

Town of Hamburg
Planning Board Meeting
January 9, 2013
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting on Wednesday, January 9, 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, Dan O'Connell and August Geraci.

Others in attendance included Andrew Reilly (Planning), Richard Lardo (Engineering Department) and Jerry Giglio (Traffic Safety Advisory Board).

Mr. Bellissimo made a motion, seconded by Mr. O'Connell, to appoint Sasha Yerkovich as Vice-Chairman and Stephen McCabe as Secretary for 2013. Carried.

Chairman Reszka welcomed the Board's newest member, Mr. August Geraci, and congratulated Mr. McCabe on being reappointed by the Town Board to a three-year term.

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

Chairman Reszka stated that the Sherwood Meadows project applicant, as well as the Russo Development applicant, had asked that their projects be tabled.

Sgroi Two-Lot Subdivision

Attorney Sean Hopkins, representing the applicant, stated that the applicant is requesting approval of a two-lot subdivision. He stated that the applicant acknowledges the fact that most of the remainder of the site is subject to jurisdiction in terms of wetlands, but at some point in the future there may be the possibility of building on a second lot. He noted that the applicant would not like to agree to some type of restriction that would preclude that from occurring sometime in the future.

Chairman Reszka stated that at the previously held public hearing, it was stated by the applicant's representative (Mr. Krull) that the applicant has no intention of building on the second lot.

Attorney Hopkins stated that if there were misstatements made at the public hearing, a second public hearing probably should be held.

Mr. Reilly stated that the applicant should submit information showing where the wetlands are on the second lot and where a home could be placed. Chairman Reszka stated that he would also like the 100-foot adjacent area shown on the second lot.

Mr. Bellissimo asked Mr. Hopkins for a chronological history of this property and what has been done on it.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to schedule another public hearing

to be held on February 6, 2013 for this project. Carried.

Dr. Cyril Bodnar, 6841 Woodland Drive, stated that the neighbors are concerned about the water that is backing up, as well as access to his adjacent parcel.

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

Engineering Department comments have been filed with the Planning Department.

Sharma Development (Pleasant Avenue)

Attorney Sean Hopkins, representing the applicant, stated that this project was previously presented to the Planning Board on a conceptual basis in April 2012. He stated that the applicant met with his wetland consultant to determine if it would be feasible to obtain a permit to allow the proposed building to be located primarily in the 100-foot adjacent area and partially in the New York State Department of Environmental Conservation (NYSDEC) wetland. The wetland consultant, along with the project architect and engineer, determined that the layout of the site should be changed in order to increase the likelihood that such a permit could be obtained.

Attorney Hopkins stated that the entire project has been pulled forward so that all of the proposed buildings and improvements have been removed from the NYSDEC wetland area, although they would still be located in the 100-foot adjacent area. He noted that a permit would still be required from the NYSDEC and the applicant will be seeking that permit.

Attorney Hopkins stated that the wetland delineation of the property was completed in the fall of 2012 and has been submitted to the Army Corps of Engineers and the NYSDEC. He further stated that Nussbaumer & Clarke has been commissioned to perform a Traffic Impact Study, which will be submitted to Erie County, New York State Department of Transportation (NYSDOT) and the Town of Hamburg.

Attorney Hopkins stated that the applicant, Dr. Sharma, is interested in establishing his medical office on this site and feels that this is a very good location for a medical office complex. He noted that an ambulatory surgery center is proposed as part of this project, and the applicant envisions this becoming a medical destination with a wide assortment of practices. He stated that the applicant believes that there is a demand for this sort of project and that it will benefit the Town of Hamburg and its residents.

In response to a question from Chairman Reszka, Attorney Hopkins stated that the applicant is looking into the possibility of running a sewer line to Coachmans Lane and noted that the sewer line would have to cross Town of Hamburg property. He stated that the applicant is investigating the possibility of boring through that property and that there may be a very minor impact to the existing wetlands.

Mr. Reilly confirmed that the applicant would not be asking the Town to expand the current sewer district, nor will he be running a new sewer line down Southwestern Boulevard.

Chairman Reszka stated that the applicant would have to obtain NYSDEC approval to run the sewer line to Coachmans Lane, and approval from the Town of Hamburg would have to be obtained to allow the sewer line to run under its property.

Attorney Hopkins stated that he has researched the Town's records and does not believe that the Town-owned land is designated as parkland. He agreed to contact the Town Attorney's office to determine how the property was acquired and whether grant money was used.

Attorney Hopkins stated that one (1) driveway is proposed onto Southwestern Boulevard and one (1) is proposed onto Pleasant Avenue. He noted that Erie County Highway Department has indicated that the proposed entrance on Pleasant Avenue is acceptable.

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

Engineering Department comments have been filed with the Planning Department.

DATO Development (Lake Avenue)

Daryl Martin, architect, representing the applicant, stated that since the apartment project was approved a number of months ago, the applicant has purchased additional property located east of and adjacent to the property that will contain the apartments. He noted that the applicant would like to construct six (6) garages for the apartments on the newly acquired property. He further noted that the detention pond for the apartments would be relocated.

Mr. Martin stated that a townhouse is currently being constructed on one of the easternmost sublots of the previously approved Oakwood Subdivision, which is located directly north of the apartment project property. (The current applicant was also the applicant for the subdivision project). Mr. Martin stated that the applicant had planned to reduce the area of that subplot by 35 feet in order to increase the area of the newly acquired property by that much so that the garages and detention pond could fit. However, it was determined that a variance would be needed in that case because the subplot's area would fall below the 7,000 sq.ft. minimum required in the R-2 zone.

Mr. Reilly stated that in the above scenario, the applicant would have to obtain a variance for the subplot's reduced area, and then the Planning Board would have to reapprove the subdivision. He further stated that the Planning Board cannot grant Site Plan Approval for the garages until the variance is obtained for the subplot.

Board members discussed the possibility of the detention pond spanning both property lines. It was determined that easements would be required.

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

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

Engineering Department comments have been filed with the Planning Department.

Pleasant Development, LLC (Pleasant Avenue)

Attorney Sean Hopkins, representing the applicant, stated that the applicant has made an effort to ensure that every neighbor interested in this project is fully informed.

Attorney Hopkins submitted an updated concept plan with the following changes:

- A gated emergency access connection is shown to Bridlewood Lane. It would be paved and approximately 15 feet wide, and it would not be available for ingress and egress by the public.
- The home located at 5587 Pleasant Avenue has been purchased by the applicant for additional green space along the entranceway to the subdivision.

Attorney Hopkins submitted a letter from NYSDEC concurring with the Town's request to act as the Lead Agency under SEQRA. He noted that he did respond to the comments made in the NYSDEC letter. He also submitted a letter from Michael Asklar, Traffic Safety Engineer with the Erie County Division of Public Works, indicating that he has reviewed the Traffic Impact Study and determined that this project will not have any potentially significant adverse environmental impacts on the highway system.

Attorney Hopkins stated that as a result of certain adjacent neighbors inquiring about acquiring portions of the property that will be kept as permanent open space, the applicant has agreed to give the neighbors that property at no cost subject to the deed restriction prohibiting it from being developed in the future.

Attorney Hopkins stated that the applicant has agreed to request that the property be rezoned from R-A to R-2 and R-3. He noted that the applicant would request the R-3 zoning for the portion of the property that abuts the New York State Thruway and R-2 zoning for the remainder of the site.

Mr. Rob Pidanick from Nussbaumer & Clarke stated that the proposed emergency access to Bridlewood Lane may have to be a dedicated road if it is determined that there is to be a water line loop into the new development. He noted that in that case, Erie County Water Authority will require that the road be dedicated so that the Town of Hamburg can keep it clear.

In response to a question from Chairman Reszka, Attorney Hopkins stated that the applicant has an agreement to purchase the property for the emergency means of egress.

Mr. Giglio stated that the Traffic Safety Advisory Board will probably have some comments on the placement of possible area speed limit signs, stop signs, etc.

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

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. McCabe made a motion, seconded by Mr. O'Connell, to approve the minutes of December 19, 2012. As there were four (4) ayes and three (3) abstentions (Mrs. Yerkovich, Mr. Bellissimo and Mr. Geraci), the motion passed. Carried.

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: January 24, 2013