explained the details of the proposed landscape plan to Board members, noting that screening is proposed along the north and west side of the addition and a new sidewalk is

proposed leading from the existing sidewalk on South Park Avenue to the entrance of the new building. He further stated that the applicant's hope to make the building user friendly, as well as pedestrian friendly.

In response to a question from Chairman Reszka, Mr. Sutton stated that the applicant has two letters from residents in the area who are in favor of the project (Mr. and Mrs. Budniewski, 4178 Walker Place and Bonnie Hoch, 4172 Walker Place). These letters were submitted for the record.

It was determined that the applicant is the owner of the property.

Regarding the proposed landscaping, Mr. Reilly stated that, per the South Park Overlay District requirements, the parking along South Park Avenue must be screened. He further noted that trees and lower landscaping would be appropriate in that area. Mr. Sutton responded that the applicant wants this business to be pedestrian friendly and wants good exposure of the store front. He noted that any landscaping the applicant would do along South Park Avenue would be adequate to densely screen vehicle headlights but at the same time not obstruct the view of the store front.

Mr. Reilly stated that he will have the Wendel Landscape Architects take a look at the proposed landscaping for the project.

Regarding the parking setback from South Park Avenue, it was determined that the Planning Board would have to waive the 40-foot green space requirement per the South Park Overlay down to 35 feet and then a variance would be needed to reduce the setback from 35 feet to approximately 15 feet.

Chairman Reszka declared the public hearing open. No one spoke.

It was determined that if the existing house on the site is not used for residential purposes for a period of one year, it will lose its existing non-conforming use status.

Chairman Reszka declared the public hearing closed.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to waive the South Park Overlay District requirement of a 40-foot green area along South Park Avenue for the parking area for the following reasons:

- Part of the adjoining property (Walgreen's) is in the Village of Hamburg, which required that the building be as close to South Park Avenue as possible and this would be continuing this look.
- There is no other way for the applicant to accomplish this project.

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- The applicant will do substantial plantings along South Park Avenue.

Carried.

Mrs. Yerkovich made a motion, seconded by Mr. Lovullo, to forward a positive recommendation to the Zoning Board of Appeals regarding the parking area setback from South Park Avenue. Carried.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to grant Conditional Site Plan Approval to this project with the following conditions:

1. This is a Type II SEQR action and therefore no determination of significance is required.
2. The landscape plan is to be reviewed and approved by the Planning Department.
3. The proposed ground sign will be reviewed by the Planning Department.
4. Approval is contingent upon the Engineering Department comment letter dated July 21, 2010.

Carried.

Engineering Department comments have been filed with the Planning Department.

### **BHC Reload and Metal Processing**

Chairman Reszka stated that the applicant asked to be tabled at this meeting.

Mr. Bellissimo made a motion, seconded by Mrs. Yerkovich, to table this project until the Planning Department receives a site plan from the applicant. Carried.

Engineering Department comments have been filed with the Planning Department.

### **OTHER BUSINESS**

Chairman Reszka stated that some residents of the Brierwood PUD attended the Town Board's July 19, 2010 meeting to request that the Town Board review the Planning Board's determination that no Supplemental Environmental Impact Statement is warranted for the Hamburg Senior Apartments project.

Mr. Reilly stated that Erie County will be conducting two hours of training for the Planning Board members on August 4, 2010 from 5:00 P.M. until 7:00 P.M. He further stated that the Planning Board's Work Session will follow at 7:00 P.M. as usual.

Regarding the minutes of July 7, 2010, Chairman Reszka explained that on July 7, 2010 he amended the minutes of June 16, 2010 regarding the name of a street off of Bayview Drive. He

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noted that the June 16, 2010 minutes referred to the street as "Highway Parkway" and on July 7, 2010 he amended the June 16, 2010 minutes to read "Highland Parkway", but the name of the street is actually "Highview Parkway". He made a motion, seconded by Mr. Bellissimo, to amend the July 7, 2010 minutes to reflect the correct name. Carried.

Chairman Reszka made a motion, seconded by Mr. Koenig, to approve the minutes of July 7, 2010 with the correction. As there were five (5) ayes and one (1) abstention (Mrs. Yerkovich), the motion carried.

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

The meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board