

Town of Hamburg
Planning Board Meeting
July 15, 2015
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, July 15, 2015 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, Stephen McCabe, Joseph Collins, Augie Geraci, Doug Schawel and William Clark.

Excused: David Bellissimo

Others in attendance included Town Planners Andrew Reilly and Sarah desJardins, and Rick Lardo, Principal Engineer.

WORK SESSION

Armor Inn (5365 Abbott Road)

It was determined that the applicant appeared before the Planning Board in 2013 regarding a project that involved demolishing the existing building on the property and constructing a parking lot there. It was further determined that the project never received Planning Board approval, and the project was never initiated.

Mark Tuffilaro, representing the applicant, stated that the existing home on the property was not demolished because, among other reasons, the owner of the Armor Inn decided to live in the home. He stated that the Armor Inn has been featuring the catering of a particular catering company from Tonawanda, and the owner of the Armor Inn has decided to move out of the home, so the idea would be to use the building for the catering service.

Mr. Tuffilaro stated that the kitchen in the home would be used by the catering company, and part of the home would be used as an area where the caterer can sit down with a prospective customer, but it would not be the type of area where someone would sit down and have a meal. He noted that customers would either pick up their catering order there, or the catering company would drop the food off at the customer's home.

Mr. Tuffilaro stated that the kitchen at the Armor Inn is not capable of handling this additional business because it is quite small. He further noted that between three and five people would be working in the home doing the catering business there.

Mr. Tuffilaro stated that the catering business would be operated during daytime hours, and the Armor Inn is never full during the day, so there would be no problems regarding ample parking.

In response to a question from Chairman O'Connell, Mr. Tuffilaro stated that the stockade fence along the north and east property line of 5365 Abbott Road was installed as discussed in 2013. He further stated that the "fence" on the southern property line

shared with the Armor Inn parking lot is there to make sure people who drink in the parking lot during Tuesday Bike Nights do not leave the Armor Inn property.

It was determined that the walkway between the Armor Inn parking lot and 5365 Abbott Road was installed as the Planning Board requested in 2013.

In response to a question from Chairman O'Connell, Mr. Tuffilaro stated that the applicant hopes to not have to install additional pole lighting in the parking lot. He further stated that a few additional lights may be installed on the home.

Chairman O'Connell stated that he would like the applicant to submit engineered plans for this project.

Mr. Lardo stated that this project is considered a conversion from a residential use to a commercial use. He noted that if the kitchen is to be used commercially, changes must be made to the sewer and a grease trap must be installed, per Erie County. He further stated that the Town requires that the parking lot be paved, and the County must be contacted regarding the drainage on the property. Additionally, the parking spot closest to Abbott Road is too close to the road and must be removed.

Mr. Tuffilaro stated that if the Planning Board requires that a Site Plan be submitted for this project, it may change what the applicant decides to do with this property. He stated that the restrictions being placed on the applicant, particularly the requirement for paving and curbing, are a financial hardship.

Mr. Tuffilaro stated that the applicant will ask the engineer to upgrade the Site Plan that was submitted in 2013 regarding the previous proposal for this property.

Mr. Clark made a motion, seconded by Mr. Collins, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing - West Herr Toyota (4141 Southwestern Boulevard)

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 revised Site Plan for West Herr Toyota that involves the expansion of the vehicle storage area at 4141 Southwestern Boulevard. The Public Hearing will be held on July 15, 2015 at 7:00 p.m. in Room 7B of Hamburg Town Hall."

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

It was determined that the applicant has not yet satisfied the outstanding Engineering Department concerns.

Board members agreed that approval will not be granted until all of the Engineering Department concerns have been addressed to the satisfaction of Mr. Lardo.

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

Two 19 Sports, Inc. (5160 Camp Road)

Michael Kaleta, applicant, stated that his engineers are in the process of addressing the issues listed in the Engineering Department's comment letter of July 1, 2015. He stated that he has had preliminary discussions with the Baptist Church next door regarding the possibility of common parking or an easement allowing the sports complex patrons to exit the site using the area in front of the church building. He noted that he does not like the idea of the sports complex patrons having to drive behind the church building to exit the site.

Mr. Kaleta stated that he is concerned that if no easement can be worked out with the Baptist Church, and if no left hand turns are allowed onto Camp Road, people would have to head north and then find a way to turn around and go the other way.

Mr. Reilly stated that a meeting should be arranged with the New York State Department of Transportation, someone from the Traffic Safety Advisory Board (TSAB) and Mr. O'Connell to discuss how to best access Camp Road. Mr. Kaleta agreed to pursue such a meeting.

Mr. Clark made a motion, seconded by Mr. Schawel, to table this project until the Board's August 19, 2015 meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

Cedar Valley Apartments (north side of Pleasant Avenue)

Mrs. desJardins stated that she spoke to the developer and his attorney about the secondary means of egress for the entire development, and she was advised that it will be installed as part as Part Two of the subdivision.

Mr. Clark made the following motion, seconded by Mr. Schawel:

"Whereas, in accordance with New York State SEQR Law, the Hamburg Town Board, acting as SEQR Lead Agency for the rezoning of the property located on the north side of Pleasant Avenue, west of the New York State Thruway, which included the construction of a 110-lot subdivision and the development of a 168-unit apartment complex, determined that the rezoning and proposed projects would not result in any significant adverse environmental impacts and a Negative Declaration was issued, and

Whereas, the Town Board also approved the rezoning with the following conditions:

1. A deed restriction was to be placed on the property prohibiting the construction two-family dwellings on the lands zoned R-2.
2. Green space and open space is to be preserved, and a permanent conservation easement is to be created in the name of the Town of Hamburg.

3. No future access will be granted to any other streets in the area except what was depicted on the plan dated January 22, 2013, and the emergency means of egress must be maintained by the Homeowners' Association.
4. If any pond is to be deepened, the soils must be tested again before being deposited on the site.

And

Whereas, the Town Planning Board has received a site plan application for the development of 144 units of apartments in 18 buildings on this property, and

Whereas, the Planning Board has reviewed this proposal and held the required public hearing.

Now, Therefore, be it Resolved that the Planning Board finds the project in substantial conformance with the SEQR Negative Declaration issued by the Town Board, and

Be It Further Resolved, that the Planning Board finds the project in accordance with the rezoning conditions and issues Conditional Site Plan Approval of this project with the following conditions:

- Approval is contingent upon the Engineering Department comment letter dated July 15, 2015.
- The landscaping plan shall be reviewed and approved by the Planning Department.
- The emergency means of egress must be completed as part of Part Two of the subdivision project.

Carried.

Engineering Department comments have been filed with the Planning Department.

James Grandoni Four-Lot Subdivision (Winslow Drive)

Mrs. desJardins stated that Andrew Gow from Nussbaumer & Clarke, representing the applicants, asked the Board to table this project because he has not been able to meet with the Conservation Advisory Board Chairman yet.

Engineering Department comments have been filed with the Planning Department.

Sherwood Meadows Subdivision, Part 4 – Howard Road

Mrs. desJardins stated that she attended the July meeting of the TSAB, and she reported that the TSAB recommended that stop signs be installed at the intersection of both roads from the new subdivision onto Howard Road.

Mr. Clark made the following motion, seconded by Mr. McCabe:

“In accordance with the New York State SEQR Law, the Town of Hamburg Planning Board has reviewed the Sherwood Meadows Subdivision project and accompanying

studies and reports, which involve the creation of a 75-lot single-family home residential subdivision, received input from various Town departments and held several public meetings on the project. 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 that a Negative Declaration is hereby issued and the Chairman is authorized to sign the EAF, which will act as the Negative Declaration.”

Carried.

Mr. McCabe made a motion, seconded by Mr. Clark, to schedule a public hearing on this project to be held on August 5, 2015.

Engineering Department comments have been filed with the Planning Department.

Hanania Family Partnership rezoning (4819 Southwestern Boulevard)

Mr. McCabe stated that because this project involves a rezoning, he is uncomfortable with the notion that there is no justification being given from a financial perspective.

Attorney Mark Romanowski, representing the applicant, stated that justification for this project in terms of market demand will be submitted to the Town Board for its consideration.

Mr. Reilly stated that this property is located in a mixed-use area in terms of the Town’s Comprehensive Plan. He stated that the applicant’s argument is that this project makes sense because it leaves the front zoned commercial and the rear of the site is suitable for residential uses.

Mr. Clark made a motion regarding SEQRA, seconded by Chairman O’Connell:

“Based on review of information submitted by the applicant, meetings with the Planning Board, input from Town Departments and Advisory Boards, some input from residents, and review of the Part I and II of the full EAF, the following draft conclusions were reached:

IMPACT ON LAND

The project will not impact any unusual land forms, although the site contains areas where the water table is less than 3 feet in depth (there will be no basements) and construction will occur over more than 1 year, these impacts are not significant.

IMPACT ON WATER

The project site contains jurisdictional wetlands, but impacts to these wetlands will be minimal. The project will require a Stormwater SPDES Permit, and the stormwater design will meet or exceed State and Town requirements. The site contains no designated streams or creeks. The project will ultimately use approximately 39,000 gpd of water, and discharge this to a County owned wastewater system. The existing systems in this area will accommodate these

flows. The site is not located in a floodplain and with proper design should not cause flooding in downstream properties.

IMPACT ON AIR

The project will not have any significant impacts on air.

IMPACTS ON PLANTS AND ANIMALS

The project site does not contain any threatened or endangered species, and contains some areas that will be preserved for existing animals.

IMPACT ON AGRICULTURAL RESOURCES

The site is not located in an Agricultural District, and is not farmed. The past use was a driving range.

IMPACT ON AESTHETICS

The proposed project fits into the character of the area, and is laid out in such a way to preserve important features, protect surrounding uses (buffers adjacent residential areas), and locates commercial uses along the Southwestern Boulevard commercial area and multi-family away from the commercial areas.

IMPACT ON OPEN SPACE, RECREATION AND CEAs

The site does not contain any important open spaces, any public recreation, and is not located in an area of a CEA. The Town Recreation department has stated that there is not a need for public recreation at this location (recreation for the residents of the multi-family development is being provided).

IMPACT ON TRANSPORTATION

The project had the possibility to impact the surrounding roads, but a TIS completed revealed that it will not have a significant impact on transportation. The traffic safety advisory board has reviewed the proposal and concurs except for a concern about signal timing. No other egress (driveways or roads) will be allowed onto Southwestern (all development on this site will utilize the proposed driveway).

IMPACT ON ENERGY

The project will require a relatively large increase in power use, but modern design and code requirements will minimize this impact.

IMPACT ON NOISE, ODOR and FROM LIGHTING

Impacts to noise and odor for the project will not be large or significant. Construction noise impacts will be temporary in nature. Lighting will be strategically placed, will not shine onto neighboring properties and will be dark sky compliant.

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY

The project requires a rezoning, but has been shown to be in the Residential/ high density mixed use area in the Town's Comprehensive Plan. The proposal has been discussed at the Planning Board as to whether this mixed use high density development fits into this area. The rezoning promotes the continued construction of lower scale (C-1) commercial development along Southwestern and higher density residential behind it, which abuts a single family home area and other commercial areas.

Based on the above, the Planning Board recommends a Negative Declaration.”
Carried.

Mr. Clark made the following motion regarding the request rezoning, seconded by Mr. McCabe:

“Based on the review of submitted materials, and the input we received, the following is our recommendation on the rezoning.

The Planning Board would recommend approval of the rezoning with the following conditions:

1. The split zoning (C-1 and R-3) as shown on the application shall be instituted.
2. A conservation easement shall be provided to the Town for the areas identified in the Plan as being preserved.
3. The future commercial development will only have access to the proposed driveway to the apartment complex (no other access to Southwestern). The Town shall work closely with the NYSDOT on the new driveway entrance and signal coordination.
4. The developer shall provide a market study justifying the need for this type of project to the Town Board and Planning Board two (2) weeks before the Town Board holds its public hearing.”

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Chairman O'Connell made a motion, seconded by Mr. Geraci, to approve the minutes of July 1, 2015. As there were five (5) ayes and one (1) abstention (Mr. Collins), the motion passed. Carried.

Mr. Schawel made a motion, seconded by Chairman O'Connell, to adjourn the meeting. The meeting was adjourned at 7:45 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary

Planning Board

Date: July 25, 2015