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, June 4, 2014 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O’Connell, David Bellissimo, Peter Reszka, Stephen McCabe, Augie Geraci, Doug Schawel and William Clark.

Others in attendance included Planning Board Attorney Ryan McCann, Sarah desJardins, Town Planner and Richard Lardo, Assistant Municipal Engineer.

WORK SESSION

Paul Wodzinski – Proposed subdivision, Lakeview Road

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that a six-lot subdivision is proposed on this property located at 3110 Lakeview Road, which is zoned R-A. He stated that single-family homes would be built on lots # 1 and # 2, lot # 4 contains an existing business, lots # 3 and # 5 would be reserved for future development and lot # 6 is an isolated parcel because a Niagara Mohawk parcel separates it from the balance of the property.

Mrs. desJardins stated that although lot # 6 is not the required two (2) acres in area, the Building Department has indicated that a variance would not be required because it is an existing lot of record. She noted, however, that the lot must be split from the rest of the parcel because it requires a separate SBL number.

Mr. Gow stated that the site is not served by public utilities, so septic systems are proposed. He further stated that he will provide evidence that there are no wetlands on the property.

It was determined that the Planning Department will research what the South Central Overlay District requirements are regarding subdivisions with proposed septic systems.

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

Engineering Department comments have been filed with the Planning Department.

Jeff Nagle – Proposed subdivision, Amsdell Road and Pleasant Avenue

Mrs. desJardins stated that this parcel is located on the south side of Amsdell Road and the north side of Pleasant Avenue. She further stated that four (4) lots are proposed, and there are wetlands in the center of the parcel that would not be impacted by the construction of the single-family homes.

Mrs. desJardins stated that all four (4) lots would require a variance because lot # 1 does not have the required frontage along the road, and the remaining lots do not have the required frontage at the building line.

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

Engineering Department comments have been filed with the Planning Department.
Patrick O’Melia – Proposed subdivision on Bayview Road

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the property containing the proposed subdivision consists of approximately 12 acres, and the applicant proposes to develop roughly half of it into eight (8) lots for single-family homes. He noted that the rear of the parcel does not have access to Bayview Road and it probably consists of a large amount of wetlands, so the applicant plans to leave that undeveloped.

Mr. Gow stated that the property is zoned R-1, and all eight (8) lots conform to the R-1 requirements. He noted that all of the lots would front Bayview Road, and the railroad is located in the rear of the lots. He further noted that utilities are available to the lots, and a sewer extension will be required.

Mr. Gow stated that Nussbaumer & Clarke has been at the site, and he suspects that wetlands exist on the overall site, but he does not yet know how much they might affect the project. He noted that a wetland delineation will be performed in the near future, and the wetlands will be depicted on the Preliminary Plat for the Board’s review at its next meeting.

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

Engineering Department comments have been filed with the Planning Department.

John Becker – Proposed subdivision on Schoellkopf Road

Robin Cierniak from William Schutt & Associates, representing the applicant, stated that Mr. Becker wishes to subdivide one (1) lot from the large parcel he owns, and he has no plans at this time for the remaining 29 +/- acres.

In response to a question from Mr. Bellissimo, Ms. Cierniak stated that the proposed lot would be larger than what is required.

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

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing - ARR Holdings Two-Lot Subdivision

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

“Whereas, the Town of Hamburg received a minor subdivision application from ARR Holdings to subdivide property located on the southwest corner of Lakeview Road and Smith Road into two lots; and

Whereas, the Planning Board has reviewed the project and Environmental Assessment Form (EAF) in accordance with 6NYCRR Part 617 of SEQR.

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. 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 two-lot subdivision proposed by ARR Holdings to be located on the northwest corner of Old Lakeview Road and Smith Road. The public hearing will be held on June 4, 2014 at 7:00 P.M. in Room 7B of Hamburg Town Hall.”

Attorney Sean Hopkins, representing the applicant, stated that the Zoning Board of Appeals granted the two (2) requested area variances for this project involving lot area at its meeting on June 3, 2014. He noted that Lot # 1 would be 1.8 acres in size, and Lot # 2 would be 1.7 acres in size.

Attorney Hopkins asked the Board to waive the South Central Overlay District requirement that the lots be three (3) acres in size.

Attorney Hopkins stated that the home on Lot # 2 would face Old Lakeview Road, and the home on Lot # 1 would face Smith Road.

Chairman O’Connell declared the public hearing open. No one spoke.

Chairman O’Connell declared the public hearing closed.

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

“Whereas, the Town of Hamburg received a minor subdivision application from ARR Holdings to subdivide property located on the southwest corner of Lakeview Road and Smith Road into two lots; and

Whereas, the Planning Board has reviewed the Preliminary Subdivision Plan and other required materials, has received comments from various departments and held the required public hearing on this proposed subdivision on June 4, 2014; 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 ARR Holdings Subdivision with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated June 4, 2014.
2. The filing of a Map Cover is waived.
3. Recreation fees in lieu of land will be required.

Carried.

Engineering Department comments have been filed with the Planning Department.
Public Hearing - Evenhouse Printing (4783 Southwestern Boulevard)

Frank Wailand, representing the applicant, submitted revised drawings indicating the location of the screened dumpster. He noted that the dumpster will be placed on a pad and totally enclosed.

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 Evenhouse Printing to construct an addition to the existing building located at 4783 Southwestern Boulevard. The public hearing will be held on June 4, 2014 at 7:00 P.M. in Room 7B of Hamburg Town Hall.”

Chairman O’Connell declared the public hearing open. No one spoke.

Chairman O’Connell declared the public hearing closed.

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

“In accordance with New York State SEQR law, the Evenhouse Printing project is classified as a Type II Action because the addition will be less than 4,000 sq.ft. Therefore, it does not require any further SEQR review.” As the vote on the motion was six (6) ayes and one (1) abstention (Mr. McCabe), the motion carried.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to grant Conditional Site Plan Approval with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated June 4, 2014.
2. The dumpster shall be placed on a concrete pad and screened with a solid fence at least six (6) feet in height.

As the vote on the motion was six (6) ayes and one (1) abstention (Mr. McCabe), the motion carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing - Uncle Bob’s Self-Storage (4445 Lake Avenue)

Joe Palumbo from Carmina, Wood, Morris, representing the applicant, stated that the applicant proposes to demolish three (3) single-story existing storage structures on the property and build a new two-story climate-controlled structure that would be for indoor storage.

Mr. Palumbo stated that the Site Plan has been revised to indicate the location of the existing outdoor storage spaces on the property. He further stated that the requested front yard setback variance was granted by the Zoning Board of Appeals on June 3, 2014.

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 Uncle Bob’s Self Storage to construct a new two-story self-storage building at
4445 Lake Avenue. The public hearing will be held on June 4, 2014 at 7:00 P.M. in Room 7B of Hamburg Town Hall.”

Chairman O’Connell declared the public hearing open. No one spoke.

Chairman O’Connell declared the public hearing closed.

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

“In accordance with New York State SEQR Law, the Town of Hamburg Planning Board has reviewed the Uncle Bob’s Self-Storage project, received input from various Town departments and held the required public hearing on June 4, 2014. Based on this review and input, the Planning Board has determined that the project is not anticipated to result in any significant adverse environmental impacts, and a Negative Declaration is hereby issued. The Planning Board Chairman is authorized to sign the EAF.” Carried.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to grant Conditional Site Plan Approval with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated June 4, 2014.

Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing - J & M Homebuilders (Burke Road)

Andy Gow from Nussbaumer & Clarke, representing the developer, stated that a minor modification has been made to the plan previously presented to the Board that contained six (6) lots. He noted that the flag lot has been eliminated, all of the lots are proposed along Burke Road, and they all would comply with the R-1 zoning requirements. He stated that by moving the lots closer to the road, it enables the developer to save more land in the rear of the lots that would remain undeveloped.

In response to a question from Mr. McCabe, Mr. Gow stated that the lot containing the existing home would be approximately two (2) acres in size.

Mr. Reszka stated that the previously proposed layout that contained flag lots was more in compliance with the Lakeview Overlay District requirements because there would not be home after home lined up along the road. He noted that the intent of the Overlay District is to avoid multiple road frontage lots. He stated that the current layout is not consistent with the rural nature of the area.

Mr. Gow responded that the current layout pulls the homes closer to the road and consolidates a lot of area to be retained as green space and vegetation. He stated that if flag lots are constructed, the green space in the rear of the site would not be consolidated.

In response to a question from Mr. Bellissimo, Mr. John Kalstek, applicant, stated that it is his intent to offset the new homes so that they are not all the same distance from the road.

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 six-lot subdivision proposed by J & M Home Builders to be located on the west side of Burke Road, adjacent to 6650 Burke Road. The public hearing will be held on June 4, 2014 at 7:00 P.M. in Room 7B of Hamburg Town Hall.”
Chairman O’Connell declared the public hearing open. The following people spoke:

- Dale Bacchetti, 6649 Burke Road, stated that this area is very rural, and he is concerned about the noise from the trains once these homes are constructed.

Mr. Kalstek stated that the woods in the rear of the property will remain untouched.

Mr. Gow stated that the new homes may provide a better buffer from the train noise than the woods that currently exist on the site.

Mr. Bacchetti was advised to make the Town Board aware of his concerns about the train noise.

Chairman O’Connell declared the public hearing closed.

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

Engineering Department comments have been filed with the Planning Department.

**Sherwood Meadows Apartments**

**Sherwood Meadows Subdivision**

Attorney Sean Hopkins, representing the applicant, stated that the Site Plan and Subdivision Preliminary Plat being presented to the Planning Board reflect the terms and conditions of the agreement reached with the neighborhood association. He stated that the project includes 110 apartment units and 31 single-family homes.

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

“Whereas, the Town of Hamburg Planning Board received an application from DATO Development, LLC for Site Plan and Subdivision approval for the potential construction of 31 single-family homes and a 110-unit multi-family development to be known as Sherwood Meadows to be located on +/- 23.6 acres of land on the northeast side of Howard Road, east of Breckenridge Road; and

Whereas, the Town of Hamburg Planning Board began reviewing this project in 2013, and since that time the applicant has amended the plan several times; and

Whereas, numerous public meetings have taken place, and on December 19, 2012, August 21, 2013 and May 7, 2014, the Hamburg Planning Board held the required public hearings and received additional comments and information from the public in the months following the public hearings; and

Whereas, the Hamburg Planning Board has reviewed the Full EAF submitted for this project, information submitted by the applicant and public, as well as information submitted by the Planning Department on the project; and

Whereas, the Hamburg Planning Board, in accordance with the State Environmental Quality Review Act, has determined that the proposed project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public.
Now, Therefore, Be It Resolved, that the Town of Hamburg Planning Board hereby determines that the project is not anticipated to result in any significant adverse environmental impact and that the attached Negative Declaration is hereby issued. The Planning Board Chairman is authorized to sign the EAF, and the Planning Department is authorized to complete any required notices or filings."

As there were six (6) ayes and one (1) nay (Mr. Clark), the motion passed.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to table the Sherwood Meadows multi-family project. Carried.

Mr. Bellissimo made a motion, seconded by Mr. McCabe, to schedule a public hearing on the Sherwood Meadows Subdivision to be held on June 18, 2014. Carried.

Engineering Department comments have been filed with the Planning Department.

**Camp Road Development – Vacant land, south of 4855 Camp Road**

Joe Palumbo from Carmina, Wood, Morris, representing the applicant, stated that the proposal has not changed at all from the previous times the Board reviewed it. He noted that it includes a 26,480 sq.ft. building and associated parking.

Mr. Palumbo submitted the landscaping plan that was previously revised based on Conservation Advisory Board comments.

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

“In accordance with New York State SEQR Law, the Town of Hamburg Planning Board has reviewed the Camp Road Development project, received input from various Town departments and held the required public hearing on June 4, 2014. Based on this review and input, the Planning Board has determined that the project is not anticipated to result in any significant adverse environmental impacts, and a Negative Declaration is hereby issued. The Planning Board Chairman is authorized to sign the EAF.”

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to amend his motion to exclude the words “on June 4, 2014”. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to grant Conditional Site Plan Approval with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated June 4, 2014.
2. The landscaping plan shall be reviewed and approved by the Planning Department.

Engineering Department comments have been filed with the Planning Department.
Stapleton Two-Lot Subdivision (Woodland Drive)

Mrs. desJardins stated that the Board would need to decide whether to approve this subdivision with a deed restriction proposed by Attorney Hopkins that if a single-family home were ever to be built on the remaining 12.82 acres, documentation would have to be provided to the Building Department confirming that either there are no wetland impacts or permits from the New York State Department of Environmental Conservation (NYSDEC) and/or the U.S. Army Corps of Engineers has been obtained. She noted that the Board could also approve the subdivision with the condition that the larger parcel must be labeled a non-building lot.

Attorney Sean Hopkins, representing the applicant, stated that he spoke with the Town Attorney, Walter Rooth III, who indicated that he has no problem with the concept of the proposed deed restriction. He stated that if the Board approves the subdivision with the discussed deed restriction, it could also place a condition on the approval that the content of the deed restriction would have to be reviewed by the Town Attorney's office and recorded.

Mr. McCabe stated that the biggest question is why the Planning Board would essentially create a non-buildable lot. He stated that he is still having a hard time with the thought of segregating the remainder of the parcel.

Board members discussed whether the applicant could merge the remainder of the adjacent parcel with the land he owns in the Town of Boston. It was determined that if the Board requires the applicant to do that, the prospective purchaser of the two-acre lot would not receive a Building Permit until the remainder of the parcel is merged with the adjoining property.

Board members agreed that the Planning Department will prepare resolutions to approve the subdivision with the proposed deed restriction.

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

Board members agreed that the Planning Department will prepare resolutions to approve the subdivision with the proposed deed restriction.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to adjourn the meeting. The meeting was adjourned at 7:55 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board

Date: June 8, 2014