

Town of Hamburg
Planning Board Meeting
June 5, 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, June 5, 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, Richard Lardo, Assistant Municipal Engineer and Councilwoman Amy Ziegler.

WORK SESSION

Patricia DiChristopher (north side of North Creek Road, west of Burke Road)

Mr. Reilly stated that this is a large parcel with an existing home on it, and the applicant proposes to subdivide it to create a new five-acre lot. He noted that the property is zoned R-1 and the proposed subdivision meets all zoning regulations. He stated that the property is located in the Lakeview Overlay District, which requires that any significant stands of trees be preserved, but it does not appear that there are any such significant stands of trees.

Mr. Lardo stated that no water line exists in front of the proposed new lot, and therefore the existing water line would have to be extended from Burke Road to the westernmost portion of the new lot.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to schedule a public hearing to be held on June 19, 2013. Carried.

Engineering comments have been filed with the Planning Department.

Ralph Sardo (6638 Gowanda State Road)

Chairman Reszka stated that the front of this property was recently rezoned from NC (Neighborhood Commercial) to C-1, which is what it was zoned previously. He stated that approximately ten years ago the property was rezoned to NC for a project that never came to fruition, and Mr. Sardo subsequently purchased the property and requested that it be rezoned back to C-1.

Mr. Reilly stated that the applicant's plans show a proposed restaurant with a drive-through, which is not allowed in the C-1 zone. He noted that a restaurant can have an area for pick-up, but cannot have an ordering window, menu board, etc. He advised Mr. Sardo that he should not show a driveway all the way around the building.

Mr. Reilly stated that the applicant should attempt to reduce the amount of storm water runoff that goes into the creek on the south side of the property by keeping the amount of paved area on the property to a minimum.

Mrs. Yerkovich clarified that the applicant will not be allowed to have a circular driveway around the building. She further reiterated that a drive-through and menu board will not be allowed, and the building should not be designed to support them.

Chairman Reszka noted that the proposed pavement extends into the portion of the property that is zoned R-A (Residential-Agricultural). He further noted that the driveway must be perpendicular to Gowanda State Road, instead of on an angle as proposed.

Mr. Reilly suggested that the applicant pull as much of the proposed parking area away from the adjoining residential home to the north as possible.

The applicant was informed that the zoning line must be put on the drawing so that the Board can tell where the C-1 zone ends. He was also informed that the location of the dumpster, as well as the existing gas line, must be shown on the plan.

Mr. Sardo stated that he was not aware that a drive-through window is not allowed in the C-1 zoning district.

Board members discussed whether a pick-up window without a drive-through would be allowed. It was determined that it would not be allowed.

Mr. Reilly stated that a letter was submitted from the adjacent homeowner to the north (Ms. Kim Ziegler) about her concerns with this proposal.

Chairman Reszka stated that Ms. Ziegler's letter mentions a gas line that runs through Mr. Sardo's property. He asked Mr. Sardo where the gas line is. Mr. Sardo stated that it services the home on the property and runs diagonally through the property, so he would have to either remove the gas line or move the proposed building so that it does not sit on top of it.

Mr. Sardo stated that the proposed building would be a pole barn.

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

Engineering comments have been filed with the Planning Department.

Nidus Development (5793 South Park Avenue)

Lowell Dewey from C & S Engineers, representing the applicant, stated that the project involves constructing an immediate care building and a medical office building.

Mr. Reilly stated that the rear of this property is a New York State wetland, and he noted that the applicant does not plan to construct additional parking. He further stated that the new buildings will be constructed in almost the same location as the existing restaurant that is to be demolished.

Mr. Reilly stated that the property is zoned C-2 and the project meets all zoning requirements. He noted that the property is located in the South Park Overlay District, and as such the Planning

Board requires more detail regarding the proposed landscaping. He further stated that the Planning Board should comment on the proposed rendering of the proposed buildings.

Mrs. Yerkovich made a motion, seconded by Mr. Schawel, to schedule a public hearing for this project to be held on July 10, 2013. Carried.

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

Engineering comments have been filed with the Planning Department.

Benderson Development (proposed Tim Horton's)

Board members reviewed the previously approved site plan for the redevelopment of the Tops plaza on the corner of McKinley Parkway and Southwestern Boulevard.

Mr. Reilly stated that a Tim Horton's restaurant with a drive-through is proposed in the location where a retail building was originally proposed.

Chairman Reszka noted that there is a big difference between "retail" and a Tim Horton's with a drive-through.

Mr. Reilly stated that the main concern raised at that day's work session was the fact that the traffic flow does not work as proposed.

Bob Bender, representing Tim Horton's, stated that any stacking that would occur during Tim Horton's peak hours (6:00 AM until 9:30 AM), would be gone by the time any retail businesses that eventually go in to the plaza open. He further stated that there are alternate routes into the plaza in the unlikely event of a stacking problem.

Mr. Bender stated that the proposed double ordering scenario, which has not been utilized in this area to date, has proven elsewhere to decrease the service time and has helped with the stacking situation. He further stated that Tim Horton's believes that having the capability to stack 13 cars with the double order function will be sufficient, and if some extra stacking does occur, it will occur during off-peak hours of the plaza.

Mr. Bender stated that two sets of teams with separate cash registers would be working simultaneously with two order windows, and therefore the lines would move much faster. He further noted that there are several Tim Horton's sites servicing Hamburg, which means that the volume of traffic to this site would be thinned out dramatically.

Mr. Reilly asked Mr. Bender how many of the parking spaces to the south of the proposed building are allotted to Tim Horton's. Mr. Bender responded that the Tim Horton's will use the same number of parking spaces that were allotted to the "retail" area when the redeveloped plaza was approved.

Mr. Bender stated that William Schutt & Associates is preparing engineered plans, and Benderson Development (owner of the property) has given Tim Horton's permission to act on its (Benderson's) behalf.

Mrs. Yerkovich urged her fellow Board members to visit a Tim Horton's that has a double drive-through, noting that the double drive-throughs are all over Canada and the stacking is not a problem there.

It was determined that the Town's Traffic Safety Advisory Board (TSAB) would be reviewing this proposal on June 13, 2013.

Mr. Reilly stated that because this property is located in the Southwestern Boulevard Overlay District, the Board will be concerned about what the building would look like, with particular emphasis on the back of the building facing McKinley Parkway.

In response to a question from Councilwoman Ziegler, Mr. Bender stated that the Tim Horton's would be open 24/7.

Chairman Reszka asked Mr. Bender to make sure the back of the building does not look like a back of a building.

Mrs. Yerkovich made a motion, seconded by Mr. O'Connell, to schedule a public hearing to be held on July 10, 2013. Carried.

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

Engineering comments have been filed with the Planning Department.

REGULAR MEETING

Chairman Reszka stated that the Shaw Properties, LLC and Sharma Development project sponsors had asked that their applications be tabled indefinitely.

Dan Howard (northwest corner of Bayview Road and Big Tree Road)

Chairman Reszka stated that accident statistics for the last three (3) years were provided by the Police Department for this intersection. He noted that there have been three (3) accidents there, all of which involved property damage only. He further stated that the safety of this intersection has improved immensely since the stop signs were installed.

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the sizes of the proposed lots have been increased somewhat. He further stated that he reviewed the sight distances of the proposed driveways and they would be over 500 feet in either direction.

In response to a question from Mr. Reilly, Mr. Gow stated that he would have to speak to the applicant about whether he would be amenable to a condition of approval restricting lot # 4 from being further subdivided. He noted that the applicant has not expressed an interest to date in subdividing lot # 4 because of the cost of getting utilities to the property.

Mr. Gow stated that a preliminary wetlands investigation has been undertaken and there are no signs of any wetlands on the site.

Mr. Gow confirmed that the homes proposed in this subdivision would be single-family homes only. He agreed to label the lots as such.

It was agreed that although there have not been many accidents at the nearby intersection in recent years, the new homes should have "T" turnaround driveways so it is easier and safer to exit the properties.

Mrs. Yerkovich made a motion, seconded by Mr. O'Connell, to schedule a public hearing to be held on June 19, 2013. Carried.

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

Engineering comments have been filed with the Planning Department.

Joe's Auto Service (3756 Lakeview Road)

The applicant was not present. It was determined that the applicant must respond to a letter issued by Supervising Code Enforcement Official Kurt Allen regarding the activities associated with the business, and therefore the issue would not be discussed.

Willow Woods Subdivision (Taylor Road)

Chairman Reszka asked Board members if there is any additional direction they would like to give the applicant before he begins preparing the Final Environmental Impact Statement (FEIS) for this proposed subdivision.

Mr. Reilly explained that all substantive comments received by the Planning Board on the Draft Environmental Impact Statement (DEIS) must be addressed in the FEIS, and any changes must be shown in the FEIS. He further stated that the FEIS is the responsibility of the Planning Board, but the Board can let the applicant prepare the first draft of the document, which will then be reviewed by the Board.

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that four (4) monitoring wells have been installed and testing is being done. He asked the Board who will be responsible for monitoring the wells and how often must they be monitored.

Mr. Reilly responded that perhaps the Homeowners' Association should be responsible for monitoring the wells each year for the next ten (10) years. He further stated that a time limit will be set.

Board members discussed who would own the area of the dump site. It was determined that if a Homeowners' Association is formed, once the last lot is sold, 40 different homeowners could conceivably own 1/49 of the dump site.

Mr. Gow was informed that no lot can be closer than 800 feet to the dump site. It was determined that one (1) proposed lot is closer than 800 feet, and Mr. Gow stated that he will research that lot.

Mr. Lardo asked what will happen if the Homeowners' Association decides after a period of time that it does not want to test the monitoring wells anymore. He noted that a bond or some sort of guarantee must be in place that the monitoring will be done.

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

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 8:10 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board

Date: June 27, 2013