

Town of Hamburg
Planning Board Meeting
April 3, 2013
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, April 3, 2013 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Stephen McCabe, David Bellissimo, Doug Schawel, August Geraci, Sasha Yerkovich and Dan O'Connell.

Others in attendance included Sarah desJardins and Andrew Reilly, Planning Consultants, Richard Lardo, Assistant Municipal Engineer and Councilwoman Amy Ziegler.

WORK SESSION

Armor InnTap Room Parking Lot (5365 Abbott Road)

Mr. Reilly stated that the applicant owns this property, which is located directly north of the Armor Inn Tap Room. He stated that the applicant proposes to demolish the existing home on the property and construct a parking area for the restaurant. He further noted that the applicant plans to widen the existing driveway on the property for access to the parking area, and a connection is proposed on the south side of the parking area to the existing parking lot for the restaurant.

Board members agreed that new fencing should be erected along the new parking area's north and east property lines because the existing fencing is in disrepair.

Mrs. desJardins stated that a landscaping plan will be submitted by the applicant.

It was determined that the two (2) entrances on Abbott Road should be one-way in and one-way out in order to minimize potential traffic problems on Abbott Road, and the proposed site lighting should be indicated on the site plan.

It was further determined that a sidewalk should be constructed along Abbott Road that will connect the existing driveway on Abbott Road with the new driveway to the north.

Mrs. desJardins stated that this project will require a variance from the Zoning Board of Appeals because the proposed parking area is located too close to Abbott Road.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Sgroi 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 second Public Hearing on April 3, 2013 in Room 7 B of Hamburg Town Hall at 7:00 P.M. regarding a proposed two-lot subdivision known as the Sgroi Subdivision, to be located at the end of Woodland Drive. The property is identified as SBL# 196.00-3-8.1. The second public hearing is being held because new information has been presented by the applicant.”

Attorney Sean Hopkins, representing the applicant, stated that the Planning Board had previously requested additional information regarding previous activities that have taken place on the site. He stated that the applicant met with New York State Department of Environmental Conservation (NYSDEC) staff in January 2013 and is waiting for some additional documentation.

Attorney Hopkins stated that the applicant is asking for two (2) building lots. He noted that, to a large degree, this site contains wetlands, so two (2) homes would be the full development of this site.

Chairman Reszka stated that the Board received correspondence regarding this request from Dr. Cyril Bodnar and Mark O’Neill.

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

- Dr. Cyril Bodnar, 6841 Woodland Drive, stated that his property abuts this site. He stated that he is concerned about drainage from his property, as well as from the property behind his. He stated that the applicant’s property is lower than his, and if he builds the second home, he will have to fill the property because it is so wet. He stated that he is worried that once the applicant’s property is filled, his (Dr. Bodnar’s) side lot will become a pond because there will be nowhere for his water to go, and his trees will die. He stated that he is also concerned about access.

Chairman Reszka declared the public hearing closed.

Chairman Reszka stated that he has a major problem with this proposed subdivision. He further stated that the Board is being asked to take a marginal lot that would require a variance in order to be considered buildable and split it into two (2) marginal lots that would require additional variances. He stated that he does not believe the Board should consider this for approval.

Mr. Bellissimo concurred with the Chairman’s comments.

Chairman Reszka made a motion, seconded by Mr. Bellissimo, to direct the Planning Department to prepare a resolution for the Board’s next meeting to deny the requested subdivision of land. Carried.

Engineering Department comments have been filed with the Planning Department.

Joe’s Auto Service (3756 Lakeview Road

Mr. McCabe read the following public hearing notice:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing for a Special Use Permit for Joe’s Auto Service to operate a public garage at 3756 Lakeview Road. The Public Hearing will be held on April 3, 2013 at 7:00 p.m. in

Room 7B of Hamburg Town Hall.”

Mr. Reilly stated that in order to continue towing for the Town of Hamburg Police Department, businesses such as this much obtain a Special Use Permit. He noted that all stored vehicles must be placed in a fenced-in area and must be demarcated on a plan.

Mr. Joe Nelson, applicant, stated that the vehicles that were stored off the property's north property line have been removed to the fenced-in area.

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

Chairman Reszka declared the public hearing closed.

Mr. Nelson agreed to provide information to the Board regarding what exactly is done on the site and what is stored there.

Mr. Bellissimo made a motion, seconded by Mrs. Yerkovich, to direct the Planning Department to prepare an approval resolution with conditions for the Board's next meeting. Carried.

Mr. Bellissimo made a motion, seconded by Mr. O'Connell, to table this item. Carried.

Engineering Department comments have been filed with the Planning Department.

Sean Wall (4241 Quinby Drive)

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 McLennan-Wall Two-Lot Subdivision located at 4241 Quinby Drive on April 3, 2013 in Room 7 B of Hamburg Town Hall at 7:00 P.M.”

Mrs. desJardins stated that this proposal meets all zoning requirements.

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. Schawel, to grant Preliminary Approval to the proposed two-lot subdivision known as the McLennan-Wall Two Lot Subdivision to be located at 4241 Quinby Drive with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated April 3, 2013.
2. The installation of sidewalks is waived, as there are no sidewalks in the immediate area.
3. The filing of the Map Cover is waived.
4. Approval is for one (1) single family home to be constructed on Lot # 2.
5. A Negative SEQR declaration is hereby issued.

Carried.

Engineering Department comments have been filed with the Planning Department.

Sherwood Meadows

Attorney Sean Hopkins, representing the applicant, stated that a public hearing was held in connection with the submitted sketch plan in December 2012. He stated that in the near future a site plan and related application materials will be submitted for this proposed project. He noted that a Traffic Impact Study is being prepared by Nussbaumer & Clarke and will be submitted as part of the site plan application.

Attorney Hopkins stated that an informational meeting was held on April 2, 2013 with nearby residents of the proposed project (approximately 50 – 60 neighbors attended). He stated that the concerns that were raised pertained to traffic, drainage, noise and construction impacts. He further noted that the site plan will include an updated Part One of the Environmental Assessment Form.

Attorney Hopkins stated that the project would be phased, and indicated that Phase One would likely include 56 units. He stated that the applicant does have a market study that demonstrates that there is more than a need for 100 units at this site.

Attorney Hopkins showed the Board conceptual architectural renderings of the proposed building elevations. He stated that the applicant believes they are not like a typical apartment project and noted that sloped roofs with residential type shingles are planned in an assortment of colors.

Attorney Hopkins stated that this property is properly zoned for apartments (R-3). He further noted that when the applicant purchased the property, it was zoned R-3.

In response to a question from Mr. O'Connell, Attorney Hopkins stated that the previously approved project on this site consisted of 56 townhouse units.

Regarding the zoning of the property, Mr. Reilly stated that he assumes the property was probably zoned R-3 when Hopevale was constructed, since R-3 allows institutions. It was determined that Hopevale existed when the Roundtree Subdivision was begun.

Chairman Reszka stated that correspondence was received that day from Mr. Charles Cox, Breckenridge Road that contains interesting discussion of this project as it relates to the Town's Comprehensive Plan.

Chairman Reszka informed the audience that the Planning Board does not conduct any private meetings to discuss a project, and everything is done in front of the public at a public meeting.

Chairman Reszka allowed the following residents to speak:

- Charlie Cox stated that he attended the informational meeting. He stated that at the meeting the applicant stressed the appearance of the buildings, landscaping, buffering, etc. However, the immediate and dramatic effect of the traffic is the residents' biggest concern, and the increase in traffic is inconsistent with what the Roundtree Subdivision has always been and what the residents moved there for. He stated that the subdivision will not be the same if this project is constructed. He stated that the subdivision roads are already in rough shape,

and traffic safety is a concern because people park on both sides of the roadways. He stated that the residents feel that the apartment dwellers will be a transient group and they are concerned about property values, as well as drainage issues. He stated that the residents hope that the Planning Board recognizes what an impact this project would have on their neighborhood, and they hope Board members will give this serious thought.

Chairman Reszka stated that whether or not the apartment dwellers are transient is not something the Planning Board can take into consideration.

- Paul D'Orlando asked if the wetland delineation of this property is available for public review. He stated that the Planning Board would not be necessary if the only thing being reviewed was the zoning of the property. He stated that the Hopevale property was zoned R-3, but no one would have thought that apartments would be constructed there if one drives through the Roundtree Subdivision. He stated that there is a reason why the property is zoned R-3 and it has nothing to do with constructing apartments there. He stated that each situation must be reviewed individually by the Planning Board, and because of the traffic and the layout of the Roundtree Subdivision it is illogical to imagine multi-family housing on this site.
- Terri Schelter stated that none of the applicant's other apartment complexes are located in an area like this where there is no access to a public access road like Southwestern Boulevard, etc. She stated that this development is proposed in an enclosed residential area, which makes it awkward.

Mrs. Yerkovich stated that the nature of the applicant's other apartment complexes is not relevant to this discussion. She noted that the Planning Board must consider this development and how it impacts the existing neighborhood, and it will make sure the project meets all Town laws and all information received will be available for public review.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to table this project to the Board's May 1, 2013 meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

Sharma Development (2836 Pleasant Avenue)

Attorney Sean Hopkins, representing the applicant, stated that the SEQR Coordinated Review was mailed March 6, 2013 and the 30-day comment period was not over yet. He noted that he believes that to date the Planning Department has not received any comments back from Involved or Interested Agencies expressing any objection to the Planning Board acting as Lead Agency.

Attorney Hopkins stated that a wetland delineation has been performed on this property that identified a 4.81-acre wetland area that qualifies as a federal wetland, and based on input from the New York State Department of Environmental Conservation (NYSDEC), it appears highly likely that it will be a State wetland because it is contiguous to an existing State wetland.

Attorney Hopkins stated that the proposed layout has been modified, based on the wetlands delineation, so that all of the impacts have been removed from the wetland area. He noted that buildings and parking areas are proposed in the 100-foot NYSDEC adjacent area. He further stated that he has met with the NYSDEC and the applicant will have to go through a permitting process with that department, but the applicant's consultant believes a permit will be obtained.

Attorney Hopkins stated that this property is not located in a County sanitary sewer district. As a result, the applicant proposes to be serviced as an out of district customer, which would require that a two-inch forced sanitary sewer line be run in order to provide sanitary sewer capacity to this site. He noted that it has been determined that the sanitary sewer line would have to be run under Town of Hamburg parkland dedicated in connection with a nearby subdivision. He stated that this "alienation of parkland" must be approved by the New York State Legislature and will be requested by the Town of Hamburg.

Attorney Hopkins stated that the new sanitary sewer would only be sized for this particular project.

In response to a question from Mr. Bellissimo, Attorney Hopkins stated that one curb cut onto Southwestern Boulevard and one curb cut onto Pleasant Avenue is proposed. He noted that the curb cut locations are a result of consultation with Erie County Department of Public Works and the New York State Department of Transportation.

Attorney Hopkins stated that the applicant is requesting that the Planning Board schedule the required public hearing for this proposal.

Mrs. Yerkovich made a motion, seconded by Mr. O'Connell, to schedule a public hearing for this project to be held on May 1, 2013. Carried.

Mr. Bellissimo made a motion, seconded by Mr. O'Connell, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Willow Woods Subdivision

Mrs. desJardins stated that the Planning Department received the submitted Draft Environmental Impact Statement (DEIS) on March 22, 2013. She further stated that Mr. Reilly reviewed the document and found it adequate for public review.

In response to a question from Mr. McCabe, Mr. Reilly stated that the Planning Board has the option to hire an outside consultant to review the document. It was determined that Board members will decide whether to hire the consultant at its meeting of April 17, 2013.

Mr. Reilly stated that the ownership of the ponds and open space on the site will have to be addressed, whether by the creation of a Homeowners' Association or by having adjacent lots owning parts of the ponds and the open space.

Rob Pidanick from Nussbaumer & Clarke, representing the applicant, stated that the first part of the submitted document constitutes the DEIS and the subsequent sections represent the support data. He further stated that Figure 3 represents the precise area that was surveyed, which corresponds closely to the map indicating where the dump site was in 1958. He noted that all that was found in the surveyed dump site was garbage. No barrels were found.

Mr. McCabe asked if the Soil Service map was used for the delineation of the dump site itself. Mr. Pidanick responded in the affirmative.

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

“WHEREAS, the Town of Hamburg has received an application from The Five Yovienes, LLC to construct a 49-lot subdivision; and

WHEREAS, the Town of Hamburg Planning Board, as Lead Agency, issued a Determination of Significance for a Positive Declaration for this project on September 19, 2012, requiring the completion of a Draft Environmental Impact Statement (DEIS); and

WHEREAS, The Town of Hamburg received a DEIS for the proposed project on March 22, 2013; and

WHEREAS, the Planning Board, as Lead Agency, has reviewed the DEIS and has determined that it is adequate for public review in terms of scope and content.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hamburg Planning Board, while not necessarily agreeing with all the conclusions of the document, accepts the DEIS for the proposed Willow Woods Subdivision as complete for review by Involved and Interested Agencies and the public; and

BE IT FURTHER RESOLVED, that the Planning Board sets a Public Hearing regarding the DEIS to be held on May 1, 2013 at 7:00pm in Hamburg Town Hall Room 7B; and

BE IT FURTHER RESOLVED, that the Planning Board authorizes the Planning Department to arrange for the DEIS to be made available for public review and comment, including adding the document to the Town’s website, and to issue the proper notifications and mailings required for these actions.”

Carried.

Mr. Bellissimo made a motion, seconded by Mr. O’Connell, to table this project.

Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. McCabe, to approve the minutes of March 20, 2013 as amended. Carried.

Mr. Schawel made a motion, seconded by Mr. Geraci, to adjourn the meeting. The meeting was adjourned at 7:45 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board

Date: April 10, 2013