

Town of Hamburg
Planning Board Meeting
May 1, 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, May 1, 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 Andrew Reilly, Planning Consultant and Richard Lardo, Assistant Municipal Engineer.

WORK SESSION

Shaw Properties, LLC

Mr. Larry Best, applicant, stated that he is a developer, builder and operator of apartment buildings, self-storage businesses, restaurants, etc. He further stated that he plans to purchase this property on South Park Avenue north of Bayview Road, and is requesting that it be rezoned from commercial to Neighborhood Commercial in order to construct an apartment building. He presented a preliminary overview of the proposed layout, which includes a two-story building housing 48 apartments.

Mr. Reilly stated that because the Town Board must make a SEQRA determination at the time of the rezoning decision, it must consider both the rezoning request and the subsequent development of the site.

Mr. Reilly stated that a concern that has been raised concerns the traffic in this area. He noted that Jerry Giglio, Traffic Safety Advisory Board Chairman, has indicated that the New York State Department of Transportation (NYSDOT) has plans to change South Park Avenue in this area to three (3) lanes, which would affect this development.

In response to a question from Mr. Reilly, Mr. Best stated that he does not know if the owner of the adjacent property to the south would be willing to sell him some land or grant him an easement for access to Bayview Road instead of South Park Avenue. He further agreed to have that discussion with the adjacent property owner.

Board members agreed that traffic on South Park Avenue in this area, especially at rush hour, is very heavy and having access to Bayview Road instead of South Park Avenue would be much safer for the apartment dwellers.

It was determined that the Planning Board will require a more detailed site plan and a full Environmental Assessment Form.

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

Carried.

Dan Howard Subdivision

Andrew Gow from Nussbaumer & Clarke appeared on behalf of the property owner, Dan Howard. He noted that a three-lot minor subdivision is proposed on the corner of Big Tree Road and Bayview Road in an R-2 zoning district. He further stated that all lots would be zoning compliant.

Mr. Reilly stated that because a fourth building lot would remain vacant at this time, the applicant would have to show the Board either the location of a home on it or it would have to be labeled "not a building lot".

Mr. Reilly stated that the Hamburg Police Department will be providing the Board with the accident history of the intersection of Bayview Road and Big Tree Road by the Board's next meeting.

Mr. Geraci stated that traffic is a big problem in this area.

It was determined that some level of traffic analysis (site distances, stopping distances, etc.) must be submitted by the applicant.

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

Engineering comments have been filed with the Planning Department.

Public Hearing - Willow Woods Subdivision DEIS

Mr. McCabe read the following notice of public hearing:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on Wednesday, May 1, 2013 at 7:00pm in Room 7B of Hamburg Town Hall to allow public comment on the draft Environmental Impact Statement (DEIS) submitted for the proposed Willow Woods Subdivision to be located on the south side of Taylor Road, west of Vail Drive, Town of Hamburg. Comments on the DEIS will be accepted through May 15, 2013 and can be submitted to Sarah K. desJardins, Town of Hamburg Planning Department, S6100 South Park Avenue, Hamburg, New York, 14075. A copy of the DEIS is on file in the Town of Hamburg Planning Department and Town Clerk's Office and can be viewed on the Town's website at www.townofhamburgny.com. No formal action on the project will be taken at this meeting."

Mr. Reilly stated that all comments received on this document will be reviewed by the Planning Board to determine what should be addressed in the Final Environmental Impact Statement (FEIS).

Mr. Reilly stated that the Chairman of the Town of Hamburg Conservation Advisory Board, Doug Nichols, indicated that his Board applauds Nussbaumer & Clarke for the effort put in to the DEIS for this project and is satisfied with the information submitted.

Rob Pidanick from Nussbaumer & Clarke, representing the applicant, stated that the subject parcel is 141 acres in size and a cluster subdivision is proposed with 49 lots. He noted that the biggest concern expressed about this project is the existence of a landfill on the property, and the Planning Board has requested additional information about its makeup and what was actually buried there. He stated that three (3) separate studies on the landfill have been completed, the results of which are documented in the DEIS.

Mr. Pidanick stated that the latest study done on the landfill by SJB Associates included test pits and soil borings to determine its precise limits. He further stated that this study revealed that only garbage is buried in the landfill and that there will be no adverse impact as a result of this landfill being there.

Mr. Pidanick stated that a type of Homeowners' Association (HOA) will have to be created to maintain the detention ponds, and the landfill would become part of that HOA.

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

Chairman Reszka declared the public hearing closed.

It was determined that no written comments have been received on the DEIS.

Dave Steiner from SJB Associates stated that his opinion is that the chances are very slim that anything in the landfill would migrate the 800 feet to where the subdivision will be built.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to table this project. Carried. Engineering comments have been filed with the Planning Department.

Public Hearing – Sharma Development

Mr. McCabe read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Sharma Development, LLC. The applicant proposes to construct a medical office complex on vacant land located on the northwest corner of Southwestern Boulevard and Pleasant Avenue. The Public Hearing will be held on May 1, 2013 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Attorney Sean Hopkins, representing the applicant, stated that 4.9 acres of federal and state wetlands exist on this site. He further stated that based upon discussions with Wilson Environmental Technologies, the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Army Corps of Engineers, the project layout was revised so that all of the buildings and parking areas have been pulled out of the wetland areas. He noted that the applicant will still need a permit from the NYSDEC for any activity in the 100-foot adjacent area.

Attorney Hopkins stated that this site is not located in a sewer district, and the applicant is proposing that the project be serviced through a private line that would connect to the

adjacent subdivision (Coachman's Lane). He further stated that a request was submitted to the Town Board in April to grant an easement for an underground sewer line to run under Town-owned park-land between the project site and Coachman's Lane. He noted that the granting of this easement constitutes alienation and requires New York State Legislature approval.

In response to a question from Mr. Reilly, Attorney Hopkins stated that a traffic study has been completed. Mr. Reilly responded that the Traffic Safety Advisory Board (TSAB) is attempting to work with the New York State Department of Transportation (NYSDOT) to signalize the intersection of Southwestern Boulevard and Pleasant Avenue.

Mr. Reilly stated that Hamburg Police Department is working on providing the Planning Board with the accident history of the intersection of Southwestern Boulevard and Pleasant Avenue.

Mr. Reilly stated that the site plan needs more engineering detail.

In response to a question from Chairman Reszka, Attorney Hopkins stated that he would not want to agree to a condition that only medical uses will be allowed in this development. He noted that the goal is to only have medical uses there, but given the fact that the property is zoned C-2 the applicant would not want to restrict the uses at this point.

Mr. Reilly stated that the Planning Board could approve this as a medical project, and in the future if the applicant wishes to do something in the development that is not medically related, he would have to return to the Planning Board for review and approval of the proposed use.

Attorney Hopkins asked if the project could be approved as "office" use. Board members agreed that they would consider that possibility.

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

- William Woch, Pleasant Avenue, stated that he is not opposed to the project, but is concerned about emergency vehicles going in and out of the facility. He is also concerned about the traffic at the intersection of Southwestern Boulevard and Pleasant Avenue, noting that it is worse in the winter months. He stated that he cannot see this project being approved unless a traffic signal is installed at the intersection or the configuration of the intersection is altered.

Chairman Reszka declared the public hearing closed.

Attorney Hopkins stated that this project is in the Southwestern Boulevard Overlay District, and therefore the 50-foot setback requirement along Southwestern Boulevard will be required. He further noted that snow will not be plowed up to the edge of the road. He stated that the submitted site plan reflects input received from both Erie County and NYSDOT, and the submitted traffic study does demonstrate that this project would be acceptable in terms of traffic impacts.

Mr. Reilly stated that NYSDOT controls the intersection.

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.

Joe's Auto Service (3756 Lakeview Road)

Mr. Reilly stated that the applicant was not in attendance. He further stated that the applicant submitted a letter indicating what he does at the site, and it includes many activities besides towing and storing vehicles for the Hamburg Police Department. He asked the Board to table this item for further review of the activities at this site.

Board members agreed that the applicant needs to attend the next Planning Board meeting.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to table this item. Carried.

Engineering Department comments have been filed with the Planning Department.

Armor InnTap Room Parking Lot (5365 Abbott Road)

It was determined that revised site plans have not been submitted by the applicant for this project.

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

Engineering Department comments have been filed with the Planning Department.

Sgroi Two-Lot Subdivision

Mr. Reilly stated that the Chairman of the Conservation Advisory Board has indicated that a letter will be submitted to the Planning Board from the NYSDEC stating that any second lot created would not be considered a buildable lot.

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

Engineering Department comments have been filed with the Planning Department.

John Kuebler – McKinley Parkway

It was determined that this project was approved by the Planning Board in November 2009 but was never built. He noted that the applicant wishes to move forward with the project now, which requires a re-approval by the Planning Board because the previous approval expired.

It was determined that the applicant proposes to construct the project as shown on the site plan approved in 2009.

Mr. McCabe made a motion, seconded by Mr. O'Connell, to schedule a public hearing for this project to be held on May 15, 2013. Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. O'Connell, to approve the minutes of April 17, 2013. Carried.

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: May 20, 2013