

Town of Hamburg
Planning Board Meeting
March 4, 2015
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, March 4, 2015 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, David Bellissimo, Stephen McCabe, Augie Geraci, Doug Schawel, William Clark and Joseph Collins.

Others in attendance included Planning Board Attorney Ryan McCann, Assistant Municipal Engineer Rick Lardo and Town Planners Andrew Reilly and Sarah desJardins.

WORK SESSION

Up State Tower Co., LLC – 1957 Lakeview Road and 3985 Lakeshore Road

Mr. Don Carpenter from Carpenter Consulting Group, representing the applicant, stated that the proposal is to erect two (2) telecommunications towers on property in Hamburg. One (1) tower would be erected at 1957 Lakeview Road, and the other would be erected on property located at 3985 Lakeshore Road.

Regarding the property located at 1957 Lakeview Road, Mr. Carpenter stated that he picked this location because it is adjacent to a railroad corridor and is industrially zoned.

In response to a question from Mr. McCabe, Mr. Carpenter stated that the towers would be approximately 150 feet tall and are proposed to be self-supported, but because the Town Code indicates that monopoles are the preferred design, he will investigate that design instead of the self-supports.

Mr. Reilly informed Mr. Carpenter that the Hamburg Police Department is especially interested in the proposed tower to be located on Lakeview Road, because that department has communication needs in that area of town and would consider co-locating on the tower.

Mr. Carpenter stated that these towers will be placed in locations that may be conducive to other companies co-locating on them in the future.

Mr. Bellissimo made a motion, seconded by Mr. Geraci, to schedule a public hearing to be held on March 18, 2015. Carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Joe's Auto Service – 3756 Lakeview Road

Mrs. desJardins explained that the applicant requested a Special Use Permit from the Planning Board in 2014 in order to tow for the Hamburg Police Department. She stated that the applicant thought he had received the Special Use Permit, but in fact the request had been inadvertently tabled. She noted that he would like to be approved for the Special Use Permit at this time so that he is in conformance with the Hamburg Planning Department's requirement that the Special Use Permit be obtained.

It was determined that the Supervising Code Enforcement Officer has indicated that some of the activities on this property are considered to be existing non-conforming uses (auto repair, auto sales).

Mr. Bellissimo made the following motion regarding SEQR, seconded by Mr. Schawel:

“Based on the information submitted for the Special Use Permit and site visits, the Planning Board has determined that the proposed project (existing business operation getting a Special Use Permit) will not result in any significant adverse environmental impact and a Negative Declaration is hereby issued.” As there were five (5) ayes and two (2) abstentions (Mr. Collins and Mr. Clark), the motion carried.

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

“The Planning Board, in reviewing this proposed project and Special Use Permit, has determined, in accordance with Section 280-312, that:

1. The project will be in harmony with the purposes and intent of this chapter (Special Use Permit).
2. The project will not create a hazard to health, safety and general welfare.
3. The project will not alter the essential character of the neighborhood nor be detrimental to its residents.
4. The project will not otherwise be detrimental to the public convenience and welfare.

The project is in accordance with the special requirements for a Public Garage Special Use Permit as follows:

1. The use will be conducted within an area completely enclosed by a fence of at least eight (8) feet in height.
2. The Building Inspector shall make periodic inspections of each operating facility to ensure the proper maintenance of structures and the adequate clean-up of litter.
3. The size, location and materials used shall be determined by the Planning Board.

Therefore, based on the SEQR Negative Declaration, the information submitted and the Special Use Permit discussion, the Planning Board approves the issuance of a Special Use Permit with the following conditions:

1. The project is in accordance with the information submitted.
2. All towed vehicles will be stored within the fence enclosure.
3. Parking next to the building shall be for customers only.
4. There shall be no parking in front of the building.”

As there were five (5) ayes and two (2) abstentions (Mr. Collins and Mr. Clark), the motion carried.

Engineering Department comments have been filed with the Planning Department.

Colley's Pools - 4953 Camp Road

Chris Wood, representing the applicant, stated that a 12,000 sq.ft. warehouse building is proposed to the east of the existing 9,000 sq.ft. warehouse building, which will remain. He stated that as a result of the November storm, the applicant had to demolish the majority of the showroom, and he will return to the Planning Board in a few months with a proposal that will master plan the front of the site. He noted that at that time, the temporary buildings that are being used now by the applicant will be removed and a new retail building will be proposed, part of which will house the new showroom.

Mr. Bellissimo made a motion, seconded by Mr. Clark, to schedule a public hearing to be held on March 18, 2015. Carried.

Engineering Department comments have been filed with the Planning Department.

Gardner Low – Requesting rezoning of a portion of the property located at 5523 Rogers Road from R-A to R-2

Gardner Low, applicant, stated that he plans to erect a fence along the rear property lines of the new subdivision lots. He noted that there would be a gravel roadway between that fence and his poly houses where he keeps his plants over the winter. He further stated that he plans to clean up the property.

Mr. Reilly stated that if this requested rezoning is approved, the applicant will return to the Planning Board for review of the proposed five-lot subdivision along Bridlewood Lane.

In response to a question from Chairman O'Connell, Mr. Low stated that the distance between the new fence and the gravel roadway would be approximately 4 feet.

Chairman O'Connell stated that he is concerned that there may not be enough distance between the new fence and the gravel road, and he wondered if a berm would be appropriate on the applicant's property with trees planted on top to enhance the purpose of the new fence.

Mr. Low stated that he could build a berm and plant Arbor Vitae along the top of the berm.

Mr. Schawel stated that the people who eventually purchase the new lots will be aware of the applicant's business behind the lots when they purchase them. He expressed concern that the applicant is being asked to go above and beyond what he should have to in order to screen the new subdivision residents.

Mr. Lardo stated that he would rather see the new fence built on the subdivision property so that the new homeowners can maintain it. He noted that if the applicant sells the remaining property at some point, the next owner could take down the fence and/or the berm.

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

“Whereas, the Town of Hamburg received a request from Gardner and Patricia Low to rezone a portion of the property located at 5523 Rogers Road from R-A to R-2; and

Whereas, the Code Review Committee reviewed the applicant and found merit in the rezoning of this property; and

Whereas, on February 9, 2015 the Town Board referred this rezoning request to the Planning Board for its review and recommendation; and

Now, Therefore, Be It Resolved, that the Hamburg Planning Board forwards a positive recommendation to the Town Board with the following concerns:

- There is concern about the existing condition of the property to remain in business use. The property should be cleaned up, and there should be consideration for fencing and a berm placed on the new sub-lot properties, or other treatments to screen the business use from the new residential uses.
- The property to be rezoned shall be used for single-family homes only.

Carried.

Engineering Department comments have been filed with the Planning Department.

Attorney Robert Moeller – Requesting Preliminary Approval of a two-lot subdivision to be located on the north and south side of Lakeshore Road (west of 5946 Lakeshore Road)

Mr. Bellissimo made the following motion regarding SEQR, seconded by Mr. Clark:

“Whereas, the Town of Hamburg received a subdivision application from Attorney Robert Moeller to subdivide property located on the north and south sides of Lakeshore Road, west of Dover Road into two (2) lots, and

Whereas, the Planning Board has reviewed the project and the Environmental Assessment Form (EAF) in accordance with 6NYCRR Part 617, SEQR and has determined that the project will not produce any adverse environmental impacts.

Now, Therefore, Be It Resolved, that the Town of Hamburg Planning Board hereby determines that the proposed subdivision is not anticipated to result in any significant adverse environmental impacts and that a Negative Declaration is hereby issued. The Planning Board Chairman is authorized to sign the EAF.” Carried.

Mr. Bellissimo made the following motion regarding approval, seconded by Mr. Collins:

“Whereas, the Town of Hamburg received a subdivision application from Attorney Robert Moeller to subdivide property located on the north and south sides of Lakeshore Road into two (2) lots; and

Whereas, the Planning Board has reviewed the Preliminary subdivision plan and other required materials, received comments from various Town Departments and held the required public hearing on this proposed Subdivision on February 18, 2015; and

Whereas, the Hamburg Planning Board has determined that the proposed subdivision will not result in any significant negative effect on the environment and has issued a Negative Declaration;

Now, Therefore, Be It Resolved, that the Hamburg Planning Board hereby approves the Preliminary Plat for the Kelm Subdivision with the following conditions:

- Approval is contingent upon the Engineering Department comment letter dated March 4, 2015.
- Sub Lot # 2 is only approved for the construction of one (1) single-family home, subject to the approval of the Erie County Department of Health for a septic system and a well.

- Any other form of development of Sub Lot # 2 will require Planning Board approval.
- Recreation fees in lieu of land will be required.
- The filing of a Map Cover will not be required.”

Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to approve the minutes of February 18, 2014. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 7:20 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board

Date: March 10, 2015