

Town of Hamburg  
Planning Board Meeting  
January 4, 2017  
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M. on Wednesday, January 4, 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, Augie Geraci, Robert Mahoney and Al Monaco.

Others in attendance included Town Planner Andrew Reilly and Attorney Ryan McCann.

Excused: Dennis Chapman

**REGULAR MEETING**

**Public Hearing - 7:00 P.M., Howard Domin – Requesting Preliminary Approval of a three-lot subdivision to be located at 3148 Pleasant Avenue**

Mr. Reilly stated that there are potential hydric soils on this property and noted that the applicant will be asked to address this issue.

Mr. Schawel read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will hold a public hearing on January 4, 2017 in Room 7B of Hamburg Town Hall at 7:00 P.M. on a subdivision to be located at 3148 Pleasant Avenue.”

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. Mahoney, to authorize the Planning Department to write draft resolutions for approval (contingent upon approval from the Erie County Water Authority regarding water easements) for the Board’s next scheduled meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

**Kevin & Joelle Tomasik, Ronald & Linda Pierscinski and Gregory & Courtney Sipes – Requesting rezoning of their properties located at 2215, 2201 and 2223 Lakeview Road from R-1 to R-A**

Board members reviewed the allowed uses in the R-1 District and the R-A Districts. Mr. Reilly listed the allowed uses that he feels are onerous and should not be allowed on this property if it is rezoned as follows:

- Animal hospitals and boarding kennels
- Cemeteries

- Hospitals and institutions of religious, charitable, rehabilitative or philanthropic nature
- Non-profit private clubs

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

“Whereas, the Town of Hamburg received a request from the owners of 2215, 2201 and 2223 Lakeview Road to rezone their properties from R-1 to R-A; and

Whereas, the Code Review Committee reviewed the application and found merit in the rezoning of this property; and

Whereas, on December 12, 2016 the Hamburg Town Board referred this rezoning request to the Planning Board for its review and recommendation in accordance with Section 280-340 B of the Hamburg Town Code.

Now, Therefore, Be It Resolved that the Hamburg Planning Board hereby issues a positive recommendation to the Hamburg Town Board regarding this rezoning request for the following reasons:

1. The proposal represents a down zoning of the site.
2. The rezoning is in conformance with the Town’s Comprehensive Plan, which depicts this area of the Town as a mixture of low density residential, agricultural and rural uses.
3. The rezoning will allow the owners to accomplish their request to stable horses, but will not allow uses that will impact the surrounding properties (see the additional use restrictions recommended).
4. The rezoning is supported by the neighbors, and no objections or concerns were raised, and the project will not impact the environment.

Be It Further Resolved that the Hamburg Planning Board also makes the following recommendations for conditions to be placed on the rezoning:

The following uses will be prohibited on the site:

- Use Group 8, 10, 11 and 12 in Section 280.17

Be It Finally Resolved that the Hamburg Planning Board recommends that a Negative Declaration under SEQRA be issued.”

Carried.

Engineering Department comments have been filed with the Planning Department.

**Glenn Wetzl – Requesting Preliminary Approval of a 45-lot cluster subdivision on vacant land bordered on Route 392, McKinley Parkway and Newton Road**

Attorney Sean Hopkins, representing the applicant, stated that the Town Board issued a Negative Declaration and approved the rezoning of 24.28 of the 29.29-acre site on December 14, 2015. He further noted that the applicant has filed a Preliminary Plat application.

Attorney Hopkins stated that because 24.28 acres of the 29.29-acre site is now zoned PRD, the Planning Board must insure that the submitted layout is consistent with the approved plan from

the rezoning process. He noted that the submitted layout is identical to the approved plan, including the 17.1 acres of permanent open space, the roadway connection to Boston State Road, the permanent open space along all three (3) roadways, etc.

Attorney Hopkins stated that pursuant to New York State Town Law Section 276, Preliminary Plat review involves an environmental review (pursuant to SEQRA), after which the Preliminary Plat application is deemed complete, and then a public hearing is held. Regarding the SEQRA review, he noted the following:

- This project is an Unlisted Action.
- The Town Board has already issued a Negative Declaration under SEQRA, and to a certain degree it is difficult to imagine any environmental impacts because the layout is identical.
- A Traffic Impact Study prepared by SRF Associates was submitted and was reviewed by both Erie County Department of Public Works, which has jurisdiction over McKinley Parkway and Newton Road, and the New York State Department of Transportation. Both departments' communications are in the file.
- Slightly more than four (4) acres of wetlands exist on the site, and the applicant proposes to impact .49 acres, and that wetland permit is pending in front of the U.S. Army Corps of Engineers.
- An enhanced storm water management system has been designed that will increase the storage capacity and slow down the velocity of water that currently runs through the two (2) ditches that bisect the property. The existing driveway culvert on Newton Road that is an issue will be replaced. The applicant has obtained permission from the Russo family to clean the existing ditch between Newton Road and Boston State Road.

Attorney Hopkins asked the Planning Board to consider issuing a Negative Declaration under SEQRA.

Attorney Hopkin submitted a letter from Erie County Department of Public Works indicating that there is adequate downstream sanitary sewer capacity. He further noted that because the project will generate more than 2,500 gallons of sanitary sewer per day, the applicant will be required to comply with the New York State Department of Environmental Conservation's I & I (inflow and infiltration) requirements, meaning that sanitary sewer must be taken out of the system at other locations to compensate for the additional flows from this project. He stated that this will result in a net improvement from an environmental perspective.

In response to a question from Mr. Mahoney, Chris Wood, project engineer from Carmina Wood Morris, stated that normally the ditch running along the eastern property line would just continue to pass through, but as part of this project the ditch will run from Newton Road into a detention basin on the applicant's property, out of the detention basin and back along its original water course. He further stated that the ditch will then run into another detention basin on the property, where it will be additionally restricted, and then it will resume its original course to Boston State Road.

Mr. Wood stated that the idea is to reduce the amount of water coming off the site currently.

Attorney Hopkins stated that the applicant could meet the standards that apply to any project in New York State and leave that ditch alone. He noted that the applicant has volunteered to pay for all of the enhanced storm water management.

In response to a question from Mr. Reilly, Attorney Hopkins stated that the roads would be private and would be maintained by a Homeowners' Association.

Mr. Wood stated that all of the infrastructure, other than the sanitary sewer, will be privately owned.

Attorney Hopkins stated that immediately after the subdivision map cover is filed, he will record the required deed restrictions pursuant to the conditions of the rezoning.

Mr. Reilly stated that although Attorney Hopkins had asked the Board to consider issuing a Negative Declaration under SEQRA, he would like to work with the Town's counsel because there is litigation involved. He stated that SEQRA has been completed for this project, and he wondered why the Planning Board should do that again.

Attorney Hopkins stated that he is not asking the Board to redo SEQR, but rather he believes that legally it is a requirement that the Planning Board also issue a SEQRA determination. He stated that the Town Board issued a Negative Declaration as Lead Agency for the coordinated environmental review. He stated that the Planning Board provided input in its advisory role, but technically it was not an Involved Agency under SEQRA. He stated that at this point the Planning Board is now an Involved Agency because it has the approval power over this subdivision, and it is appropriate and the conservative and best course of action for the Planning Board to issue a SEQRA determination.

In response to a question from Chairman O'Connell, Attorney McCann asked for a couple of weeks to review this issue. He asked Attorney Hopkins to provide him with any documentation he (Attorney Hopkins) feels is relevant.

Mr. Reilly reviewed the Short Environmental Assessment Form Part II for the project.

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

Engineering Department comments have been filed with the Planning Department.

## **OTHER BUSINESS**

Mr. Schawel made a motion, seconded by Mr. Geraci, to approve the minutes of December 21, 2016. Carried.

Mr. Schawel made a motion, seconded by Mr. Mahoney, to adjourn the meeting. The meeting was adjourned at 7:45 P.M.

Respectfully submitted,

Doug Schawel, Secretary

Planning Board

Date: January 5, 2017

