

Town of Hamburg  
Planning Board Meeting  
May 16, 2012  
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting on Wednesday, May 16, 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, David Bellissimo and Doug Schawel.

Others in attendance included Andrew Reilly and Richard Lardo

Excused: Sasha Yerkovich

**Public Hearing, Moonshiner's – 5810/5822 Camp Road**

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 Moonshiner's Two-Lot Subdivision located at 5810/5822 Camp Road on May 16, 2012 in Room 7B of Hamburg Town Hall at 7:00 P.M."

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

It was determined that the applicant is purchasing the portion of the property where the bar is located and the property owner will retain ownership of the residence. It was further determined that there will be no noticeable difference after the property is subdivided.

Mr. Reilly stated that the Engineering Department has noted that the parking lot should be striped. He further stated that the applicant has an agreement with the owner of the parcel directly south of this property to allow for overflow parking if necessary.

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

Chairman Reszka declared the public hearing closed.

In response to a question from Chairman Reszka, Mr. Reilly stated that no correspondence had been received regarding this project.

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 approve the Preliminary Plat for this subdivision.

Mr. McCabe made a motion, seconded by Mr. Bellissimo, to amend the previous motion to include the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated May 16, 2012.

Engineering Department comments have been filed with the Planning Department.

**-Dennis Debo – Requesting rezoning of property located at 4390 Quinby Drive and vacant land west of 4390 Quinby Drive from M-1 to NC**

Chairman Reszka noted that this is the only property on Quinby Drive that is zoned industrial. Mr. Reilly stated that there are two (2) offices in the existing building on the property and that a daycare facility is proposed for the balance of the building. He further stated that the NC zone would allow the offices and the daycare facility, although the daycare facility would require a Special Use Permit from the Planning Board.

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

**Willow Woods Subdivision**

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

Engineering Department comments have been filed with the Planning Department.

**Russo Development**

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

Engineering Department comments have been filed with the Planning Department.

**Whispering Pines Subdivision**

David Burke, applicant, stated that he sent a letter to the Planning Board members asking that the issue of mitigation be a condition of the Final Map Cover approval. Mr. Lardo stated that he agreed that it will be easier to determine exactly where the over clearing has been done after the storm sewers are installed, etc. He further stated that the Final Map Cover would not be signed until the over clearing issue has been re-reviewed and the recommendations for mitigation are agreed upon.

Mr. Burke stated that it is almost impossible to determine where one is when one walks the property currently and it would make the problem worse to further disturb the woods.

Mr. McCabe made a motion, seconded by Mr. Bellissimo, that the Planning Board allow the applicant to proceed forward with the development of the parcel but will not receive Final Map Cover approval without addressing the mitigation of the over clearing that occurred during the initial surveying. Clearing outside of the approved clearing limits may require replanting and/or other mitigation measures as determined by the Town Planning Board. The subdivision Map Cover shall not be submitted for approval until after the conditions of the Planning Board have been satisfactorily addressed. Carried.

Engineering Department comments have been filed with the Planning Department.

**David Burke apartment complex**

Daryl Martin, architect, appeared on behalf of the applicant. He stated that the applicant understands that the Traffic Safety Advisory Board (TSAB) has recommended that the driveway for the apartment complex be installed onto Glenwood Avenue and that if that is not feasible it should be installed directly across from the driveway for the existing plaza located on the south side of Lake Avenue. He noted that it would be very expensive to improve Glenwood Avenue, as the street really does not exist.

Mr. Martin stated that if the driveway is located directly across from the plaza entrance, it would create an awkward situation because vehicles entering the site at night would be shining their headlights right at the apartment buildings. He noted that the applicant would prefer to locate the driveway further west and feels that the traffic counts for this development would not be very high.

David Burke, applicant, stated that when the Oakwood Subdivision was approved, the neighbors made it very clear that they did not want any vehicles from this parcel using Oakwood Avenue for ingress/egress. He asked that the Planning Board take the neighbors' concerns into account when deciding where the driveway should be located.

Mr. Burke stated that Glenwood Avenue is in horrible condition and further stated that he believes that the Town of Hamburg should consider abandoning that section of road, since the playground there is seldom if ever used and it is very well maintained by the Town.

Jerry Giglio, TSAB Coordinator, stated that the TSAB's position regarding the location of the driveway is unchanged. Mr. Burke responded that he appreciates and respects Mr. Giglio's opinion, but the close proximity of this property to the Thruway overpass makes putting the driveway across from the plaza entrance more hazardous than if it were located further west along Lake Avenue.

Mr. Giglio stated that the TSAB was asked for its recommendation and those are as listed in the minutes of its meeting.

Chairman Reszka stated that one of the problems with the driveway being located west of the plaza entrance is that a vehicle could be turning left out of the apartment complex, and a vehicle could also be turning left out of the plaza, and they could collide in the turning lane. He further stated that the best scenario is to install the driveway to the apartment complex directly across from the plaza entrance.

Mr. Giglio stated that a "No Left Turn" sign could be installed at the exit of the apartment complex if the driveway is located west of the plaza entrance.

Mr. Giglio stated that a study that was performed indicated that a vehicle traveling 55 miles per hour will travel 88 feet per second. He further stated that he believes that the top of the bridge over the Thruway is approximately 700 feet from the plaza entrance on Lake Avenue.

Mike Chiacchia, Lake Avenue resident and representative of the Newton-Abbott Fire Company, asked if the site plan for this project was submitted to the Fire Company. Chairman

Reszka responded that the Fire Company is typically notified of new projects when a site plan is submitted. He noted that the applicant is only requesting Sketch Plan Direction at this stage.

Mr. Reilly stated that the Planning Board can forward a copy of the applicant's Sketch Plan to the Fire Company if there is a controversial issue to be addressed. He further stated that the Erie County Highway Department could also be asked to comment on the location of the driveway because Lake Avenue is a County road. He suggested that some of the Planning Board members meet with the applicant, a representative of Erie County Highway, the Newton-Abbott Fire Department, the Police Department and the TSAB to discuss this issue.

It was determined that a meeting would be scheduled to discuss the location of the driveway.

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

Engineering Department comments have been filed with the Planning Department.

### **Suburban Adult Services, Inc.**

Chairman Reszka stated that he had a problem discussing this project because the Board would be discussing something that is the subject of a rezoning request that has not yet been approved by the Town Board. He further stated that he does not think it is appropriate to discuss a project while assuming the property will be rezoned.

Mr. Reilly stated that the Town Board should be considering the entire action, which consists of the rezoning of the property and the development of the land. He further stated that the Planning Board could discuss any aspects of this project that might affect the environment, since any Negative Declaration issued by the Town Board would encompass both the rezoning and the project itself.

Chairman Reszka stated that this property contains a large amount of fill. He asked if there is a way for the Board to find out what the fill consists of. It was determined that the applicant has already taken test borings and has had a Phase I environmental study performed.

In response to a question from Mr. Lardo, Patricia Bittar from William Schutt & Associates stated that there will be an access agreement between Suburban Adult Services, Inc. (SASI) and Lombardo Funeral Home regarding the property to be retained by Lombardo in the event Lombardo ever wants to expand its parking lot.

Ms. Bittar explained that SASI and Mr. Lombardo have requested that the remaining portion of Eliot Street (a paper street) be abandoned by the Town Board. She further stated that because Mr. Lombardo does not need any Eliot Street frontage for his property, he has agreed to allow SASI to take ownership of the entire 50 feet of frontage as long as he has the access easement to his property across Eliot Street from the existing building.

In response to a question from Mr. Reilly, Ms. Bittar stated that the access road would be private. Mr. Lardo stated that site distances are acceptable for egress onto Abbott Road.

Mike Chiacchia, representative of the Newton-Abbott Fire Company, stated that the Planning Board should look at the Sketch Plan very closely for fire access to the building, noting that it would be located 400 to 500 feet off of Abbott Road.

Chairman Reszka stated that he has no objections to the project, but he wants to make sure that the Planning Board does not "get the cart before the horse" since the Town Board has not rezoned the property yet.

Ms. Bittar confirmed that there is adequate sewer and water capacity for this project and that a storm water pond will be created on site. She further stated that twelve (12) residents would be occupying the building and they would generally be using public transportation so the traffic volume added to Abbott Road would be minimal.

Chairman Reszka noted that several parking spaces are proposed and asked Ms. Bittar if the applicant would need all of these. Ms. Bittar responded that the parking spaces would be for the residents who do have vehicles, visitors and any overflow from the day treatment building on Abbott Road.

Mr. McCabe made a motion, seconded by Mr. Koenig, to forward a recommendation to the Town Board that a Negative Declaration be issued if the rezoning request is approved. Carried.

Mr. Reilly stated for the record that it is the applicant's risk to proceed with any site plan drawings before the rezoning request is approved.

## **OTHER BUSINESS**

Mr. Koenig stated that the Town Board held a public hearing recently on proposed amendments to the Town Code, some of which dealt with subdivisions and townhouse projects. He asked why the Planning Board was not asked to recommend on these proposed amendments. Mr. Reilly responded that he believes that he did speak with the Planning Board about the amendments, although it may have been on an informal basis.

Chairman Reszka reminded the Board that Mr. Dennis Long was granted approval for a storage building to be constructed on Southwestern Boulevard. He stated that he signed the Site Plan on April 18, 2012 and Mr. Long subsequently received a permit to construct an accessory structure on the property. He further stated that Mr. Long built a pole barn instead of the building that was approved by the Planning Board and the Building Inspector allowed it to be completed.

Chairman Reszka stated that he spoke with Attorney McFadden-Zak, who is researching what the Planning Board can legally do about this situation. He noted that it bothers him that Mr. Long has ignored most of what the Planning Board has requested all through the approval process.

Mr. Reilly stated that the process must be improved so that this situation does not happen again.

Chairman Reszka stated that it is his personal opinion that Kurt Allen, Supervising Building Inspector, overstepped his bounds when he approved the different building, which was outside of his (Mr. Allen's) purview.

Mr. McCabe noted that the landscaping has not been installed at Mr. Long's site.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to approve the minutes of May 2, 2012. 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 28, 2012