

Town of Hamburg
Planning Board Meeting
July 12, 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, July 12, 2017 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, Vice-Chairman William Clark, Augie Geraci, Robert Mahoney and Al Monaco.

Others in attendance included Town Planner Andrew Reilly, Assistant Municipal Engineer Rick Lardo and Attorney Mark Walling.

Excused: Doug Schawel, Dennis Chapman

WORK SESSION

Chairman O'Connell stated that the following project on the agenda would not be discussed at the applicants' request:

- Buffalo-South Motor Inn, Inc. – Requesting Sketch Plan Direction on a proposed gas station to be located at 4344 Milestrip Road
- Jack Becker – Requesting Sketch Plan Direction of a proposed six-lot subdivision to be located on Eckhardt Road
- South Shore Community, LLC – Requesting rezoning to Planned Unit Development for a mixed use project to be located at 5076 Southwestern Boulevard
- Colley's Pools (4953 Camp Road) – Requesting Planning Board approval of a revised Site Plan

Jordan Mack (Mack Services LLC) – Requesting a Special Use Permit to operate a Budget Truck Rental business at 4501 Southwestern Boulevard

Mr. Jordan Mack, applicant, stated that he currently runs a business at this location, and he would like to become a truck rental dealer. He stated that he would like to park between five (5) and ten (10) trucks there. He noted that there would be no sales or leasing of the trucks.

In response to a question from Chairman O'Connell, Mr. Mack stated that the parking lot at this location is very large, and he has access to the entire lot, so he can park the trucks wherever the Planning Board would like him to.

Chairman O'Connell stated that Mr. Mack must submit a plan showing where the trucks would be parked on the site.

It was determined that a fenced area is not required for this type of use.

Mr. Reilly stated that the Board would probably prefer that the trucks are parked along the side of the building or in the rear. Mr. Mack responded that he is willing to park the trucks anywhere on the site.

Mr. Clark made a motion, seconded by Mr. Monaco, to schedule a public hearing to be held on July 26, 2017. Carried.

Engineering Department comments have been filed with the Planning Department.

Board members agreed to set the August Planning Board meeting dates as follows:

August 9, 2017

August 23, 2017

Board members discussed the Lake Erie Towing & Recovery business on Burke Parkway, which has not received Site Plan Approval yet because the required fencing has not been installed. It was determined that there are vehicles being stored outside the building.

Mr. Geraci stated that there were at least fifteen (15) vehicles parked outside the building on July 12, 2017.

REGULAR MEETING

Public Hearing – 7:00 P.M., Catherine Lake, LLC – Requesting Site Plan Approval of a 21,600 sq.ft. addition to the existing facility at 3175 Lakeshore Road

A representative of the project stated that the Site Plan had been revised to include the existing roadway, as well as the future rail line in front of the area where the addition is proposed.

Mr. Clark read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Catherine Lake, LLC to construct a 21,600 sq.ft. addition to the existing facility at 3175 Lakeshore Road. The Public Hearing will be held on July 12, 2017 at 7:00 p.m. 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. Reilly stated that a Short Environmental Assessment Form was submitted, and the Planning Board has determined that no impact or a small impact on the environment is anticipated.

Mr. Clark made the following motion, seconded by Mr. Mahoney:

“Based on the information submitted for the Catherine Lake, LLC project that includes the construction of a 21,600 sq. foot addition to the existing building at 3175 Lakeshore Road, the Planning Board has determined, based on review and completion of the SEQR EAF, that the proposed project will not result in any significant adverse environmental impact, and a Negative Declaration is hereby issued.”

Mr. Clark made the following motion, seconded by Mr. Mahoney:

“The Planning Board hereby grants Conditional Site Plan Approval for the Catherine Lake, LLC project with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated July 12, 2017.”

Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing – 7:00 P.M., Lakeview Corner Store – Requesting Site Plan Approval of a proposed new parking area to be located adjacent to the existing store at 5946 Lakeshore Road

Mr. Dennis LoTempio, applicant, stated that his engineer is still working on the revised Site Plan, as requested by the Planning Board at the previous meeting.

Chairman O’Connell stated that the Traffic Safety Advisory Board (TSAB) was concerned about the project and wanted to review it with the applicant at its July 13, 2017 meeting. Mr. LoTempio agreed to attend that meeting.

Mr. LoTempio stated that he needs to keep the existing parking area open so that delivery trucks can access the building.

Mr. Clark read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by the Lakeview Corner Store to construct a new parking area to be located adjacent to the existing store at 5946 Lakeshore Road. The Public Hearing will be held on July 12, 2017 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Chairman O’Connell declared the public hearing open. The following people spoke:

- Denise Hoag, 5985 Lakeview Terrace, stated that her property backs up to the woods on the applicant’s property, and she asked to see the proposed plan. She stated that since the applicant removed a large number of trees for the planned parking lot, a lot of water has entered her property. She asked the applicant if he plans to keep the woods between the parking lot and her property.

Chairman O’Connell informed Ms. Hoag that the applicant’s project cannot make any drainage problems she may currently have worse than they are now. He noted that the planned retention pond will probably take care of the drainage problems she is experiencing as a result of the applicant clearing the trees.

Mr. LoTempio stated that he has every intention of keeping the woods between the parking lot and Ms. Hoag’s property the way they are.

It was determined that Mr. LoTempio owns the wooded area north of the proposed parking area, and that will serve as the required buffer area to the nearby residential properties.

Mr. LoTempio stated that he has spoken to two (2) nearby property owners, and he plans to construct a berm and install a fence to buffer the existing homes on the east side of the new parking area.

Chairman O'Connell declared the public hearing closed.

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

Engineering Department comments have been filed with the Planning Department.

Public Hearing – 7:00 P.M., KUB Holdings – Requesting Site Plan Approval of a 9,600 sq.ft. new building to be constructed at 3985 Lakeshore Road

Mr. Mike Kubiszan, applicant, stated that he has changed the location of the proposed new building so that it is within the required distance from the existing fire hydrant on Lakeshore Road.

Mr. Clark read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by KUB Holdings to construct a 6,000 sq.ft. building on property located at 3985 Lakeshore Road. The Public Hearing will be held on July 12, 2017 at 7:00 p.m. 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 the following motion, seconded by Mr. Monaco:

“Based on the information submitted for the KUB Holdings project that includes the construction of a 6,000 sq. foot new building at 3985 Lakeshore Road, the Planning Board has determined, based on review and completion of the SEQR EAF, that the proposed project will not result in any significant adverse environmental impact, and a Negative Declaration is hereby issued.”

Mr. Clark made the following motion, seconded by Mr. Mahoney:

“The Planning Board hereby grants Conditional Site Plan Approval for the KUB Holdings project with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated July 12, 2017.”

Carried.

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 Planning Board approval granted on May 18, 2016)

Mr. Reilly stated that the Planning Board previously granted a Special Use Permit for a wind turbine on Mr. Jablonski's property, and subsequently he (Mr. Jablonski) applied to the Zoning Board of Appeals (ZBA) for a use variance to allow a second wind turbine on the property. He noted that the ZBA denied Mr. Jablonski's request for the use variance.

Mr. Reilly stated that Mr. Jablonski wants to relocate the wind turbine that was approved in 2016 to the location of the proposed second wind turbine that was denied the use variance.

Chairman O'Connell confirmed that the request is to relocate the one (1) approved wind turbine to a different spot.

Mr. Reilly stated that another public hearing would be required because the location of the approved wind turbine would be changing.

Mr. Reilly stated that when the Planning Board approved the wind turbine in 2016, it waived many of the requirements of the Town's Residential Wind Energy Conversion Systems (WECS) Law because the New York State Department of Agriculture & Markets determined that the proposed wind turbine would be for agricultural purposes. He noted that this relocated wind turbine, if approved, would be the applicant's agricultural wind turbine, and the same requirements of the Town's WECS Law could be waived.

Mr. Reilly stated that if Mr. Jablonski still wants two (2) wind turbines, his best course of action would be to approach the Town Board to change the Town's WECS Law to allow two (2) wind turbines on properties greater than ten (10) acres in size.

In response to a question from Mr. Jablonski, Mr. Reilly stated that if he (Mr. Jablonski) gets a letter from Ag & Markets indicating that both wind turbines are necessary and are agriculture-related, then the Planning Board can allow the second wind turbine and waive the same WECS requirements.

Mr. Jablonski stated that 2 ½ years ago, the Zoning Board of Appeals (ZBA) approved both wind turbines. Chairman O'Connell responded that that has nothing to do with the Planning Board.

Mr. Jablonski stated that it is more cost effective for him to move the approved wind turbine to the new location.

Chairman O'Connell stated that Mr. Jablonski cannot have a second wind turbine unless he produces the previously discussed letter from Ag & Markets. He further stated that Mr. Jablonski cannot turn the previously approved wind turbine into a non-agricultural one and then come back to the Planning Board for the second wind turbine and call that one agricultural.

In response to a question from Mr. Jablonski, Mr. Reilly stated that the Planning Board has not been supplied with a Site Plan meeting the requirements of the Town's WECS Law. He further stated that he will supply Mr. Jablonski with a list of criteria that he is missing under the WECS Law and that would be waived by the Planning Board.

Mr. Clark made a motion, seconded by Mr. Monaco, to schedule a public hearing to be held on July 26, 2017. Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Chairman O'Connell made a motion, seconded by Mr. Geraci, to approve the minutes of June 21, 2017. Carried.

Chairman O'Connell made a motion, seconded by Mr. Geraci, to adjourn the meeting. The meeting was adjourned at 7:40 P.M.

Respectfully submitted,
Doug Schawel, Secretary

July 19, 2017