

Town of Hamburg
Planning Board Meeting
January 23, 2013
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting on Wednesday, January 23, 2013 at 7:00 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Stephen McCabe, Sasha Yerkovich, David Bellissimo, Doug Schawel and Dan O'Connell.

Excused: August Geraci.

Others in attendance included Andrew Reilly and Sarah desJardins, Planning Consultants, Richard Lardo, Assistant Municipal Engineer and Councilwoman Amy Ziegler

Chairman Reszka stated that the Planning Board only accepts written correspondence and does not accept correspondence via email.

Chairman Reszka stated that the Sherwood Meadows project applicant had asked that the project be tabled until the Board's February 20, 2013 meeting.

DATO Development (Lake Avenue)

Daryl Martin, architect, representing the applicant, submitted three (3) drawings showing ways to address the issue discussed at the Board's last meeting regarding the proposed detention pond being placed on the newly acquired property and the adjacent subdivision lots. He presented the following options:

1. The portion of the subdivision lots that would contain a part of the detention pond would be deeded to the apartment property. The result of this option would be that two subdivision lots would be smaller than the required 7,000 sq.ft. and the applicant would request a variance for these lots.
2. The property lines could be relocated 11 feet so that the detention pond is fully located on the apartment property. The result of this option would be that just one (1) of the subdivision lots would require a variance because of its reduced area.
3. The property lines for the two subdivision lots could be reconfigured so that they do not require variances for their area. The detention pond would still be located partially on these lots.

Mr. David Burke, applicant, stated that regardless of which option is decided upon, the apartment complex entity will be maintaining the detention pond.

Board members agreed that option # 3 was the most preferred.

Mr. Martin stated that the garages as proposed would meet all setback requirements.

Mr. McCabe made a motion, seconded by Mr. Schawel, to schedule a public hearing for the proposed garages to be held on February 6, 2013. Carried.

Chairman Reszka directed the Planning Department to prepare approval resolutions for this proposal with the condition that approval will be contingent upon Engineering Department comments, and that a plan must be submitted showing the new property lines.

Engineering Department comments have been filed with the Planning Department.

Pleasant Development, LLC (Pleasant Avenue)

Attorney Sean Hopkins, representing the applicant, stated that the following changes have been made to the proposal:

- As stated at the previous Planning Board meeting, the applicant decided not to request that the entire property be rezoned to R-3. Instead, he is requesting that the property along the New York State Thruway be rezoned to R-3 and the remainder be rezoned to R-2 for the single family homes.
- The applicant met with the Lakeshore Volunteer Fire Company Chief, and a letter from him was submitted to the Board indicating that the proposed emergency access gate is a good idea, and the use of Knox boxes at all of the apartment buildings is also a good idea.
- The applicant sent letters and a copy of the updated concept plan to the nearby residents.
- The applicant and Attorney Hopkins met with the Traffic Safety Advisory Board (TSAB) on January 10, 2013. The TSAB is in favor of the emergency access and asked how it would be controlled. It also indicated that the proposed reconfiguration of the intersection at Pleasant Avenue will be an improvement.

Regarding the previous owner's use of herbicides and pesticides on the property in conjunction with the nursery business, Attorney Hopkins stated that a Phase I Environmental Report was included in the information previously submitted to the Planning Board. He noted that the Report's recommendation was that there are not any environmental concerns pertaining to this property.

Chairman Reszka stated that Doug Nichols, Conservation Advisory Board (CAB) Chairman, indicated that the CAB has concerns about arsenate of lead, DDT and possible mercury contamination because of the previous use of the property and the possibility that these substances may have soaked into the soil and ended up in the ponds.

Attorney Hopkins stated that he would ask the CAB to review the Phase I Environmental Report.

Mr. Reilly stated that the property is located in a County Agricultural District and an Agricultural Data Statement must be submitted to the County.

Board members reviewed the Part II of the Environmental Assessment Form regarding this proposal as follows:

- Impact on land: Project will result in a physical change to the project site. The applicant has indicated that the water table is less than three feet on portions of this site. The construction will continue for more than one year and involve more than one phase, which could impact surrounding neighborhoods.
- Impact on unique or unusual land forms: none.
- Impact on a protected water body: Wetlands exist on the site, but the applicant plans to impact less than ½ acre.
- Impact on non-protected existing or new bodies of water: Retention ponds will be built on the site and will be privately owned and maintained.
- Impact on surface or ground water quality or quantity: A discharge permit will be required for the retention ponds. The proposed action will use water in excess of 20,000 gallons per day. The applicant met with the Erie County Water Authority and it indicated that there is ample water supply and pressure in this area to service this development. Regarding waste water, it has been determined through actual flow measurements that there is capacity to accept full development of this site.
- Impact on drainage patterns: The development of this site will alter drainage patterns. All erosion and control regulations will be adhered to during construction.
- Impact on air: Air quality will be impacted by the construction of this development, but the impact will not be great.
- Impact on plants and animals: There are no threatened or endangered species on this site. Deer and other wildlife exist on the site currently and they will have to relocate. A large amount of the site will be preserved as green space.
- Impact on aesthetic resources: The entrance way will consist of green space, and there will be a substantial amount of green space between this development and the adjoining residential uses. A stand of woods exists along the New York State Thruway that will remain.
- Impact on historic resources: The site is not located in a historically sensitive area.
- Impact on open space and recreation: No active recreation is proposed for this development.
- Impact on transportation: Erie County has signed off on the proposed reconfiguration of the Pleasant Avenue intersection at the entrance way, and the TSAB has also indicated that it is happy with the new configuration.
- Impact on energy: The construction of the development will have an impact on energy, but it will not be major.
- Impact on noise and odor: There will be some noise while the development is being constructed. The first phase to be constructed will probably consist of the westernmost road and the smaller single family homes. Phase II will consist of the estate lots, and the third phase will consist of the apartments.
- Impact on public health: There will be no impact on public health as a result of the construction of this development.
- Impact on the growth and character of the community or neighborhood: The construction of this development will have an impact on the growth and character of the neighborhood. It will change the density of land use but not significantly. It will create additional demand for community services and create employment temporarily.
- There has not been a huge public outcry because the applicant has kept the nearby residents apprised of the project.

In response to a question from Mr. Reilly, Councilwoman Ziegler stated that, to her knowledge, she has received no correspondence from the public regarding this proposal.

Board members agreed that they have enough information to forward a recommendation on this rezoning request to the Town Board. The Planning Department was directed to prepare a resolution for the Board's next meeting.

Mr. Bellissimo made a motion, seconded by Mr. O'Connell, to table this project. Carried.

A member of the audience, Anthony Vogel, asked whether, if the applicant gets the property rezoned and then in the future wants to construct more apartments than what is proposed now, he would be able to rezone the property to R-3 at that time. Mr. Reilly responded that the applicant would have to request the rezoning and it would be up to the Town to make that decision.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mrs. desJardins stated that an applicant will be requesting approval from the Town to operate an outdoor vending market outside the vacant Dick's Store at the McKinley Mall.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 8:05 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board

Date: February 1, 2013