

Town of Hamburg
Planning Board Meeting
April 18, 2012
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting on Wednesday, April 18, 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, Daniel O'Connell, Sasha Yerkovich, David Bellissimo and Doug Schawel.

Others in attendance included Andrew Reilly, Sarah desJardins, Attorney Cheryl McFadden-Zak and Richard Lardo.

Public Hearing - Calkins Used Auto Parts

Mr. McCabe read the following public hearing notice:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Calkins Used Auto Parts regarding property located at 5661 Camp Road. The applicant proposes to continue operating an existing junkyard as a grandfathered use and a yearly renewable Special Use Permit is required to do so. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on April 18, 2012 at 7:00 p.m. in Room 7B of Hamburg Town Hall. “

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 over a period of time. He noted that if a Special Use Permit is granted, a specific Site Plan will be approved that shows the modifications that the applicant proposes.

Chairman Reszka stated that the Village of Hamburg Planning Commission was made aware of this proposal and he read into the record Planning Commission Chairman Matthew Roth's comments as follows:

“At the meeting of the Village of Hamburg Planning Commission held April 10, 2012 the following action was taken: With regard to Calkins Used Auto Parts, 5661 Camp Road, it was agreed to respectfully recommend that the Town Planning Board address storm water runoff on the site by suggesting the placement of a liner on Phase 2 and on Phase 1 if this area is cleaned up. This will address containment of any petroleum or hazardous products or materials that could leak into the ground or storm sewers that are not on impervious surfaces.”

Chairman Reszka read into the record the following correspondence received from the Town Conservation Advisory Board as follows:

“On a site visit on 3/5/12 we observed two factors that need to be addressed. 1. Discarded tires - there is a large pile of old tires mixed with trash in the northeast central part of the property. Owner John Conte stated that the tires will be removed. Screening wall and landscaping - the screening wall will be a definite asset. The wall will be constructed of decorative concrete block with a cement cap. Proposed landscaping of Austrian Pines, however, will not survive more than one winter due to the salt spray from Camp Road. Conifers in general are a poor choice for roadside locations in heavily traveled areas. Heartier

species such as Japanese Tree Lilacs (planted at Memorial Park on Lake Street in the Village), Sorghum (planted on Buffalo Street in the Village and near Braymiller's), large Burning Bush, Sand Cherry or Honey Locust would be good suggestions for this location. These selections and others would provide good seasonal color and soften the look of the wall. The overall plan and progress made to date represent a distinct improvement to the area."

Chairman Reszka informed the audience that the applicants are now proposing a stockade fence rather than a brick wall.

In response to a question from Chairman Reszka, Frank Wailand, representing the applicants, stated that a No Left Turn sign at the exit of the site has been added to the site plan.

Chairman Reszka declared the public hearing open. The following people spoke:

- Matthew Roth, Village of Hamburg Planning Commission Chairman, stated that he wants the Planning Board to make sure the applicants follow the New York State Department of Environmental Conservation (NYSDEC) requirements regarding automobile recycling. He stated that if oil is allowed to sit on the ground, it will seep into the ground water and he does not want to see the site turn into a brownfield site.

In response to a question from Mr. Reilly, Mr. Patrick Eck, applicant, stated that NYSDEC requires that all current processing or dismantling must be done on an impervious surface (concrete) and it must be done under cover. He further stated that if he purchases vehicles and unloads them at the storage areas on the site, NYSDEC does not have set standards regarding the handling of oil or other fluid leaks from the stored vehicles. He stated that the NYSDEC relies on the owner of the business to immediately rectify the situation and it is a requirement to always have an emergency spill kit on the premises in the event of a spill.

Mr. Eck stated that NYSDEC regulates contamination by percent and length of ownership, so the previous owner of the site would be responsible for any contamination that currently exists on the site. He further stated that he believes that the property is 99% clear at this point.

Mr. Eck confirmed that this facility is registered with NYSDEC.

Chairman Reszka declared the public hearing closed.

Mrs. Yerkovich made a motion, seconded by Mr. O'Connell, to issue a SEQR Negative Declaration for Calkins Used Auto Parts. Carried.

Mr. Reilly stated that this is not a Conditioned Negative Declaration but the issued Negative Declaration is based upon the fact that the Planning Board will be adding conditions to the Special Use Permit.

Mrs. Yerkovich made the following motion, seconded by Mr. Bellissimo:

Whereas, in accordance with the Town of Hamburg Junkyard Law, Calkins Use Auto Parts has

Hamburg Planning Board Meeting April 18, 2012

applied to the Town of Hamburg to continue and modify the operation of the Calkins junkyard facility located at 5661 Camp Road; and

Whereas, in accordance with the Junkyard Law, the Code Enforcement officer has determined that the project/site is an "established junkyard" and therefore requires the issuance of a Special Use Permit to continue operation, as well as Site Plan approval for modifications to the site; and

Whereas, the Hamburg Planning Board has reviewed the application, as well as the site plan, and based on the information presented, the Planning Board has determined that the applicant's proposed plan depicted on the Site Plan dated March 8, 2012 and revised on April 9, 2012 is in substantial conformance with the regulations and standards established in the Town's Junkyard Law.

Now, Therefore, Be It Resolved, that the Hamburg Planning Board hereby issues a Special Use Permit for the Calkins Used Auto Parts facility, 5661 Camp Road, with the following conditions:

1. No parking of vehicles or equipment or the storage of any materials shall occur in the area between the Camp Road Right-of-Way and the required fencing along Camp Road.
2. Storage of materials will only be allowed in those area depicted on the plan dated March 8, 2012 and revised on April 9, 2012.
3. Materials shall not be stored in heights over 15 feet within the first 100 feet of any property line and as prescribed in the Junkyard Law for the remaining areas.
4. In accordance with the Junkyard Law, the applicant shall return to the Planning Board in one (1) year (no later than May 1, 2013) to review the Special Use Permit, the operation of the site and any additional measures needed to bring the site into conformance with the Junkyard Law.
5. No modifications to the Site Plan as approved shall be allowed without prior review and approval of the Planning Board. Concurrent revisiting of the Special Use Permit will also occur at that time.

Carried.

Mrs. Yerkovich made a motion, seconded by Mr. Koenig, to grant Conditional Site Plan Approval with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated April 18, 2012.
2. Landscaping for the site is to be approved by the Planning Department including the recommendations from the Conservation Advisory Board.

Carried.

Engineering Department comments have been filed with the Planning Department.

Willow Woods Subdivision

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

Russo Development

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

Suburban Adult Services, Inc.

Chairman Reszka stated that part of the property the applicant purchased for this project was owned by Lombardo Funeral Home and his daughter is an employee of Lombardo Funeral Home. He further stated that there is no conflict, this will not affect her employment in any way and there is no financial interest of either his daughter or himself in any of the entities involved.

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

Patricia Bittar from William Schutt & Associates, representing the applicant, stated that the applicant has taken ownership of the property to hopefully be rezoned (5+ acres). She stated that the existing building located at 3050 Abbott Road is currently being used by Suburban Adult Services, Inc. (SASI) as a "day hab" facility and the applicant proposes to construct a 12-unit apartment building on the vacant land behind Lombardo Funeral Home.

Ms. Bittar stated that a private roadway is proposed, noting that the first 350 feet of the existing paper street (Eliot Street) will be the subject of a request by the applicant for abandonment.

Ms. Bittar stated that the request is to rezone the property from C-2 to NC (Neighborhood Commercial).

In response to a question from Chairman Reszka, Tony Anunciado from SASI stated that there are currently no plans for further development of the site, although if in the future there is a need and affordability, SASI would consider additional development.

In response to a question from Mr. Bellissimo, Mrs. desJardins stated that the Town of Hamburg no longer has requirements for the number of parking spaces for a project. Mr. Reilly added that if the rezoning is approved and the applicant returns to the Planning Board for Site Plan Review, the applicant will have to present information regarding why the number of spaces proposed is adequate in the applicant's view.

Ms. Bittar stated that one (1) parking space will be provided for each apartment unit.

Mr. Reilly stated that the Town's Comprehensive Plan calls for this area to be a mixed use area.

Mr. McCabe made a motion, seconded by Mr. Koenig, to forward a positive recommendation to the Town Board regarding this rezoning request. Carried.

Engineering Department comments have been filed with the Planning Department.

Whispering Pines Subdivision

Chairman Reszka stated that this subdivision was approved by the Planning Board in 2011. He further stated that when the applicant's contractor was taking test borings and some survey work was being done, large areas of the conservation area were bulldozed. He noted that the Planning Board would have to determine what type of mitigation work will be required in order to replace what was removed.

Board members reviewed an aerial plan of the site showing clearing of the conservation area. Mr. Lardo stated that the aerial photo was taken in the same time frame as when the conservation area was disturbed and as a result the clearing is actually more wide-spread than what is depicted in the aerial photo.

Board members agreed that the applicant will be required to submit a mitigation plan to the Board for its review.

Mr. McCabe stated that the applicant's contractor cleared a corridor approximately 10 to 12 feet wide and approximately 100 feet long.

Mrs. desJardins suggested that the applicant submit a drawing showing exactly what was removed from the conservation area and a drawing indicating where additional trees will be planted to replace the destroyed ones. She further suggested that the applicant be required to submit an estimate by a Registered Landscape Architect indicating what the cost of the new trees will be.

Mr. McCabe suggested that the Conservation Advisory Board be contacted for suggestions regarding species and caliper sizes.

Chairman Reszka stated that the applicant will also be required to obtain a Performance Bond for the new plantings.

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

Lake Erie Commerce Center Pre-Permitted Site Application

Mr. Reilly stated that he emailed the proposed Findings Statement to Planning Board members for their review and comment. He noted that he did receive input from Mr. Schawel regarding lighting.

Mr. Reilly stated that if the Town Board adopts the Findings Statement, he will create a checklist that can be used when an applicant brings a project to the Town for the Pre-Permitted Site. He noted that Board members will be able to use this form to determine whether the project will be allowed to bypass the Planning Board.

Mr. Reilly stated that electronic signs will not be allowed in the Commerce Center.

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. Koenig, to approve the minutes of March 21, 2012 and April 4, 2012. Carried.

Chairman Reszka informed Board members that beginning July 1, 2012 the Planning Board will adopt the same meeting model used by the Town Board and have a work session before every meeting, instead of just having one work session at the first meeting of each month.

Chairman Reszka asked Board members to think about what time they would like the work sessions to begin. He noted that they will discuss this issue at the Board's next meeting.

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: April 27, 2012