

Town of Hamburg
Planning Board Meeting
March 21, 2012
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting on Wednesday, March 21, 2012 at 7:00 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Stephen McCabe, Gerard Koenig, David Bellissimo and Doug Schawel.

Others in attendance included Andrew Reilly and Richard Lardo.

Excused: Daniel O'Connell, Sasha Yerkovich

Public Hearing - Mosey Lane Two-Lot Subdivision

Mr. McCabe read the following public hearing notice:

"Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a two-lot subdivision known as the Mosey Lane Subdivision to be located on the north side of Mosey Lane, east of East Highland Parkway, on March 21, 2012 in Room 7 B of Hamburg Town Hall at 7:00 P.M."

Mr. Bellissimo made a motion, seconded by Mr. Koenig, to remove this item from the table. Carried.

Mr. Reilly stated that this is a request to subdivide an existing lot, noting that the applicant will be appearing before the Zoning Board of Appeals on April 3, 2012 to request a variance for reduced area for both new lots.

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

Chairman Reszka declared the public hearing closed.

Mr. McCabe made a motion, seconded by Mr. Koenig, to issue a Negative Declaration for this subdivision. Carried.

Mr. McCabe made a motion, seconded by Mr. Bellissimo, to grant Preliminary Plat Approval to this two-lot subdivision with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated March 21, 2012.
2. Sidewalks will be required.
3. The Planning Board has no objection to waiving the Map Cover.
4. Approval is contingent upon the applicant receiving a variance from the Zoning Board of Appeals.

Carried.

Engineering Department comments have been filed with the Planning Department.

Maple Shade Subdivision

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to remove this item from the table. Carried.

Mr. Reilly stated that the Planning Board requested that three (3) additions be made to the Preliminary Plat. He stated that notes were added indicating that turn-arounds will be provided for the new lots and that all utilities will be installed underground. He further stated that a note was added indicating that the wetland and its adjacent area will be placed in a conservation easement and noted that this area will have to be shown on the Preliminary Plat.

Mr. McCabe read the following correspondence from Erie County Department of Environment & Planning:

“Pursuant to New York General Municipal Law Section 239-m and Article 8 of the New York Environmental Conservation Law, the County of Erie has reviewed the above-referenced project referred to us on February 6, 2012. The County consents to the Town of Hamburg Planning Board acting as SEQR Lead Agency. The Department of Environment and Planning would like to offer the following comments:

- According to the “Town of Hamburg 2007 Comprehensive Plan Update” Section 4-2 General Recommendations, the Town should “preserve open space through conservation subdivision design (clustering), particularly in the Lake View, South Central and Southeastern sections of the Town. In addition to this, the Town should consider purchasing conservation easements or permanently purchasing certain open-space lands.” The Town should require the developer to explore alternative layouts for the site, the current design will create five lots on 26.55 acres which will potentially require five curb cuts in a short distance.
- As stated in the SEQR, the land is currently being used for agricultural purposes. According to the “Town of Hamburg 2007 Comprehensive Plan Update”, Section 4-2 General Recommendations, the Town should “take action to promote and preserve viable agricultural uses and lands in the Town to support farming and other agricultural pursuits as part of the local economy.” The Town should consider this recommendation when reviewing the proposed subdivision on an agricultural parcel.
- Please see attached comments from Erie County Division of Highways.

This review pertains to the above-referenced SEQR Lead Agency request submitted to the Erie County Department of Environment and Planning. This should not be considered sufficient for any County approvals. The Town must still obtain any other permits and regulatory approvals applicable to this project. Please feel free to contact me at 716-858-8008 if you have any questions. Sincerely, Mark Rountree, Planner”

Mr. McCabe read the following correspondence from Erie County Department of Public Works:

We have reviewed the submitted SEQR information and site plan and have the following comments:

- The site plan shows for some of the lots that the building setback is from the center of Taylor Road. This is incorrect; it should be from the right of way line. The developer should verify the right of way width.
- No open cutting of the Taylor Road pavement will be permitted for utility installation.
- No information has been submitted on the drainage. Will this development result in an increase in the storm water discharge to Taylor Road?
- While this subdivision is only 5 lots, there are other proposed developments on Taylor Road; will the combined effect of the new subdivisions have an overall impact on the traffic on Taylor Road?"

In response to a question from Chairman Reszka, Traffic Safety Advisory Board (TSAB) Coordinator Jerry Giglio stated that the TSAB has recommended that turn-arounds be provided on each lot.

In response to a question from Mr. Reilly, Jeffrey Skzrpec (applicant) stated that up until last year the property to be developed was farmed.

Mr. Reilly stated that the Town has looked at the overall traffic impact on Taylor Road of this subdivision and the proposed Willow Woods Subdivision, noting that Taylor Road is probably operating at a Level of Service "A".

Mr. McCabe made a motion, seconded by Mr. Koenig, to issue a Negative Declaration for this proposed subdivision. Carried.

Mr. McCabe made a motion, seconded by Mr. Koenig, to grant Preliminary Plat Approval to this subdivision with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated March 21, 2012.
2. The applicant's surveyor must correct the Preliminary Plat to accurately reflect the new lots' boundaries along Taylor Road (setbacks must be from the right-of-way).
3. Recreation fees in lieu of land will be required.

Engineering Department comments have been filed with the Planning Department.

Willow Woods Subdivision

Chairman Reszka stated that the applicant asked that this project be tabled.

Crown Court, LLC

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to remove this item from the table. Carried.

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that changes were made to the proposed elevations of the new building based upon the Planning Board's recommendation, noting that the applicant's architect added features to the side of the building that would face Southwestern Boulevard.

Chairman Reszka stated that signage will not be allowed on the short sides of the building, per Town Code.

In response to a question from Chairman Reszka, Mr. Gow stated that he understands that the applicant plans to construct the new building so that it resembles the existing Wal-Mart building behind it.

Mr. Reilly stated that he believes that the proposed detention area needs additional landscaping around it and asked Mr. Gow to submit a revised Landscape Plan showing the additional trees.

Mr. McCabe made a motion, seconded by Mr. Bellissimo, to issue a Negative Declaration for this project. Carried.

Mr. McCabe made a motion, seconded by Mr. Bellissimo, to grant Conditional Site Plan Approval to this project with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated March 21, 2012.
2. The Site Plan will be amended to remove the signage from the north and south ends of the building.
3. A revised Landscape Plan will be submitted to the Planning Department.
4. Elevations of the building will be submitted indicating a different colored course of bricks on the wall facing Southwestern Boulevard. In addition, the brick color and roof color of the building should match the existing Wal-Mart building as closely as possible.

It was noted that if the approval granted is for two (2) retail tenants and if the applicant ever wishes to occupy the building otherwise, it will require Planning Board review.

Engineering Department comments have been filed with the Planning Department.

Calkins Used Auto Parts (5661 Camp Road)

Mr. Reilly stated that the Town of Hamburg has a new junkyard law that states that in order for an existing junkyard to continue operating in the Town, the owner must request a Special Use Permit from the Planning Board. He further stated that the owner must bring the junkyard into conformance with the requirements of the new junkyard law and has up to five (5) years to accomplish this.

Frank Wailand, representing the applicants, stated that the submitted plan indicates what the applicants plan to do on the property and how the work is proposed to be phased. He further stated that the initial phase will include bringing the property up to a standard that the applicants believe the Town of Hamburg will be pleased with, noting that a stacked block wall is planned along Camp Road and for 250 feet along the north property line. He noted that Phase One will also include a new sliding gate for customers to use to enter the site, as well as the installation of four (4) new parking spaces on an existing concrete pad on the property, a truck scale and a scrap vehicle staging area (½ acre in size). Mr. Wailand stated that the applicants plan to utilize the same area on the property for stacking vehicles that Mr. Calkins used.

Mr. Wailand described what the applicants plan to do in Phase Two (installation of a sand filter septic system, an additional small scale building and additional paving behind the building for employee parking.)

Mr. Wailand stated that the applicants plan to install split face decorative block on the front of the existing building, along with decorative panels, a blue roof and blue trim. He further stated that the stacked block wall would extend from either side of the building towards the property line so that nothing behind the wall will be visible.

Chairman Reszka stated that he worries about the stability of the proposed stacked block wall. He noted that he worries that it might shift at the base, tilt forward or sink and separate. He asked if a two (2) foot concrete footer is enough to stabilize the wall. Mr. Wailand responded that when the applicants apply for the permit to build the wall, engineered drawings will be produced to ensure that the wall will be stabilized.

Mr. Reilly stated that the submitted plan should indicate where the applicants plan to have storage.

Mr. Bellissimo stated that he is concerned that there is very little room between Camp Road and the two (2) gates, noting that the line of vehicles entering might stack up enough to hinder traffic on Camp Road. He further stated that “Enter” and “Exit” signs should be installed so that there is no confusion as to which gate to enter.

It was determined that the TSAB should provide input regarding the egress and ingress proposed to this site.

Chairman Reszka stated that the Camp Road Overlay District requires that all new construction projects be referred to the Village of Hamburg for its input, and although the project is a re-use of property it is on the Town/Village border and therefore should be sent to the Village for comment. Mr. Reilly agreed to provide the Village with a copy of the applicant's Site Plan.

In response to a question from Mr. Koenig, Mr. Reilly stated that the Town of Hamburg now has guidelines for the number of parking spaces provided, rather than a specific number required.

Chairman Reszka noted that four (4) parking spaces are proposed in front of the wall north of the building. It was determined that if the applicant wants to install parking spaces in that area, a variance would be required from the Zoning Board of Appeals because parking is not allowed within 35 feet of the right-of-way of a public road.

In response to a question from Chairman Reszka, John Conte (applicant) stated that the four (4) parking spaces could be relocated to an area behind the wall. The applicants also indicated that they would not prefer to move the wall closer to Camp Road.

Mr. Reilly stated that safety is the Planning Board's biggest concern, noting that the four (4) spaces proposed in front of the wall must be relocated and there must be more stacking for trucks entering the site.

Mr. Reilly stated that if the applicants decide to install a fence rather than the stacked block wall, he would like to see landscaping in front of the fence. Board members agreed that they do not care whether the applicant decides to install the stacked block wall or a fence.

Mr. Lardo stated that the building cannot be occupied without a working sanitary system, and a storm water plan will be required because the applicants plan to disturb more than one (1) acre. He further stated that the storm water plan is a New York State Department of Environmental Conservation (NYSDEC) requirement. Mr. Reilly suggested that Mr. Wailand contact the NYSDEC to determine what will be required.

Mr. Schawel stated that the new Town of Hamburg junkyard law stipulates that storage areas must be at least ten (10) feet from the fence and noted that the submitted plan shows storage right up to the fence on the northern end of the site. The applicants agreed to move the storage area at least ten (10) feet away from the fence.

Chairman Reszka asked Mr. Wailand to label the plan so that it is clear which parts of the project are planned for each phase.

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

Engineering Department comments have been filed with the Planning Department.

Lake Erie Commerce Center Pre-Permitted Site Incentive Concept Application

Mr. Reilly stated that he is in the process of preparing the Final Supplemental Generic Environmental Impact Statement (FSGEIS) for this project and noted that when it is completed he will email a copy of the document to Planning Board members for their review and comment.

Chairman Reszka read the following comments received from the TSAB at its March 8, 2012 meeting:

“The Traffic Safety Advisory Board makes the following recommendations to the Planning Board on the Lake Erie Commerce Center Pre-Permitted Site:

1. “No Parking Any Time” signs should be installed on the north and south side of Bayview Road from its terminus with Route 5 east of the railroad tracks.
2. Recommend an Engineering study be conducted by the Town's Engineering office on substructure of Bayview Road to maintain integrity with subsequent addition of heavy traffic.
3. In the event of permanent closure of Bayview Road at any time after site is open, flashing yellow warning lights should be installed on Big Tree Road, east and west of the railroad underpass, to warn truck traffic of the low clearance.”

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

OTHER BUSINESS

Members sang “Happy Birthday” to Mr. Koenig in honor of his birthday.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to approve the minutes of March 7, 2012. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 8:15 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board

Date: April 9, 2012