

Town of Hamburg
Planning Board Meeting
December 18, 2013
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M. on Wednesday, December 18, 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, David Bellissimo and August Geraci.

Others in attendance included Andrew Reilly and Sarah desJardins, Planning Consultants.

Excused: Sasha Yerkovich

Eddy & Lewin Homes

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that a Sowles Road resident asked at the public hearing how far her driveway would be from the edge of pavement of the extended Bradford Street where it would meet Sowles Road. He stated that that distance would be approximately 25 feet.

Mr. Gow further stated that Nussbaumer & Clarke generated trip generation for the site assuming there would be 29 new lots. He noted that during the peak hour (pm), there would be 29 trips split randomly between heading north to Sowles Road and heading south on Bradford Street. He further noted that during the morning peak hour, there would be 22 trips.

Regarding SHPO (State Historic Preservation Office), Mr. Gow stated that no Health Department approval or approval for sewer and water can be obtained without the sign-off from SHPO. He stated that it is during the period when these approvals are being sought that SHPO is contacted.

Mr. Reilly stated that the Planning Board will require correspondence from Mr. Gow that based upon his research, he does not believe there will be any archaeological issues with this site.

Mr. Reilly stated that Erie County has asked for some specific information regarding the proposed new access to Sowles Road. Mr. Gow agreed to contact the County and resolve any concerns it might have regarding the additional traffic on Sowles Road.

Mr. Gow stated that he has been working with the applicant on the layout of the subdivision, and they are considering shortening the road somewhat in order to increase the amount of buffer area between the westernmost lots and the commercial business on Camp Road. He explained that the number of lots would remain at 29 and the road would be configured the same way it is now proposed. However, the lots would be 70 feet wide instead of 85 feet. He noted that the width of the lots would still conform to Town Code, but the area of the lots would not, so a variance would be required. He stated that the area of the lots would be 8,800 sq.ft. instead of the required 10,000 sq.ft.

In response to a question from Mr. Bellissimo, Mr. Gow stated that reducing the width of the lots would mean that there would be less roadway for the applicant to build and less roadway for the Town to maintain.

In response to a question from Mr. O'Connell, Mr. Gow stated that the shallowest lot adjacent to the commercial business on Camp Road would have a rear yard of 170 feet instead of 125 feet. He further stated that it would be up to the homeowner to determine if the existing vegetation

would remain.

Mr. Gow stated that shortening the road would also give the applicant more room to place the detention area on a separate lot, which would be owned by a Homeowners' Association.

In response to a question from Chairman Reszka, Mr. Gow stated that the detention area would be approximately 60 feet from the rear yards of the existing homes on Sowles Road. He noted, however, that the detention area has not been engineered yet, so its exact location is not known at this point.

In response to a question from Chairman Reszka, Mr. Reilly stated that the Planning Board will have to determine whether a recreation area will be required. He noted that the Planning Department will ask the Recreation Department if recreation space in this area is needed. If it is determined that recreation space is not needed, a fee in lieu of recreation space will be assessed for each lot.

In response to a question from Mr. Schawel, Mr. Gow stated that the area of Sowles Road where Bradford Street would connect has always been a paper street, and utilities, roadway and sidewalks would be brought in through that area. He noted that they would save as many trees as possible in that area.

Mr. Reilly stated that the Planning Board will have to consider what should be done in terms of buffering the new street from the two (2) existing homes on Sowles Road. He noted that the Board may ask the applicant to provide a feature at the entrance to the subdivision, as well as provide some buffering for the new residents from the existing commercial business on Camp Road.

Regarding the lighting at the existing commercial business on Camp Road, Mr. Reilly stated that the residents of the new homes that back up to the business do have a right to expect that the lighting will not spill over onto their properties.

Mr. Tom Lewin, applicant, stated that the commercial business has its own buffer that has been there from the business's inception, and he (Mr. Lewin) would like to add to that buffer.

Mr. Gow stated that he will submit revised plans showing the 70-foot-wide lots, the shorter roadway and the additional buffer area for the westernmost lots.

Mr. Reilly stated that he will begin putting a Negative Declaration together, but he still needs the correspondence regarding the archeological issues and additional information regarding the County's concerns about traffic on Sowles Road.

Mr. McCabe made a motion, seconded by Mr. Bellissimo, to direct the Planning Department to prepare a Negative Declaration. Carried.

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.

Public Hearing - Pleasant Creek Development (proposed subdivision, north side of Pleasant Avenue)

Mr. McCabe read the notice of public hearing as follows:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a proposal by Pleasant Development, LLC to construct a 109-lot subdivision on vacant land located on the north side of Pleasant Avenue, west of the NYS Thruway. The public hearing will

be held on December 18, 2013 at 7:00 P.M. in Room 7B of Hamburg Town Hall.”

Attorney Sean Hopkins, representing the applicant, stated that this project was presented to the Board in April 2013, and the property was rezoned earlier this year from R-A to R-2 and R-3. He stated that the applicant is requesting Preliminary Plat Approval for the 109 single-family lots at this time and noted that the layout is identical to what was presented to the Board in April 2013.

Attorney Hopkins stated that he has provided the Board with drafts of the deed restrictions that have been prepared in accordance with two (2) conditions of approval of the rezoning as follows:

1. A deed restriction will ensure that with respect to all of the proposed lots, they will be single-family homes only.
2. A deed restriction will ensure that there will be no development of the approximately 38 acres of conservation area on the site.

Attorney Hopkins stated that as a result of discussions with the adjoining neighbors, the applicant has given these neighbors the option to acquire a portion of the conservation area if they are interested in doing so. He noted that the declaration of restrictions would be recorded first, however, to ensure that no matter who owns the conservation area, there will be no development on that property.

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

Chairman Reszka declared the public hearing closed.

Attorney Hopkins stated that as part of the discussions that were previously held, the applicant will realign the intersection where the entrance to the subdivision will be in order to approximate as much as possible 90-degree angles. It was determined that this construction would be done along with the construction of the first phase of the subdivision.

Mr. McCabe made a motion, seconded by Mr. Schawel, to direct the Planning Department to prepare a draft approval resolution for the Board’s next meeting. Carried.

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.

Care-A-Lot Daycare Center

Mrs. desJardins stated that the Planning Department did prepare an approval resolution, as requested at the Board’s last meeting. She further stated that the Planning Department received a second petition from the residents of Juno Drive indicating their desire that the proposed driveway to Juno Drive as recommended by the Traffic Safety Advisory Board (TSAB) not be required.

Chairman Reszka thanked the residents who signed the petition for signing it and stated that it is valuable input, but explained that the only time a petition can be considered is if it is a result of a rezoning request.

Mr. McCabe made the following motion, seconded by Mr. Bellissimo:

"In accordance with the New York State SEQRA Law, the Town of Hamburg Planning Board has reviewed the Care-A-Lot Daycare project, received input from the Traffic Safety Advisory Board and the public, and completed Part Two of the SEQRA Environmental Assessment Form. Based on these reviews and input, the Planning Board has determined that the project's environmental impacts have been avoided or mitigated to the maximum extent practicable.

Therefore, the Planning Board has determined that the proposed Care-A-Lot Daycare Center project is not anticipated to result in any significant adverse environmental impact, and that a Negative Declaration is hereby issued and the Planning Board Chairman is authorized to sign the Environmental Assessment Form." Carried.

Mr. McCabe made the following motion, seconded by Mr. Bellissimo:

"Based on the Zoning Board's issuance of a use variance for the Daycare center, the review of the Care-A-Lot Daycare Center project materials including a site plan dated 11/06/13, the addition of a second means of egress out of the site (one way out; which the Traffic Safety Advisory Board and the Planning Board believe to be the best solution for this site), and having completed the SEQR process, the Hamburg Planning Board wished to approve the Care-A-Lot Daycare Center site plan.

Therefore, Be It Resolved that the Hamburg Planning Board hereby issues site plan approval for the Care-A-Lot Daycare Center project, located at 5479 Lakeshore Road, based on the submitted site plan dated November 6, 2013 with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated December 18, 2013.
2. The driveway onto Juno Drive will be posted as one way; only allowing vehicles to leave/exit the site.
3. The TSAB will work with the neighborhood to best resolve on-street parking issues, with the possibility of no parking at least along the frontage of this lot.
4. A landscape plan will be submitted to the Planning Department for review and approval.
5. This approval is conditional upon the applicant obtaining a variance from the Zoning Board of Appeals for three (3) parking spaces."

Carried.

Joanne Kohler, adjacent resident, asked if she can have a buffer between her property and the addition. Mr. Reilly stated that a landscape plan will have to be submitted to the Planning Department for approval. Chairman Reszka stated that at no time can light from the daycare property spill onto Ms. Kohler's property.

Chairman Reszka stated that when a landscape plan is submitted by the applicant, the Planning Department will work with Ms. Kohler to make sure that she gets the best situation possible.

Ms. Kohler stated that she wants people to be able to park in front of her property.

Ms. Kohler stated that she would rather have the daycare center just use the existing curb cut onto Route 5 for egress and ingress, rather than Juno Drive.

Ms. Linda Tschopp, Juno Drive resident, stated that she is concerned that if someone exiting the daycare facility decides to make a left on Juno Drive instead of a right to Route 5, there would be a safety problem because her neighborhood has no sidewalks and there are many children at play. Mr. Bellissimo responded that there would probably be an increase of one (1) or two (2) vehicles per hour exiting the daycare facility, and most people would turn right to

access Route 5, rather than turn left and go through the neighborhood to access Pleasant Avenue.

Joseph Fohl, Juno Drive resident, asked if the Board received the hand-written petition submitted to the Town Clerk and the online petition that several residents signed. Mrs. desJardins stated that she did receive the hand-written petition and distributed it to all Planning Board members.

It was determined that the Planning Board did not receive the online petition Mr. Fohl referenced. Mr. Fohl stated that the neighborhood does not want vehicles turning left onto Juno Drive from the daycare center.

Mr. McCabe made a motion, seconded by Mr. Bellissimo, to issue a positive recommendation to the Zoning Board of Appeals for the requested reduction in setback for the additional three (3) parking spaces associated with the daycare center addition. Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. O'Connell, to approve the minutes of December 4, 2013. As there were five (5) ayes and one (1) abstention (Mr. Schawel), the motion carried.

Mr. Bellissimo made a motion, seconded by Mr. O'Connell, to adjourn the meeting. The meeting was adjourned at 7:55 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board

Date: January 1, 2013