

Town of Hamburg
Planning Board Work Session
January 4, 2012
Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, January 4, 2012 at 7:00 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Karen Rogers, Gerard Koenig, Stephen McCabe, David Bellissimo and Sasha Yerkovich.

Others in attendance included Andrew Reilly, Sarah desJardins and Attorney Cheryl McFadden Zak.

Chairman Reszka stated that the Board would be voting on the Vice-Chairman and Secretary positions for 2012 this evening but would vote again at the Board's regular January meeting because the Town Board's reorganizational meeting would not be held until January 9, 2012.

Mr. Koenig made a motion, seconded by Mrs. Rogers, to appoint Sasha Yerkovich as Vice-Chairman and Steve McCabe as Secretary. Carried.

Chairman Reszka announced that the applicant for the Crown Court project had asked that the project be tabled.

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

South Shore Auto & Detail (5143 Camp Road)

Mr. Bellissimo made a motion, seconded by Mr. Koenig, to remove this project from the table. Carried.

Mr. Reilly stated that the applicant is requesting a Special Use Permit and Site Plan Approval in order to operate an automobile sales and detailing business in an existing building. He noted that the biggest issue brought up at the Board's last meeting was the fact that there is an existing residential use in the second floor of the building the applicant proposes to use for his business. He stated that Kurt Allen, Supervising Code Enforcement Official, has determined that the residential use can remain as an existing non-conforming use on the property.

In response to a question from Chairman Reszka, Mr. Reilly stated that the Planning Board issues a Special Use Permit for a particular use on a property and not for a building on the property. He further stated that a property could potentially have several uses on it at the same time, one or some of which could be allowed with a Special Use Permit.

Mr. Koenig stated that the Planning Board tabled this proposal at its December 21, 2011 meeting in order to obtain the determination from Mr. Allen regarding the residential use, which they received. He stated that the Planning Board should move forward with this request.

In response to a question from Mr. Bellissimo, Attorney Zak stated that Mr. Allen's decision would be setting a precedent. Mrs. desJardins stated that Mr. Allen does not believe his determination would be setting a precedent.

Board members discussed whether it would be appropriate for the applicant (or the owner of the property) to request a use variance from the Zoning Board of Appeals (ZBA) to allow the residential use in the building to remain. It was determined that in order for someone to be placed on a ZBA agenda he must be denied something by the Building Inspection Department, and Mr. Allen has already determined that no variance is required for the residential use.

In response to a question from Attorney Zak, Mr. Poliseno, applicant, stated that the proposed use for this property is the sale and display of up to twelve vehicles, as well as detailing (no repairs, body work, engine work or tire repair/replacement) consisting of the washing, waxing, polishing, buffing, etc. of vehicles.

The applicant confirmed that he plans to use the existing pole sign on the property with a new panel advertising his business.

Mr. McCabe made a motion, seconded by Mr. Bellissimo, to issue a Negative Declaration for this project. Carried.

Mr. McCabe made a motion, seconded by Mr. Koenig, to issue a Special Use Permit for this project for the following reasons:

- The project will not create a hazard to health, safety or the general welfare.
- The project will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
- The project will not otherwise be detrimental to the public convenience and welfare.
- The property is located on Camp Road.
- The site will not include outdoor storage of any junk or unregistered vehicles.
- The Town Building Inspector/Code Enforcement Officer will make periodic inspections of the facility to ensure the proper structural maintenance of all structures and the adequate clean-up of litter and motor vehicle parts.
- The size and location of the off-street parking facilities is adequate.
- The Supervising Code Enforcement Officer has determined that the residential use currently in place is permitted to continue.

The Special Use Permit is granted with the following conditions:

- A maximum of twelve (12) display vehicles will be allowed, as shown on the drawing dated November 17, 2011.
- The display vehicles will not be placed in the Camp Road right-of-way.
- The area for display vehicles, as well as the area for customer and employee parking, will be striped.
- If it is determined that a dumpster is required, it must be properly screened and placed on a concrete pad behind the building.
- Approval is conditional on the Engineering Department comment letter dated January 4, 2012.

- The only uses permitted will be the display and sale of automobiles and detailing will be the only activity permitted in the business. There is to be no body work, engine work or other automotive repairs conducted on the site.

Carried.

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

- The Camp Road right-of-way will be striped with a single line so that it is clearly demarcated.

Carried.

Engineering Department comments have been filed with the Planning Department.

Villages at Mission Hills Apartments, Phase Two

Villages at Mission Hills Subdivision, Phase One

Chairman Reszka stated that the Board would be discussing the above two (2) projects simultaneously.

Mr. Reilly stated that both of the above projects received Planning Board approval in December 2010. He further stated that the Town Code stipulates that site plan approvals remain in effect for a period of no more than one (1) year and if an applicant has not applied for a building permit by that time, the approval is void unless the applicant requests a six-month extension from the Planning Board. He noted that the applicant for these two (2) projects is asking the Planning Board for that six-month extension.

Leanne Voit from Greenman-Pederson, representing the applicant, stated that with the timing of financing and different elements of the project the applicant was not ready to apply for building permits for these projects as was expected within the one-year period.

Mr. Koenig made a motion, seconded by Mrs. Rogers, to grant a six-month extension for Phase One of the Villages at Mission Hills Subdivision. Carried.

Mr. Koenig made a motion, seconded by Mrs. Rogers, to grant a six-month extension for Phase Two of the Villages at Mission Hills Apartments. Carried.

Wanakah Pharmacy (4923 Lakeshore Road)

Mr. Reilly stated that the applicant proposes to construct a parking lot behind the pharmacy and reminded the Board that several years ago a bank requested permission to build in this same area and construct an access to Orchard Avenue and the Planning Board was not in

favor of that. He further stated that Kurt Allen has interpreted that the area is presently used for parking and therefore is considered an existing non-conforming use.

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that the area in question is an existing gravel parking lot that has deteriorated. He noted that currently some of the pharmacy's employees, as well as occasional patrons, park in this area. He stated that the applicant approached the owner of the Wilson Farms property next door about a shared parking agreement but the property owner was not cooperative. He further stated that the pharmacy patrons who live east of the pharmacy tend to park in the Wilson Farms parking lot and then walk to the pharmacy in order to avoid having to drive onto Route 5 and the owner of the Wilson Farms property will not allow that anymore.

In response to a question from Mr. Bellissimo, Mr. Gow stated that a curb cut already exists on Orchard Avenue for this parking area. He further stated that landscaping is proposed on the south edge of the new parking area that abuts the Wilson Farms site.

Mr. Reilly noted that access would not be allowed from this parking area through to Route 5. He suggested to Mr. Gow that the applicant erect a chain across the curb cut to Orchard Avenue when the pharmacy is closed so that no one parks there.

Mrs. desJardins stated that the two (2) parking spaces proposed closest to Orchard Avenue must be removed from the site plan because parking cannot be closer than ten (10) feet from the right-of-way.

Mr. Bellissimo made a motion, seconded by Mr. McCabe, to schedule a public hearing for this proposal to be held on January 18, 2012. Carried.

Engineering Department comments have been filed with the Planning Department.

Scranton Road Minor Subdivision (5517 Scranton Road)

Mrs. desJardins stated that the property in question contains a home on it and that the applicant proposes to subdivide the property and create a new vacant lot. She further stated that the proposed subdivision meets all of the Town Code requirements.

Mr. McCabe made a motion, seconded by Mr. Bellissimo, to schedule a public hearing for this proposal to be held on January 18, 2012. Carried.

Engineering Department comments have been filed with the Planning Department.

Bayview Road/Route 5 Business Park Pre-Permitted Site Incentive Concept Application

Mr. Reilly reminded Board members that on December 21, 2011 he gave each member a copy of the preliminary draft of the Draft Supplemental Generic Environmental Impact Statement

(DSGEIS). He noted that it is still a working document and incomplete at this time but he wanted input from the Board members on its content.

Mr. Reilly stated that the potential environmental impacts that have been identified are storm water, flood plains, ecological resources, wetlands, climate and air quality, noise, visual and site planning issues, public utilities and transportation and traffic.

Board members agreed that the following uses should be restricted: lumber yards, coal yards, concrete and cement mixing plants, petroleum bulk storage, the processing or treatment of bituminous products (asphalt) and propane storage (except for what is necessary for on site use).

Regarding transportation and traffic, Mr. Reilly stated that the original traffic study and EIS indicated that up to 700 vehicle trips per day or a peak hour of 100 – 120 vehicles onto Bayview Road would be allowable. He further stated that he feels that these numbers still apply at this time. He noted that the traffic section of the DSGEIS will be updated to include the traffic generated by the existing credit union and those numbers will be subtracted from the 700 trips per day/100-120 peak hour trips data. He stated that whatever number of trips is left will be the most allowed for the new users in the Commerce Center before mitigation will be required.

Mr. Reilly stated that the mitigation would be to construct an access from the Commerce Center to Route 5 and then dead-end Bayview Road or to completely rebuild the Route 5/Bayview Road intersection. He noted that the DSGEIS will recommend that the Town begin to pursue the mitigation options as soon as possible.

Mr. Reilly reviewed the areas of the development that he feels should remain undeveloped, including the area along the railroad, and the areas where curb cuts onto Route 5 might be installed, if they become necessary.

Mr. Reilly stated that the Town does not expect “smoke stack industries” to locate in this Commerce Center.

In response to a question from Mr. McCabe, Mr. Reilly stated that he will research whether this property is located in an Important Bird Area and if it is, whether there are any specific requirements associated with that.

Mr. Reilly stated that he will speak to the Hamburg New York Land Development Corporation (HNYLDC), owner of the property, to find out if blasting will be restricted. He stated that he will also make the HNYLDC aware of the uses the Planning Board suggests should not be allowed to make sure the HNYLDC agrees.

Mr. McCabe stated that, because this Commerce Center will be located on a main corridor leading in to the Town of Hamburg, the Planning Board must ensure that the area along Route 5 is aesthetically pleasing. Board members agreed, noting that the architectural detail of the buildings in the Commerce Center will be important, as well.

Mr. Reilly stated that he will get letters from the utility companies, including National Fuel, National Grid, Verizon and Time Warner Cable that indicate that those companies can supply their utilities to this site.

In response to a question from Mr. Bellissimo, Mr. Reilly stated that the Planning Board could mandate some level of green infrastructure design requirements for storm water.

Board members agreed that a fifty-foot landscaped setback from Route 5 should be required and that loading docks will not be allowed to face Route 5. Board members agreed that a fifty-foot setback from Bayview Road should also be required and that if there are internal roads in the Commerce Center, the setback requirement from those roads should be forty feet.

Board members agreed that any façade of a building that can be seen from Route 5 or Bayview Road should be constructed of brick, split block, stone or wood frame with cedar siding, etc. (No corrugated steel, pre-fab, etc.)

Chairman Reszka stated that he would like a requirement that lighting should not only be directed downward but should also be directed in towards the site so there is no spill-over onto adjacent properties.

Board members agreed that individual company signage will not be allowed along Route 5 or Bayview Road, and a single monument sign will be allowed along Route 5 or Bayview Road displaying the names of the individual businesses located in the Commerce Center. Additionally, no electronic signage will be allowed.

Mr. Reilly stated that he hopes that by the Board's next meeting, the members will be comfortable with the DSGEIS being released for public comment.

OTHER BUSINESS

Chairman Reszka asked Board members if there were any objections to moving the July 2012 Work Session from July 4th to July 3rd. Mrs. desJardins stated that this would be problem because the Zoning Board of Appeals will be meeting on July 3rd. Board members agreed to move the July 2012 Work Session to July 5th.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to approve the minutes of December 7, 2011. Carried.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to approve the minutes of December 21, 2011. Carried.

Mr. Bellissimo made a motion, seconded by Mr. McCabe, to adjourn the meeting. The meeting was adjourned at 8:55 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board

Date: January 11, 2011