

Town of Hamburg
Planning Board Work Session
July 7, 2010
Minutes

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

Others in attendance included Andrew Reilly and Attorney Cheryl McFaddon-Zak

Excused: Sasha Yerkovich

Hamburg Senior Apartments

Chairman Reszka made the following resolution, seconded by Mr. Koenig:

“WHEREAS, the Town of Hamburg received a site Plan application from Burke Development and the NRP Group for the construction of a senior apartment complex in the Brierwood Planned Unit Development (PUD) off of Briercliff Drive, and

WHEREAS, in accordance with the SEQR regulations, the Findings of the Environmental Impact Statement (EIS) for the Brierwood PUD, and the Town’s 20 year practice for dealing with projects within the PUD, the Town Planning Board has evaluated the project to determine if a Supplemental EIS is required, and

WHEREAS, in accordance with “the SEQR Handbook”, an Environmental Assessment Form (EAF) may be used to evaluate the need for a Supplemental EIS, and

WHEREAS, the Hamburg Planning Board has completed a Full EAF, including additional information requested of the applicant, and has thoroughly reviewed this information at several meetings, and

WHEREAS, based on this review and evaluation, and the Hamburg Planning Department’s memo of 6/15/2010 (updated July, 2010), the Hamburg Planning Board has determined that there are no new significant adverse environmental impacts not addressed or inadequately addressed in the original Brierwood PUD EIS.

Now, Therefore, Be It Resolved that the Hamburg Planning Board has determined that a Supplemental EIS is not required for the “Brierwood Senior Apartments” project, and

Be It Further Resolved that the applicant may proceed with Site Plan Approval for this project, addressing all the issues raised and discussed during the SEQR SEIS evaluation process, and

Be It Finally Resolved that the EAF, additional studies and reports submitted, correspondence, meeting minutes and the Planning Department’s documentation be

attached to this decision as supporting data.” Carried.

Chairman Reszka informed the audience that this resolution does not end the approval process but does allow the applicant to move forward with the site plan approval process. He further stated that one of the issues the Board will be looking at during the site plan approval process is that of identifying whether any gas wells exist on the site.

Mr. Reilly stated that the latest plan the Board has of this project is dated 2/9/2010. He distributed this plan to the Board members for their review and noted that they could give the applicant direction on the plan if they so chose. He further stated that the applicant must now prepare a full site plan in order to move forward.

Mr. Reilly stated that there were several items that came up during the Board’s review of whether a Supplemental EIS was warranted that will be addressed during the site plan approval process, such as locating any gas wells on the property, the recreation area, the Heart Trail and the issue of emergency access, means of egress, etc.

Mr. Reilly stated that the Board was concerned about what the back of the proposed buildings that would face the existing homes on Briercliff Drive would look like.

Chairman Reszka stated that if the applicant uses any federal funding for the project and is required to do any soil testing, copies of all reports and/or correspondence from the federal agencies must be submitted to the Planning Department.

Mr. Reilly stated that, if and when the applicant gets to construction, the Engineering Department will be on site in case, during the clearing of the site, any potential contaminants are found.

Mr. Bellissimo stated that he would like the applicant to make sure that, when residents are exiting the project onto Briercliff Drive from either exit, the vehicles’ sight distance is not impeded by bushes, etc.

Mr. Christopher Dirr, applicant, stated that he will be happy to work with the Board and the residents to address any concerns, noting that he will present some ideas in draft format so he can get some feedback.

Mrs. Rogers stated that she would like to see some brick incorporated into the buildings so that they do not look so institutionalized. She further stated that the buildings must have a community look to them.

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

BHC Reload & Metal Processing

Chairman Reszka stated that the applicant asked to be tabled.

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

Battin Opticians (corner of South Park Avenue and Walker Place)

Dave Sutton from Dean Sutton Architects, representing the applicant, stated that this project involves an addition of 1,700 sq. ft. to an existing residence located on the corner of Walker Place and South Park Avenue. He further stated that the addition would be used by an optical retail store that would do eye exams, soft lens manufacturing and optical retail. Mr. Sutton noted that, because the property lies at the point where the Town and Village of Hamburg meet, the applicant is trying to create a village feel and a user-friendly store front.

Regarding parking, Mr. Sutton stated that the applicant proposes to install five (5) customer parking spaces along South Park Avenue with direct access to the front door, as well as additional parking spaces on the west side of the building for both overflow customer parking and employees. He further noted that a walkway is proposed from the front door to the existing sidewalk along South Park Avenue.

In response to a question from Chairman Reszka, Mr. Sutton confirmed that the applicant plans to save as much of the vegetation and mature trees on the site as possible. Chairman Reszka stated that, once the addition and parking are constructed, there will not be much vegetation left on the site. Mr. Sutton responded that the applicant is attempting to work around the mature trees on Walker Place to ensure that they stay.

John Schenne, engineer for the project, stated that when the Walgreen's was constructed, a storm sewer was run down the south side of Walker Place but that there is no storm sewer on the north side of Walker Place. He further stated that the plans for this project include installing a new storm sewer on the north side of Walker Place and tying it in to the catch basin on the south side of the road.

Mr. Schenne stated that the proposed detention basin on this site is so large because there have been flooding problems reported in this neighborhood and the applicant would like to improve the run-off characteristics that come off this site.

In response to a question from Mr. Koenig, Mr. Sutton stated that the building on the property is currently being used as a residence and it will continue to be used as a residence once the addition is constructed.

Mr. Reilly stated that the Code Enforcement Officer, Kurt Allen, has determined that the applicant will be allowed to continue to utilize the existing building as a residence, even though it is a non-conforming use (residential housing is not allowed in a C-1 zone), because the use has not been discontinued. He further stated that Mr. Allen has indicated that he will allow the conforming use to be constructed on the site without taking the residence down.

In response to a question from Mr. Koenig, Mr. Sutton stated that the existing curb cut is located on Walker Place, in line with the existing garage on the west side of the property. He further confirmed that the applicant proposes to install a second curb cut on Walker Place, closer to South Park Avenue.

In response to a question from Mr. Bellissimo, Mr. Sutton stated that a fence is proposed on the north and west property line in the area of the detention basin and a substantial amount of new landscaping is proposed in that area. He further stated that the applicant has spoken to several neighbors in the area and has a letter from them indicating that they have reviewed the plans and are in favor of the project.

Mr. Sutton stated that the applicant is not looking to be adversarial in any way to the neighbors and wants to be a neighborhood-friendly business.

Mr. Reilly stated that the applicant would need a parking variance because of the proximity of the parking to South Park Avenue and the Planning Board would have to waive the South Park Avenue Overlay District requirement that there be only green area in the first forty (40) feet along South Park Avenue. He clarified that the Planning Board could only waive the forty foot requirement down to thirty-five feet and the Zoning Board of Appeals would have to grant a variance for the remaining +/- twenty (20) feet.

Mr. Reilly stated that the Town Code requires eight (8) parking spaces per doctor, noting that the Building Inspector will make a determination whether more parking spaces will be required because of the retail nature of the business. Mr. Sutton responded that the applicant will adhere to whatever decision the Building Inspector makes and is prepared to make an argument, if necessary, that ample parking is proposed. He further stated that the applicant is very confident in the parking scenario that is being presented being adequate for the nature of the business.

It was learned that Battin Opticians typically have between six and eight scheduled patients per day.

Mr. Reilly stated that the following are requirements of the South Park Avenue Overlay District that would have to be addressed:

- A forty-foot setback area must be provided from South Park Avenue that is landscaped (no parking allowed within this area). As discussed above, the Planning Board would have to waive this requirement and recommend on a variance to the Zoning Board of Appeals.
- The landscape plan must be prepared by a Registered Landscape Architect. The Planning Board can waive or modify this requirement if it so chooses.
- No dumpster is proposed.
- Sidewalks are required and are proposed to the building from the existing sidewalk on South Park Avenue.
- Stormwater storage must either be underground or in the rear of the lot and the applicant proposes to locate it in the rear of the property.
- Curbing will be provided along the edges of the paved areas.
- Parking area lighting must be dimmed or turned off after 11:00 PM.
- Signage is limited to 12 feet in height and cannot include pylon signs. It must be a ground sign made of natural materials.
- Three alternative concept sketches must be presented to the Planning Board for its review.

Chairman Reszka stated that, at its next meeting, he would like to see the site plan modified to indicate the exact setback of the parking area from South Park Avenue.

Mr. Bellissimo made a motion, seconded by Mr. McCabe, to schedule a public hearing for Battin Opticians for July 21, 2010. Carried.

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

McKinley Mall Expansion

Chairman Reszka stated that the Planning Board is being asked to recommend to the Town Board on a proposal by McKinley Mall to expand the Mall's southern entrance area to include an Old Navy Store and two additional tenants. He explained that the Town Board has sole control over approvals of the McKinley Mall, with Planning Board input.

Chairman Reszka stated that the Traffic Safety Advisory Board reviewed this proposal and the only issue of concern was the fact that the area of the expansion is in the vicinity of the current bus stop.

It was determined that the owner of the McKinley Mall and the owner of the McKinley Commons plaza are two different entities.

Mr. Reilly stated that the Engineering Department has indicated that the plan presented is more of a sketch plan than a site plan.

Mr. Reilly stated that a number of years ago the McKinley Mall presented its expansion plans to the Town of Hamburg, which the Planning Board reviewed, and it was determined at that time that the expansion was in conformance with the original Environmental Impact Statement. He further stated that this current expansion proposal was part of the original expansion plans shown to the Town previously.

Mr. Koenig questioned whether the required number of parking spaces will be available for the Mall with this expansion. It was determined that the number of spaces provided is consistent with what is required.

It was determined that Mall representatives have not yet spoken with the N.F.T.A. about the existing bus stop in the area of the proposed expansion, but they feel that there should not be a problem with the existing bus stop, as the existing sidewalk will remain where it is.

Mr. McCabe made a motion, seconded by Mr. Koenig to forward a positive recommendation to the Town Board regarding the McKinley Mall's proposed expansion. Carried.

Engineering Department comments have been filed with the Planning Department.

Regarding the minutes of June 16, 2010, Chairman Reszka stated that on page 2, paragraph eight (8), "Highway Parkway" should be "Highland Parkway".

Mr. Koenig made a motion, seconded by Mr. Lovullo, to approve the minutes of June 16, 2010 as amended. As there were five (5) ayes and one (1) abstention (Mr.

McCabe), the motion carried.

Mr. Bellissimo 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