

Town of Hamburg
Planning Board Work Session
June 6, 2012
Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, June 6, 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, Sasha Yerkovich and Doug Schawel.

Others in attendance included Andrew Reilly, Sarah desJardins and Attorney Cheryl McFadden-Zak

Willow Woods Subdivision

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that the main concern of the Planning Board has been the environmental report that was prepared. He noted that that report was submitted to the New York State Department of Environmental Conservation (NYSDEC) for it reviews and the representative of the NYSDEC who reviewed the report has stated verbally that the NYSDEC agrees with all of the components in the report.

In response to a question from Mr. Reilly, Mr. Gow stated that a full report has been submitted to the Engineering Department regarding sewer and water capacity.

Chairman Reszka stated that the Conservation Board Chairman read the environmental report and had some concerns about it as follows:

- The level of barium at test bore # 2 was found to be well above minimum.
- The level of lead at test bore # 2 was not high enough to order a clean-up, but it was well above the residential minimum.

Chairman Reszka asked Mr. Gow if there is an explanation for these levels being so high. Mr. Gow responded that he spoke with the author of the environmental report who informed him that, although the levels were above the normal limits, they are well within the safe limits.

Chairman Reszka stated that in the report it is suggested that the test borings be taken down into the bedrock and shale in order to get better monitoring. He asked Mr. Gow if this is under consideration and Mr. Gow responded that the applicant has not discussed that option.

Chairman Reszka asked Mr. Gow who would monitor the wells that are left on the property if the project is approved and building commences. Mr. Gow stated that it is his understanding that the environmental firm would be responsible for going back at regular intervals to test the monitoring wells.

Chairman Reszka asked Mr. Gow what would happen if 20 or 30 homes are built and then one of the monitoring wells indicates that there is some contamination coming in. Mr. Gow stated that a report was prepared in 1994 that showed no contamination. He noted that his firm reviewed this report and was asked to have a new environmental report prepared, which was done, and the new report studied not only the initial area covered by the 1994 report but also the area closer to the proposed subdivision. He stated that nothing came up in the new report and it is anyone's guess what could show up in the future.

Mr. McCabe stated that the biggest concern he has with both of the environmental reports is that further study is recommended. He noted that both reports contain statements that express the limitations for the quantification that was already done. He stated that he does not know how the Planning Board could proceed without an impartial party determining the adequacy of what has already been done. He further stated that, although the NYSDEC is informally reviewing this report, it is not mandated to do so and he is skeptical that the NYSDEC will come back with anything definitive enough for the Planning Board to make a reasonable decision.

Mr. McCabe asked Mr. Gow why no surface water samples were taken, noting that the intermittent stream coming out of the toe of the landfill is where the children from the subdivision could be playing. Mr. Gow responded that Mr. Doug Reid, author of the latest environmental report, would have to answer the questions raised by Planning Board members.

Mr. Gow stated that his firm indicated to Mr. Reid what the concerns of the Planning Board were regarding this site and then Mr. Reid decided what should be done to analyze the concerns.

Mrs. Yerkovich suggested that the author of the latest environmental report appear before the Planning Board to answer the questions Board members have.

It was determined that Mr. Reid would be asked to attend the Board's next meeting to discuss the report and the questions Board members have.

Mr. Reilly suggested that a sample be taken of the surface water on the site.

Mr. Reilly stated that the first decision the Planning Board must make is a SEQR decision.

Mr. Schawel stated that he would like Mr. Reid to explain to the Board whether he thinks there is any reason to think that conditions at the site will get worse. Mr. Gow stated that the conditions at the site have been static for a number of years.

Attorney McFadden-Zak asked if the Town Board has been notified that the applicant is offering to place the 63.3 acres of land not involved in the subdivision in a conservation easement.

In response to a question from Chairman Reszka, Mr. Gow stated that he believes that most of the monitoring wells would be located in the conservation easement area.

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

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.

David Burke apartment complex

Chairman Reszka stated that a meeting was held on May 24, 2012 regarding this project and where the driveway should be located. He further stated that those in attendance were himself, Mike Asklar from Erie County, David Burke, Sarah desJardins, Brian Evaldi from Newton-Abbott Fire Company, Jerry Giglio, Sasha Yerkovich and Doug Schawel. He read the following memo that he wrote outlining the meeting and the different opinions of the attendees:

“The following is a brief summary of the position of each of the above parties with regards to the topic. No opinions were voiced by any members of the Planning Board or by Ms. DesJardins however discussion was encouraged through questions raised by these parties.

Michael Asklar - Erie County Highway Department

- Lake Avenue is a County highway and the applicant, as with any other party, has a right to access the road
- This section of roadway is not optimum due to sight lines and speed of traffic
- Any driveway location close to the bridge apron is problematic at best
- Access through Glendale to Oakwood is the best alternative
- Adding traffic to a residential street is never the favored alternative if a through street is available
- Lining up the drive with the Hills Plaza entrance limits future options for the plaza entrance, should redevelopment occur
- The best option available is the driveway location farthest west & furthest from the bridge
- Residents of the apartments will drive faster through the residential streets due to the extended distance to access South Park if access is through Glendale, decreasing neighborhood safety
- Erie County Highway would support a request from the Town to lower the speed limit on this portion of Lake Avenue

David Burke – Applicant

- The best option available is the driveway location as shown in the initial proposal
- Lining up the driveway with the Hills plaza entrance will mean the headlights of cars entering will shine into 4 apartments instead of just 2 if the drive is placed as initially proposed
- Access through Glenwood makes the project less viable

Brian Evaldi – 1st Assistant Chief – Newton Abbott Fire Co.

- Quick, easy access is the primary concern for Emergency personnel
- Glendale access would make access difficult and add to response time due to the need to drive additional distances
- Lining up the driveway with the Hills plaza entrance would expose firefighters to possible loss of water supply, possible injury due the danger of wall collapse and stranding of equipment, also due to wall collapse

- The driveway furthest west is the preferred option for ease of access and utmost safety

Jerry Giglio – Chairman - Hamburg Traffic Safety Advisory Board

- Access through Glenwood was thought the safest option by the Traffic Safety Advisory Board
- The second option would be to line up the driveway with the Hills plaza entrance
- The least favored option is the driveway furthest west of the bridge and then only with the addition of *No Left Turn* signs
- A 3 year history, provided by the Police Department shows a significant, above average, number of accidents on this stretch of road
- Lining up the driveway with the Hills plaza entrance is the safest and addresses the immediate condition. The plaza may never be redeveloped”

Daryl Martin, architect, representing the applicant, stated that the applicant is looking for direction regarding the location of the driveway for the project. He further stated that the applicant would prefer to locate the driveway west of the entrance to the plaza across the street.

Mr. O’Connell stated that he respects the opinion of the Traffic Safety Advisory Board, but he believes the driveway should be located where it is shown on the submitted site plan (west of the entrance to the plaza). He noted that he agrees that a “No Left Turn” sign should be installed at the driveway for vehicles leaving the apartment complex. Mrs. Yerkovich, Mr. Bellissimo, Chairman Reszka, Mr. Schawel, Mr. McCabe and Mr. Koenig concurred.

Mr. Koenig stated that when looking at the three-year accident history provided to Board members, it appears that most of the accidents occur on either end of Lake Avenue and not at this exact location.

Mr. Schawel noted that thirteen of the 28 accidents listed occurred in front of the Jubilee store.

Board members agreed that lowering the speed limit on Lake Avenue would be crucial. Board members also agreed that the driveway for this project will be located west of the entrance to the plaza across the street (as indicated on the submitted site plan).

Mrs. Yerkovich made a motion, seconded by Mr. O’Connell, to schedule a public hearing for this project to be held on June 20, 2012.

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

Engineering Department comments have been filed with the Planning Department.

Roger Duffett Commercial Building (Maelou Drive)

Chairman Reszka stated that the Town is currently considering rezoning this portion of Maelou Drive from M-2 to C-2.

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that the applicant proposes to construct a 15,000 sq.ft. building that will potentially be divided into three (3) 5,000 sq.ft. units.

Roger Duffett, applicant, stated that he currently has several tenants in his existing buildings that include industrial warehousing, a tow truck firm, a plumbing and heating business, an electrical contractor, a scrap metal business, etc. He noted that he expects to attract businesses such as these for the new building.

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

Engineering Department comments have been filed with the Planning Department.

Camp Road Development Medical Building

Chairman Reszka stated that this building was originally approved in May 2008 but never received Final Approval. He further stated that this building is proposed next to the existing medical facility (Omni Pain and Wellness Group) on Camp Road.

Joe Palumbo from Carmina Wood Morris, representing the applicant, stated that the idea is to mirror the existing building next door and provide additional office space use. He further stated that the architect and engineer on the project are different from those used when the building was originally approved.

Chairman Reszka stated that the entrance to the existing building is difficult already and adding another building whose occupants and patients would also use the entrance would be problematic. He further stated that the volume of traffic at the existing building is very high and asked Mr. Palumbo if it would be possible to widen the existing entrance. Mr. Palumbo responded that that is something that could be looked at.

Mr. Palumbo stated that, because so many parking spaces are used at the existing building, he is proposing 20 spaces over the amount suggested by the Town Code for the second building.

Board members discussed different options regarding improving the conditions at the entrance.

Chairman Reszka stated that when the building was approved in 2008 the Lakeshore Fire Chief strongly in favor of the applicant providing a connection in the rear of the site behind the two (2) buildings for fire access.

It was determined that Mrs. desJardins would contact the Lakeshore Fire Chief to see if the concerns from 2008 are still valid.

Mrs. desJardins stated that the Camp Road Overlay District requires that any dumpsters not be located in the rear of the site if it abuts residential property. She noted that the vacant land behind this site is zoned residential and the owner is currently pursuing a rezoning of the property in order to build a residential development.

In response to a question from Mrs. desJardins, Mr. Palumbo stated that the storm water pond was sized for both properties when the first building was approved.

Chairman Reszka stated that he would like to see the main entrance widened, perhaps inbound only.

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

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Chairman Reszka stated that the Planning Board members received a summary of the proposed amendment to the Town Code that the Town Board will consider on June 11, 2012.

Chairman Reszka stated that Mr. Dennis Long (Southwestern Boulevard) did not build what was approved, noting that he built a pole barn instead of what he represented to the Planning Board. He stated that the Building Inspector does plan to require that Mr. Long install all of the proposed building amenities, such as brick stone work, on the building.

Mr. Bellissimo made a motion, seconded by Mr. Koenig, to approve the minutes of May 16, 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: June 11, 2012