

Town of Hamburg  
Planning Board Meeting  
February 1, 2017  
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, February 1, 2017 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, Dennis Chapman and Al Monaco.

Others in attendance included Assistant Municipal Engineer Richard Lardo, Town Planning Consultant Sarah desJardins and Attorney Ryan McCann.

**WORK SESSION**

**BFG Manufacturing (3949 Jeffrey Boulevard) – Requesting Site Plan Approval of a 25,000 square foot addition to the existing building**

Mrs. desJardins stated that the Supervising Code Enforcement Official, Kurt Allen, issued a memo indicating that his department will require the following additional information from the applicant:

- MSDS sheets and documented quantities for materials used within the building and proposed addition
- Code compliance checklist and fire protection analysis accompanying the architectural plans

Mrs. desJardins encouraged the applicant to meet with Mr. Allen before the Planning Board’s next meeting.

Mark Tiedemann, architect, stated that BFG proposes to construct a 25,000 sq.ft. addition to the existing 30,000 sq.ft. building. He stated that the addition would match identically to the existing building in terms of building materials. He noted that no new landscaping is proposed because there is already existing landscaping at the road.

Mr. Tiedemann stated that he has addressed fire code issues with a potential loop around the whole site that would go on to the adjacent property and back out to Jeffrey Boulevard. He noted that if an interior fire wall is required by Mr. Allen, the loop around road will not be constructed.

Mr. Tiedemann stated that the applicant needs more staging area, which is what the additional area would be used for.

It was determined that the business is currently growing, recently installed the last production line that will fit in the building and is in the process of hiring the manpower needed for that

production line. It was further determined that a few additional office workers will probably be hired for the new area.

Mr. Tiedemann stated that there are more than adequate parking spaces for the number of employees anticipated. He further stated that a grade-level dock for UPS size trucks will be constructed.

Mr. Lardo informed Mr. Tiedemann that he (Mr. Tiedemann) will have to tell the Engineering Department whether the loop around road is going to be put before the Planning Board approves the project. He further stated that will require the submittal of drainage calculations.

Mr. Lardo stated that he noticed that there are piles on the site that were not shown on the topography. He noted that if the applicant is disturbing less than one (1) acre, it must be documented because if more than one (1) acre is disturbed, the applicant will be stopped from working, and a SWPPP plan will be required.

Mr. Clark made a motion, seconded by Mr. Schawel, to schedule a public hearing to be held on February 15, 2017. Carried.

Engineering Department comments have been filed with the Planning Department.

## **REGULAR MEETING**

### **Glenn Wetzl – Requesting Preliminary Plat Approval of a 45-lot cluster subdivision to be located on Route 391, McKinley Parkway and Newton Road**

Mr. Jon Barniak from Carmina Wood Morris, representing the applicant, stated that a letter was submitted by his firm that outlines that the project site was designed in accordance with New York State Department of Environmental Conservation (NYSDEC) storm water requirements and Town of Hamburg Engineering Department standards.

Attorney Sean Hopkins, representing the applicant, stated that the letter from Carmina Wood Morris was prepared because there were some questions about the enhanced storm water management system that was a condition of approval by the Town Board of the requested rezoning to PRD. He noted that there are two (2) methods by which runoff currently enters the project site (water enters the site after crossing McKinley Parkway, and water also enters the site after crossing Newton Road), and as Carmina Wood Morris has further designed the storm water management system, the following has been recognized:

- There is an existing issue with water crossing Newton Road, and the Town has had communications with Erie County Department of Public Works about this since 2009. The applicant would alleviate this problem (and pay for it).
- There is existing drainage that crosses the remainder of the Russo property to the east. The applicant would go on to that property, clear the ditch and allow for proper drainage through the Russo property and onward to Eighteen Mile Creek.

Attorney Hopkins stated that the letter submitted by Carmina Wood Morris summarizes the methodology and criteria that were utilized in connection with the design of the storm water management system.

Attorney Hopkins stated that although the Hamburg Town Board issued a Negative Declaration under SEQR on December 14, 2015 in connection with the requested rezoning of this parcel, the Planning Board participated in that environmental review but was not treated as an Involved Agency (the Town Board did not ask the Planning Board if it wanted to be the Lead Agency, given the fact that it had approvals). He noted that the Planning Department did provide the Environmental Assessment Form (EAF) and documentation to many Involved and Interested Agencies (NYSDEC, New York State Department of Transportation, Erie County Department of Public Works, Erie County Health Department, etc.), and none of those agencies during the environmental review expressed any concerns or suggested that there would be a need to issue a Positive Declaration under SEQR.

Attorney Hopkins stated that the documentation provided in connection with the previous environmental review included the following:

- Traffic Impact Study prepared by SRF Associates
- Letters issued by NYSDOT and Erie County Department of Public Works indicating that those departments had reviewed the Traffic Impact Study and did not have any objections relative to the traffic impacts
- Jurisdictional determination from the U.S. Army Corps of Engineers (there are approximately 4.3 acres of wetlands on the site, and the applicant is proposing to impact .49 acres of the wetland area). A permit is pending at the U.S. Army Corps of Engineers, and before the project can be started that permit would need to be secured. A draft deed restriction has been submitted to the U.S. Army Corps of Engineers ensuring that the remaining wetland areas will never be developed. This deed restriction will be recorded at the Erie County Clerk's office.
- A letter from the New York State Office of Parks, Recreation and Historic Preservation indicating that there will be no impact on cultural or historical resources
- A letter from Erie County confirming that there is adequate downstream sanitary sewer capacity

Attorney Hopkins stated that he believes that every environmental impact has been adequately addressed and asked the Board to consider issuing a Negative Declaration.

Mr. Mahoney stated that he has visited the project site many times and talked to people who live in the area. He stated that he is concerned about Mr. & Mrs. Johnson, who reside at 6411 Boston State Road. He asked Attorney Hopkins to explain what the applicant proposes to do to alleviate the Johnson's existing problems.

Attorney Hopkins stated that the storm water system has been designed so that all of the runoff from the impervious surfaces that result from the construction of this subdivision would go into the various storm water detention areas located on the site. He stated that those areas have been sized and designed to hold that runoff in a 100-year storm event, and the existing conditions cannot be exacerbated. He noted that the applicant has over-designed the storm water management system to provide more capacity than the 100-year storm event and to slow down the rate of the runoff that currently goes on to the property from across McKinley Parkway and from Newton Road.

Attorney Hopkins stated that the existing problem that the Johnsons have that the applicant cannot address is the fact that water backs up on the golf course across the street from their home, crosses the road and causes flooding issues on their property.

Mr. Lardo stated that the storm water management system proposed by the applicant meets the State standards and exceeds them.

Mr. Geraci stated that he visited the golf course during a snow and rain event and noticed that the Eighteen Mile Creek needs to be dredged, and there are quite a few fallen trees that could cause water to back up. He noted that neither the golf course nor Boston State Road was flooded at that time.

Chairman O'Connell stated that the golf course overflowing onto Boston State Road is well documented.

The Planning Board reviewed Part II of the Short EAF for this project has follows:

- **Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?**

No, or small impact may occur.

- **Will the proposed action result in a change in the use of intensity of use of land?**

Moderate to large impact may occur. The land currently is vacant, and the plan is to construct 45 homes on it. 17.1 acres will be left as permanent open space mostly preserved in its natural condition. The property is zoned for this use.

- **Will the proposed action impair the character of quality of the existing community?**

Moderate to large impact may occur. The project will result in a small increase in the demand for community services, and the Town's police and emergency services will be able to handle this increase. The project's type of housing will generate very small numbers of children and therefore will not have a significant impact on the school system. The applicant has amended the project and added conservation easements and setbacks to minimize the project's impact on the character of the landscape.

- **Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?**

No, or small impact may occur.

- **Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?**

No, or small impact may occur.

- **Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?**

No, or small impact may occur.

- **Will the proposed action impact existing public/private water supplies?**

No, or small impact may occur.

- **Will the proposed action impact existing public/private wastewater treatment utilities?**

No, or small impact may occur.

- **Will the proposed action impair the character or quality of important historic, archeological, architectural or aesthetic resources?**

Moderate to large impact may occur. The site is located in an archeologically sensitive area, and the applicant contacted New York State Office of Parks, Recreation and Historic Preservation which, by its 8-18-2015 letter has stated that the project will have no impact on archeological and/or historic resources. The proposed project fits into the general character of the area, is laid out in such a way to preserve important features and provides buffers to surrounding uses, which will be protected by conservation easements and deed restrictions. The site was noted in the Comprehensive Plan to have a significant view shed. The applicant has completed photo simulations that indicate that the proposed project will not significantly impact these views. Mr. Clark stated that he got a different impression of how the project would affect the view shed when he saw the posts placed on the property as opposed to the photo simulations that were submitted.

- **Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)?**

Moderate to large impact may occur. The project site contains jurisdictional wetlands, but impacts to these wetlands will be minimal. The project will required a Stormwater SPDES Permit, and the stormwater design will exceed State and Town requirements, based on existing drainage problems in the area. The site contains no designated streams or creeks. The project will ultimately utilize close to 15,000 gpd of water and discharge this to a County owned wastewater system. The existing systems in this area will accommodate these flows. The site is not located in a floodplain and with proper design should not cause flooding in downstream properties (the applicant has provided an enhanced drainage plan that will help to fix some of the existing problems in the area).

- **Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?**

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- **Will the proposed action create a hazard to environmental resources or human health?**

No, or small impact may occur.

Chairman O'Connell stated that the only issue he has a problem with is the character of the neighborhood. He noted that he understands what the Town Board's position was on this issue when the property was rezoned, but he feels there is more involved than that.

Mr. Monaco stated that the only issue has is the existing flooding problems in the area.

In response to a question from Mr. Monaco, Mr. Barniak stated that the existing storm drain culverts along Newton Road are undersized, so there are large pipes conveying water that are restricted and water overflows onto the Newton Road properties. He noted that the applicant, in conjunction with this project, will allow that water to bypass the culvert and enter the project site, where it will be ultimately routed through the detention and storm water drainage system.

It was determined that the Town Engineering Department asked Erie County in 2009 to address the problem of the undersized culvert, etc. but it was never taken care of.

Mr. Monaco stated that the only remaining flooding issue, then, is the flooding that occurs from the Town's golf course, which the applicant cannot rectify.

Chairman O'Connell stated that the Stonebridge Subdivision is not the reason for the flooding on Newton Road, but rather the flooding occurs when the water from that subdivision reaches the County system along Newton Road, which is inadequate.

Mr. Lardo stated that he has letters from the nearby residents that flooding was occurring before the Stonebridge Subdivision was even constructed. He further stated that the County never would fix the flooding problems along Newton Road.

Attorney Hopkins stated that in connection with this project, a Homeowners' Association will be formed for the ownership of the permanent open space, storm water system and private road.

In response to a question from Mr. Clark, Mr. Lardo stated that there would be a storm water management agreement, and if the Homeowners' Association does not do what it is supposed to do, the Town would do the work and put that on the Homeowners' Association taxes.

Attorney Hopkins stated that the storm water management agreement would be recorded at the Erie County Clerk's office.

Mr. Mahoney stated that he has to make sure he is comfortable with the drainage situation. He noted that he takes Mr. Lardo's counsel very seriously, and he understands that the applicant is proposing to do extra that he (Mr. Mahoney) did not expect. He further stated that he has visited the site many times and now understands what the applicant is proposing.

In response to a question from Mr. Schawel, Mr. Lardo stated that no one can stop the water coming from Boston. He noted that the Town paid for some studies that concluded that the

Town would have to eliminate the golf course in order to stop the flooding there. He further stated that this flooding problem is not attributable to the applicant's site.

Mr. Schawel made the following motion, seconded by Mr. Monaco:

"In accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation law, the Town of Hamburg Planning Board has reviewed the Wetzl Subdivision project, the Town Board's SEQR decision and other accompanying information, received input from various Town departments and received public input during the rezoning of the project site. Based on this review and input and completion of Part 2 and a Part 3 analysis of the EAF, the Planning Board has determined that the project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, is consistent with social and economic considerations and therefore will not result in any significant adverse environmental impacts and a Negative Declaration is hereby issued. The Chairman is authorized to sign the EAF, which will act as the Negative Declaration."

As the vote on the motion was six (6) ayes and one (1) nay (Mr. Clark), the motion carried.

Attorney Hopkins stated that as of February 1, 2017, because the Planning Board has now issued a Negative Declaration, the application is deemed complete.

Mrs. desJardins stated that the Planning Board must hold a public hearing within 45 days of February 1, 2017.

Mr. Clark made a motion, seconded by Mr. Chapman, to schedule a public hearing on this project to be held on March 1, 2017. Carried.

Engineering Department comments have been filed with the Planning Department.

## **OTHER BUSINESS**

Mr. Schawel made a motion, seconded by Mr. Geraci, to approve the minutes of January 18, 2017. Carried.

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

Respectfully submitted,  
Doug Schawel, Secretary  
Planning Board

Date: February 10, 2017