

Town of Hamburg
Planning Board Meeting
October 16, 2013
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, October 16, 2013 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Stephen McCabe, Doug Schawel, Dan O'Connell, Sasha Yerkovich, David Bellissimo and August Geraci.

Others in attendance included Andrew Reilly and Sarah desJardins, Planning Consultants, Richard Lardo (Engineering Department), Attorney Cheryl McFadden-Zak and Councilwoman Amy Ziegler.

WORK SESSION

Jolie Mandell – 5401 Lakeshore Road

Ms. Jolie Mandell stated that she is a physical therapist and is interested in purchasing this property to turn it into a physical therapy operation. She further stated that she wanted to discuss her plans with the Planning Board to determine if having this type of business at this location is possible.

Ms. Mandell noted that the building was previously a gas station, and the owner had the tanks removed in 1992. She stated that since that time the building has been mainly unoccupied.

Ms. Mandell stated that she is looking to have a very small operation at this location. She noted that she would see approximately two (2) patients every half hour and would be open from either 8:00 AM or 9:00 AM until 5:00 PM. She stated that ten (10) parking spaces would be sufficient for her needs initially, but if she finds that she needs to hire additional employees she believes that there is room to add an additional five (5) parking spaces without too much trouble.

Ms. Mandell stated that she plans to utilize the existing building, but would like to dress the outside up a bit, improve the interior space somewhat and add landscaping. She further stated that she has no plans to expand the building.

It was determined that the property is zoned C-1. It was further determined that the parking spaces cannot be closer than 35 feet from any right-of-way, so a variance would be required for the property parking.

Board members agreed that parking would be the biggest problem Ms. Mandell would probably have, and that eight (8) spaces would probably be sufficient. Board members further agreed that this could be a viable project, as long as the traffic problems can be remedied.

Mr. McCabe stated that the Traffic Safety Advisory Board (TSAB) reviewed this project and indicated in its minutes that ingress and egress is the biggest concern, especially for vehicles heading westbound attempting to turn left into the site. Ms. Mandell stated that it would be her preference for her clients to access the site via Pleasant Avenue only.

Engineering Department comments have been filed with the Planning Department.

Public Hearing – Maelou Drive Business Complex (5646 Maelou Drive)

Mr. McCabe 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 revised Site Plan submitted by Roger Duffett regarding property located north of 5646 Maelou Drive. The Public Hearing will be held on October 16, 2013 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the plan for the 15,000 sq.ft. building was approved by the Planning Board previously, but the applicant has a proposed tenant who requires additional parking spaces. He further stated that a new parking area is now proposed to the north of the building and is shown connected to the existing paving in front of the building.

Chairman Reszka declared the public hearing open. No one spoke.

Chairman Reszka declared the public hearing closed.

Mr. Reilly stated that the previously issued Negative Declaration does not need to be re-issued because this is just the addition of a paved parking area.

It was determined that the Planning Department will prepare an approval resolution (conditioned upon the receipt of a variance for the parking area), along with a new Negative Declaration, for the Board's November 6, 2013 meeting.

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

Engineering Department comments have been filed with the Planning Department.

Villages at Mission Hills Apartments, Phase II

Mrs. desJardins stated that the Planning Department had not received any correspondence from the applicant since the Board's last meeting. She further stated that Mr. Manko, applicant, could not attend this meeting because of the death of a close friend.

Chairman Reszka made a motion, seconded by Mr. McCabe, to table this project indefinitely until the applicant contacts the Planning Department with the appropriate Engineering Department documentation. Carried.

Willow Woods Subdivision

Mr. Reilly stated that Mr. Norm Wohlbaugh, consultant, has agreed to review the yearly monitoring reports that will be required.

Shaw Properties (Vacant land north of 4819 South Park Avenue)

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the proposed plan for the apartment project includes 46 units (three twelve-unit buildings and one ten-unit building). He further stated that no egress onto South Park Avenue is proposed, and the planned egress is strictly onto Bayview Road near where it intersects with Riley Boulevard.

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Mr. Gow stated that the proposed apartment project layout meets all N-C zoning requirements, but of course the property must be rezoned from C-1 to N-C in order for the applicant to move forward.

In response to a question from Mr. O'Connell, Mr. Gow stated that the existing access onto Bayview Road of the Bayview Deli Mart would be closed and patrons would access Bayview Road through the new driveway provided for the apartment project.

In response to a question from Chairman Reszka, Mr. Gow stated that he looked at lining up the new driveway with Riley Boulevard, but the applicant does not own the property directly across from Riley Boulevard and would have to acquire it.

Mr. Reilly suggested that Mr. Gow have a traffic study performed to make sure that the proposed traffic patterns would work, noting that Bayview Road is very busy when school lets out.

Chairman Reszka stated that the TSAB recommended that a gated second means of emergency ingress/egress be provided onto South Park Avenue. Mr. Gow agreed to look at this possibility.

Jerry Giglio, TSAB Coordinator, stated that it is possible that the stacking of traffic traveling westbound on Bayview Road making left hand turns onto Riley Boulevard could block the apartment complex exit onto Bayview Road and/or make it very difficult for tenants to turn left onto Bayview Road. He further stated that the TSAB would like the applicant to consider obtaining an easement over the property directly across from Riley Boulevard so the two roads could line up.

Chairman Reszka stated that he is concerned about what the back of the apartment buildings would look like, noting that the residents of Berkley Square and motorists on South Park Avenue would have to look at them. Mr. Gow agreed to dress the buildings up somewhat.

In response to a question from Mr. Geraci, Mr. Gow stated that parking spaces would be provided in front of the apartment buildings, and no garages are proposed.

Mr. McCabe made a motion, seconded by Mr. Bellissimo, to forward a positive recommendation to the Town Board regarding this proposal to rezone this property from C-1 to N-C. Carried.

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

Sherwood Meadows Apartments

Chairman Reszka reminded Board members that he would be recusing himself from all discussion of this project.

Attorney Sean Hopkins, representing the applicant, stated that at the Board's last meeting, the Planning Board directed the Planning Department to prepare a draft Positive Declaration, and identified seven (7) intersections in the Roundtree Village Subdivision that the Board believed that Nussbaumer & Clarke should take a closer look at in terms of impact on the local highway system. He stated that subsequently Nussbaumer & Clarke performed a Supplemental Traffic Study and added three (3) additional intersections to be studied.

Attorney Hopkins stated that the results of the above study were as follows:

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1. The level of service (LOS) at each of the ten (10) intersections, when the trips from the proposed project were projected onto those roadways, will be "A", which is the highest LOS. This is not surprising, given the fact that currently there is not a lot of traffic on those roadways.
2. The Supplemental Traffic Study was reviewed by the TSAB at its meeting on October 10, 2013 and it issued a recommendation to the Planning Board that the project will not have any adverse impacts in terms of traffic on the local roadway system.

Regarding the quality of life concern brought forth by the residents of the adjoining subdivision, Attorney Hopkins stated that he does not know how that would be addressed in an Environmental Impact Statement, if a Positive Declaration is issued.

Attorney Hopkins stated that previously the Planning Board had asked the applicant to take a look at whether or not there would be any other way to provide another means of access to this site. He noted that as of October 16, 2013, the applicant has a contract in place to purchase a portion of the westernmost section of the Hopevale property. He further stated that this acquisition would allow the applicant to provide a second means of vehicular access into this site from Howard Road. He noted that this is a very complicated transaction as a result of Hopevale's current situation.

Attorney Hopkins asked the Planning Board to table the application to give the applicant the opportunity to come back to the Board with an amended plan that will include a second means of access into this site.

It was determined that the new access would probably be the primary means of egress to and from this site.

In response to a question from Vice-Chairwoman Yerkovich, Attorney Hopkins stated that the applicant does not plan to install a gated emergency access to Heatherwood Drive, noting that it is an existing a public roadway.

Mr. McCabe stated that by providing access to Howard Road, the applicant is eliminating the problem of all traffic using the Roundtree Subdivision roadway system.

Vice-Chairwoman Yerkovich stated that this is a very good start.

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

Mr. Reilly stated that the applicant was limited in where he could acquire property to provide a secondary means of egress/ingress because of the existence of Town-owned parkland, as well as wetlands, to the east and north of the site.

Mr. Giglio stated that the applicant deserves much credit for going the extra mile to meet the residents' concerns about the traffic safety in the area. Mr. McCabe concurred.

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. O'Connell, to adjourn the meeting. The meeting was adjourned at 7:35 P.M.

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Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board

Date: October 30, 2013