

Town of Hamburg
Planning Board Work Session
February 1, 2012
Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, February 1, 2012 at 7:00 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Vice-Chairman Sasha Yerkovich, Gerard Koenig, David Bellissimo, Doug Schawel and Daniel O'Connell.

Others in attendance included Andrew Reilly, Sarah desJardins, Attorney Cheryl McFadden Zak and Councilman Joseph Collins.

Excused: Stephen McCabe

Chairman Reszka announced that the applicant for the Willow Woods Subdivision (formerly known as the Yoviene Subdivision) has asked that the project be tabled.

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

Maple Shade Subdivision

Mrs. desJardins stated that this property is part of the large tract of land that was previously subdivided into three (3) parcels. She further stated that this is one (1) of the three (3) newly created lots and the owner wishes to now subdivide this parcel into five (5) building lots.

In response to a question from Mr. Koenig, Mrs. desJardins stated that this property is zoned R-A and it meets all zoning requirements, including those of the Southeastern Hamburg Overlay District.

Mr. Reilly stated that because the Town of Hamburg considers this a major subdivision, Preliminary and Final Plat Approval will be required.

Mr. Reilly stated that the biggest issue raised so far is the issue of whether the applicant will be required to connect to the existing sewer line located 200 feet east of this property or if he will be allowed to install septic systems on the lots. He noted that a waiver will be required from the New York State Department of Environment & Planning in order to install septic systems on the new lots.

Mr. Reilly noted that a 100-foot buffer for the existing wetlands in the rear of this property is provided on the Preliminary Plat.

Mr. Reilly stated that the applicant has been receiving agricultural exemptions on this property and needs to understand that when the property is developed, back taxes will have to be paid to the Town Assessor.

In response to a question from Mr. Koenig, Mr. Reilly stated that the Town of Boston will be notified of this proposal as a courtesy.

Mrs. Yerkovich stated that she is concerned about five (5) driveways on Taylor Road in close proximity to each other. It was determined that the applicant will be asked to stipulate on the drawings that each lot will have a turn-around driveway.

It was determined that the Board will schedule a public hearing once the applicant advises the Board about whether a sewer connection will be required.

Mrs. Yerkovich made a motion, seconded by Mr. Bellissimo, to authorize the Planning Department to seek Lead Agency status and initiate a SEQR Coordinated Review for this project. Carried.

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

Engineering Department comments have been filed with the Planning Department.

Bayview Road/Route 5 Business Park Pre-Permitted Site Incentive Concept Application

Mr. Reilly stated that on January 23, 2012 the Town Board determined that the Draft Supplemental Generic Environmental Impact Statement (DSGEIS) is complete and ready for public review and input.

Mr. Reilly stated, for the record, that he is the author of the DSGEIS and therefore will not be reviewing it. He noted that the Planning Board members will be providing input to him regarding the document and he will respond to each comment received.

Mr. Reilly stated that based upon the responses received regarding the document, the Planning Board will help the Town Board create a Findings Statement, which will set those parameters that will be in place that will determine if a potential user will be able to avoid the Planning Board review process for his/her project and proceed to obtaining Building Permits and other permits for approval.

Mr. Reilly stated that Board members will have to agree on what the Board's comments will be regarding the DSGEIS.

Mr. Schawel asked about the status of the home on Lakeview Avenue that is not owned by the Hamburg New York Land Development Corporation (HNYLDC) but is surrounded by the HNYLDC project site. Mr. Reilly stated that the property is zoned industrial and the DSGEIS drawings show buffers around it. He further noted that the HNYLDC is attempting to purchase the property.

Mr. Reilly stated that the Town Board will hold a public hearing on this project on February 27, 2012 and comments will be accepted through March 9, 2012.

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

OTHER BUSINESS

Long's Floor Care

Mr. Reilly stated that the Planning Board previously approved the site plan for this project with conditions. He further stated that the applicant began work on the site without the proper permit from the Building Inspection Department and did not adhere to the approved site plan.

Mr. Reilly reminded the members that the Board approved a narrower driveway so that additional trees could be saved, and the Board waived the requirement of a landscape plan because the lot was so heavily wooded.

Members reviewed a plan showing the area where trees were taken down that should have been avoided, as well as the site plan that was approved by the Board previously.

Mrs. desJardins stated that an additional nine-foot wide area of trees was removed on either side of the driveway area.

Mr. Dennis Long, applicant, apologized for over-clearing the lot and stated that once he began excavating the property, he found that it is very low and very wet. He further stated that he over-cleared the land in order to put swales in to try and release some of the existing water.

Chairman Reszka stated that the approved site plan shows the drainage swales within a fifteen-foot area on either side of the driveway and asked the applicant why 24 feet was cleared on either side of the driveway instead of fifteen feet. Mr. Long responded that the land in that area is a swamp and he did not know how wet it was until he started digging.

Chairman Reszka stated that Mr. Long brought in a lot of fill that will have to be removed in order to build the drainage swales. Mr. Long responded that he brought in the fill for the driveway and the parking lot area.

Mr. Bellissimo stated that when Mr. Long realized that he needed to clear additional trees on either side of the driveway, he should have notified the Town because it was in violation of the approved site plan. He reminded Mr. Long that one of the conditions of approval was that he (Mr. Long) delineate the trees to be preserved before bringing an excavator on to the site.

Mr. Reilly stated that Mr. Long will have to plant additional trees, as well as screen the parking area in front of the building since it is no longer screened.

In response to a comment from Mr. Long, Chairman Reszka stated that the fact that a total of 18 feet of trees was removed that should have been left alone on either side of the driveway is a major concern to the Planning Board.

Mr. Reilly stated that, although the Southwestern Boulevard Overlay District requires that parking areas be behind buildings, the Planning Board allowed the applicant to place the parking area in front of the building because the applicant indicated that the wooded areas would not be touched and the parking area would not be seen from the road.

Chairman Reszka stated that the site plan for this project was approved because the wooded areas were to be left intact. Therefore, the trees should be replaced by the applicant and a landscape plan showing mitigation, prepared by a Registered Landscape Architect, should be submitted to the Board. He further stated that as many trees as it takes to make the area look like it would have if the approved site plan were followed should be required.

Board members discussed several options for screening the parking area (trees, shrub line, fencing, etc.)

Board members agreed that the applicant should get letters of support from the adjoining neighbors.

Attorney McFadden-Zak stated that the onus should be on the applicant to present a landscaping plan to the Board for its review.

It was determined that the mitigation plan to be provided by the applicant should attempt to accomplish the following:

- Screening of the area where the parking lot will be
- Achieve the same look as if the trees were not removed erroneously

Mr. Bellissimo stated that when the landscaping plan is submitted, the Board will decide if it should be enhanced further.

Mr. Long was advised to get a letter from both adjoining neighbors, as well as the property owner across the street, stating that they are not opposed to the parking area as proposed with the screening that remains on the site. He was also advised that if he proposes a fence on the north and south sides of the parking area, he will not need to get a letter from the adjoining property owners.

Chairman Reszka informed Mr. Long that per Section 280-307, the Planning Board can require that the property owner file a performance bond, in such amount as determined by the Town Engineer, to insure that the proposed development will be built in compliance with the accepted plans. He noted that he will discuss this with the other Board members and would like to require the performance bond in this situation so that the work is done correctly.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to approve the minutes of January 18, 2012. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board

Date: February 6, 2011