

Town of Hamburg
Planning Board Meeting
November 1, 2017
Minutes

The Town of Hamburg Planning Board met for a Work Session at 6:30 P.M., followed by a Regular Meeting at 7:00 P.M. on Wednesday, November 1, 2017 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, Vice-Chairman William Clark, Doug Schawel, Dennis Chapman, Robert Mahoney and Al Monaco.

Others in attendance included Assistant Municipal Engineer Rick Lardo and Attorney Mark Walling.

Excused: Augie Geraci

WORK SESSION

West Herr Automotive Group - Requesting Sketch Plan Direction on a proposal to construct a 3,660 sq.ft. aluminum detail shop building addition at 3510 Sowles Road

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the proposed project is an addition to the existing detail shop.

In response to a question from Chairman O'Connell, Mr. Gow stated that no new landscaping is proposed, although the applicant is certainly open to that idea. He further stated that the property consists of two (2) different parcels under different named ownerships that are owned by West Herr.

Mr. Lardo stated that the applicant must either revise the parcel deeds so that they are under the same ownership or alter the deeds of the parcels to change property lines. Mr. Gow responded that he would relay that information to the applicant.

Mr. Clark stated that the Board would probably want to see additional landscaping installed in conjunction with this project. Mr. Lardo suggested that curbing be installed around the grassed area so that vehicles are not parked up close to the road.

Mr. Gow stated that there is a concrete curb out front, and he believes that the applicant plans on keeping that.

Mr. Clark made a motion, seconded by Mr. Mahoney, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing - Buffalo South Motor Inn, Inc. - Requesting Preliminary Plat Approval of a two-lot subdivision to be located on Milestrip Road @ I-90

Chris Wood from Carmina Wood Morris, representing the applicant, stated that the proposal is to split off the .063-acre parcel for the proposed gas station from the larger parcel owned by the applicant.

Mr. Schawel read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on the Buffalo South Motor Inn, Inc. two-lot subdivision. The applicant is requesting Preliminary Plat Approval of a two-lot subdivision to be located on Milestrip Road at the I-90 entrance. The public hearing will be held in Room 7B of Hamburg Town Hall.”

Chairman O’Connell declared the public hearing open. No one spoke.

Chairman O’Connell declared the public hearing closed.

Mr. Clark made a motion, seconded by Mr. Schawel, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Buffalo-South Motor Inn, Inc. – Requesting Site Plan Approval of a proposed gas station to be located at 4344 Milestrip Road

It was determined that Mr. Reilly spoke with Ed Rutkowski, P.E. from the New York State Department of Transportation, and a meeting will be held between them and Mr. Wood at a later date to discuss the existing curb cuts onto Milestrip Road and which should be closed in conjunction with the construction of the proposed gas station.

Mr. Clark made the following motion regarding SEQR, seconded by Mr. Monaco:

“**Whereas**, the Town of Hamburg received a special use permit and site plan application from Buffalo-South Motor Inn to construct a gas station at 4344 Milestrip Road; and

Whereas, on September 6, 2017 the Hamburg Planning Board held the required public hearing; and

Whereas, the Hamburg Planning Board, in accordance with the New York State Environmental Quality Review Act (SEQRA), has done a thorough review of the project and its potential impacts, and

Whereas, the Hamburg Planning Board, in accordance with SEQRA has determined that the proposed special use permit and construction of a gas station will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations.

Now, Therefore, Be It Resolved, that the Town of Hamburg Planning Board hereby determines that the proposed project is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued.”

Carried.

Mr. Clark made the following motion regarding the requested Special Use Permit, seconded by Mr. Chapman:

“**Whereas**, the Town of Hamburg received a special use permit and site plan application from Buffalo-South Motor Inn to construct a gas station at 4344 Milestrip Road; and

Whereas, on September 6, 2017 the Hamburg Planning Board held the required public hearing; and

Whereas, the Hamburg Planning Board, in reviewing the proposed project (special use permit), has determined, in accordance with Section 280-312 and 280-324 (Filling stations) that:

1. The project will be in harmony with the purposes and intent of Section 280-312 (Special Use Permits).
2. The project will not create a hazard to health, safety and general welfare.
3. The project will not alter the essential character of the neighborhood, nor will it be detrimental to its residents.
4. The project will not otherwise be detrimental to the public convenience and welfare.
5. No gasoline pumps will be located within 20 feet of the street line.
6. Two reservoir spaces for each gasoline pump have been provided for waiting vehicles.
7. Storage of gasoline will be in underground tanks.

Now, Therefore, Be It Resolved, that the Town of Hamburg Planning Board hereby determines that the proposed special use permit is in accordance with the requirements of the Town of Hamburg and therefore a special use permit is hereby issued with the following conditions:

1. The Building Inspection Department shall make periodic inspections of the facility to ensure the proper structural maintenance of all structures and the adequate cleanup of litter.
2. The Planning Department, the New York State Department of Transportation and the applicant will meet to discuss the access issue.”

Carried.

Mr. Clark made the following motion regarding the requested Site Plan Approval, seconded by Mr. Mahoney:

“Site Plan Approval is hereby granted with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated 11-1-17.”

Carried.

Engineering Department comments have been filed with the Planning Department.

Buffalo Fit Meals

Chairman O'Connell noted that the applicant was not present.

Mr. Clark made a motion, seconded by Mr. Chapman, to table this project until the Board receives a response to the October 26, 2017 letter from the Supervising Code Enforcement Officer giving him various options.

Engineering Department comments have been filed with the Planning Department.

Michael Jablonski - Requesting re-approval of a Special Use Permit to erect a residential wind energy conversion system on property located at 3134 Old Lakeview Road (original approval granted on May 18, 2016)

Mr. Joe Green from United Wind, representing the applicant, provided proof of mailing for the required notices to all property owners within 500 feet of the applicant's property. He noted that 53 notices were mailed out.

Mr. Green stated that Attorney Walling was provided with an insurance certificate naming the Town of Hamburg as an additional insured on the policy. Attorney Walling stated that he had not received that submittal.

Attorney Walling stated that he also asked for the insurance policy. He noted that the additional insured page does not indicate anything other than that there is an additional insured party, and it does not describe the policy coverage. He stated that he would have to review the actual insurance paperwork to review what events are covered by the document submitted by United Wind.

Chairman O'Connell asked Mr. Green if he provided a list of communities that did not require a removal bond, as requested at the Board's previous meeting. Mr. Green responded that there is only one (1) community that initially asked for a removal bond and then decided against it. He further stated that Mr. Reilly had been in touch with the United Wind attorney, as well as the Town of Pomfret, in regards to waiving the removal bond requirement.

Mr. Clark stated that his concern is that the Town of Hamburg be a party to the contract between United Wind and the applicant, and if this is the case with the submitted document from United Wind, then the Town of Hamburg would have the mechanism that meets the intent of the removal bond.

Attorney Walling stated that the document showing the Town of Hamburg as being an additional insured would have to be issued every time the policy is renewed.

Chairman O'Connell stated the public hearing would be left open until the Board's November 15, 2017 meeting.

Mr. Clark made a motion, seconded by Mr. Schawel, to table this request. Carried.

Engineering Department comments have been filed with the Planning Department.

3580 Southwestern Boulevard, LLC - Requesting Site Plan Approval of a parking lot expansion to be located at 4795, 4803 and 4811 Camp Road

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the plan had not changed since the Board's previous meeting.

Mr. Clark made a motion, seconded by Mr. Chapman, to grant Conditional Site Plan Approval for this project with the following condition:

1. Approval is contingent upon the Engineering Department comment letter dated November 1, 2017.

2. A landscaping plan will be submitted showing the large tree on the property being preserved.
3. The applicant will provide written correspondence that the vehicles currently being stored on vacant property located at 5225 Southwestern Boulevard will be removed once the new parking lot is completed.”

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Schawel made a motion, seconded by Mr. Mahoney, to approve the minutes of October 18, 2017. Carried.

Mr. Schawel made a motion, seconded by Mr. Monaco, to adjourn the meeting. The meeting was adjourned at 7:30 P.M.

Respectfully submitted,
Doug Schawel, Secretary
November 9, 2017