

Town of Hamburg  
Planning Board Meeting  
December 21, 2016  
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, December 21, 2016 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 Sarah desJardins, Town Engineer Michael Quinn and Attorney Ryan McCann.

Excused: Dennis Chapman

**WORK SESSION**

**Howard Domin – Requesting Preliminary Approval of a three-lot subdivision to be located at 3148 Pleasant Avenue**

Mrs. desJardins stated that Mr. Domin resides at 3148 Pleasant Avenue and wishes to subdivide his property into three (3) building lots. She noted that the lots meet the bulk requirements for the R-A District.

In response to a question from Mrs. desJardins, Howard Domin, applicant, stated that his plan would be to provide water to subplot # 3 by running the water line through an easement between sublots 1 and 2 from Pleasant Avenue to subplot # 3. He further stated that water is available to subplot # 2.

In response to a question from Mr. Quinn, Mr. Domin stated that he has not spoken with the Erie County Water Authority about providing water to the lots. He further noted that the lots would have septic systems.

Mr. Clark made a motion, seconded by Mr. Schawel, to schedule a public hearing to be held on January 4, 2016. Carried.

Engineering Department comments have been filed with the Planning Department.

**Camp Road Animal Clinic – Requesting Sketch Plan Direction on a proposal to enlarge the building located at 5576 Camp Road**

Mrs. desJardins stated that the applicant proposes to construct an addition to the front of the building. She noted that a variance would be required because the addition would bring the building too close to Camp Road.

Dr. Tonia Hite, applicant, stated that this building has been used as a veterinary clinic since the 1960s, and she has owned the business for almost ten (10) years. She stated that she would

like to enlarge the building by approximately 1,000 sq.ft. to add two (2) more exam rooms and expand the waiting area.

In response to a question from Mr. Clark, Ms. Hite stated that she cannot expand to the rear because the parking area there is already tight and the property is narrow, so expanding to the front is her only option.

In response to a question from Mr. Geraci, Mrs. desJardins stated that with the addition, the building would be 30 feet from Camp Road, as opposed to the required 40 feet.

Mr. Clark made a motion, seconded by Mr. Geraci, to refer this project to the Zoning Board of Appeals. Carried.

Engineering Department comments have been filed with the Planning Department.

**Peter Lbertore – Requesting Sketch Plan Direction on a proposal to demolish an existing home located at 5683 South Park Avenue and construct a ten-unit apartment building**

Attorney Sean Hopkins, representing the applicant, stated that the home to be demolished is located on the corner of South Park Avenue and Knoll Drive. He stated that a curb cut is not proposed onto Knoll Drive or South Park Avenue, and every effort will be made to preserve the existing vegetation along Knoll Drive.

Attorney Hopkins noted that the property is properly zoned, and the applicant will have to apply for a variance from the Zoning Board of Appeals to locate the building closer than the required 50 feet from the western property line.

Mr. Clark asked Attorney Hopkins if this project will comply with the new Town requirement that 10% of all apartment projects be low-income housing. Attorney Hopkins stated that he will look into that question.

In response to a question from Mr. Geraci, Chris Wood from Carmina Wood Morris, engineer for the project, stated that the building would be associated with the adjacent Park Square apartment complex, and the apartment dwellers would be entering and exiting from the existing Park Square roadway.

Mr. Clark made a motion, seconded by Mr. Geraci, to refer this project to the Zoning Board of Appeals. 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**

Mrs. desJardins stated that the Tomasiks have a daughter who has been saving for a horse, and they own five (5) acres of land where their home is. She stated that horses are not allowed in the R-1 District, so the Tomasiks requested a use variance from the Zoning Board of Appeals and were denied. She noted they are now requesting that their property, along with the

properties on either side of them, be rezoned to R-A to allow animals. She further noted that Mr. Tomasik has a petition in favor of the rezoning signed by several of the property owners in the area.

Mr. Clark made a motion, seconded by Mr. Mahoney, to table this project and authorize the Planning Department to prepare draft resolutions for the Board's next meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

## **REGULAR MEETING**

Chairman O'Connell extended the Board's thoughts and prayers to their member, Dennis Chapman, as he recuperates from surgery.

### **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 noted that the applicant is now requesting review of the Preliminary Plat, Chris Wood from Carmina Wood Morris has provided fully engineered plans to the Engineering Department and Rick Lardo has indicated that the applicant is going in the right direction.

Attorney Hopkins stated that the cluster subdivision's density was reduced based on input received during the rezoning review process, and the cluster subdivision consists of 45 lots on 29.29 acres. He noted that 17.1 of the 29.29 acres will be permanent open space and will be subject to a deed restriction ensuring that it will never be developed. He further stated that the only roadway to the cluster subdivision would be on Route 391, and that roadway was previously reviewed and approved by the New York State Department of Transportation (NYSDOT).

Attorney Hopkins stated that the roadway, water line, landscaping, RPZ, etc. will be privately owned and privately maintained. He noted that the only public infrastructure would be the sanitary sewer improvements, which is required.

Attorney Hopkins stated that with respect to the flooding concerns raised by Mr. & Mrs. Johnson, who reside on Route 391, the applicant has agreed to provide an enhanced storm water system. He stated that rather than just retain the 100-year storm event, the applicant will go beyond that in the hopes that it will alleviate the Johnson's situation some, although it will not fix their problem completely. He noted that the Johnson's flooding problems are largely attributable to the fact that the water actually backs up from across Route 391 at the golf course.

Mr. Hopkins stated that the applicant was also advised that there is an issue with respect to the existing culvert on Newton Road as it crosses that road and enters the applicant's property. He noted that Mr. Wood and the applicant have spoken to Erie County, and the applicant will replace that culvert at the applicant's expense.

Attorney Hopkins stated that he is requesting that the Planning Board conduct an environmental review of the proposed cluster subdivision and noted that he does not believe a coordinated review is warranted. He stated that once the Planning Board has conducted the environmental review and issued a SEQR determination, he would request that a public hearing be held.

Attorney Hopkins also requested that this project be referred to Erie County Department Of Environment and Planning via the 239-N, as the project is located within 500 feet of both State and County highways.

Attorney Hopkins stated that it is his position that it is appropriate for the Planning Board to issue a SEQR determination on the project because although it participated in the environmental review during the rezoning process, it was not technically an involved agency.

Mr. Clark made a motion, seconded by Mr. Mahoney, to authorize the Planning Department to prepare a resolution regarding SEQR for the Board's next meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

#### **OTHER BUSINESS**

Chairman O'Connell wished everyone a Merry Christmas and Happy New Year from the entire Board.

Mr. Geraci made a motion, seconded by Mr. Schawel, to approve the minutes of December 7, 2016. As there were five ayes and one (1) abstention (Chairman O'Connell), the motion carried.

Mr. Schawel made a motion, seconded by Mr. Mahoney, to adjourn the meeting. The meeting was adjourned at 7:12 P.M.

Respectfully submitted,

Doug Schawel, Secretary

Planning Board

Date: December 28, 2016