

Town of Hamburg
Planning Board Meeting
July 5, 2012
Minutes

The Town of Hamburg Planning Board met for a Work Session, followed by a Regular Meeting, on Wednesday, July 5, 2012 at 6:30 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, Sasha Yerkovich, David Bellissimo and Doug Schawel.

Others in attendance included Andrew Reilly, Richard Lardo and Attorney Cheryl McFadden-Zak.

WORK SESSION

James Kelleher – Vacant land east of 3556 Lakeview Road

Mr. Reilly stated that the property is currently zoned M-2 and the prospective owner would like it rezoned to R-A so that he can build a single family home there. He noted that building a single family home is probably the only thing that can be done with the property because most of it is a state wetland. He stated that the small part of the property that is not considered a wetland is located along Lakeview Road.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to forward a positive recommendation to the Town Board regarding this request to rezone property east of 3556 Lakeview Road from M-2 to R-A. Carried.

Gateway Printing - 3970 Big Tree Road

Mr. Reilly stated that the applicant proposes to construct an addition to the existing building. He noted that a variance will be required for the side yard setback. He further stated that the applicant will have to explain why no additional parking spaces are proposed.

Mrs. Yerkovich stated that it will be important to know what the new addition would be used for in order to determine whether the number of parking spaces that exist there is adequate.

Mrs. Yerkovich made a motion, seconded by Mr. O'Connell, to schedule a public hearing for this project to be held on July 18, 2012. Carried.

Engineering Department comments have been filed with the Planning Department.

Armor Inn Tap Room - 5404 Bayview Road

Mr. Reilly stated that the applicant proposes to construct additional parking for the restaurant across the street. He further stated that the applicant has merged the two properties.

Mrs. Yerkovich asked what it does for the safety of the pedestrians if the Board allows a new parking lot to be constructed at this location.

Mark Tuffilaro, representing the applicant, stated that the lot would be used for valet parking, noting that the restaurant is very successful and parking is limited.

Mrs. Yerkovich asked Mr. Tuffilaro if the applicant would be willing to designate the lot for valet parking and for employees only. Mr. Tuffilaro responded that it could be done, but he does not think it could be enforced, noting that a sign could be erected. He further stated that the applicant would do everything possible to make sure patrons do not park at this lot.

In response to a question from Chairman Reszka, Mr. Tuffilaro stated that there is an existing curb cut on Bayview Road where the parking lot is proposed. He further stated that the Armor Inn Tap Room has a banquet facility on the second floor and when a banquet is being held, the applicant would like to be able to valet park those vehicles in the new parking lot to leave room for restaurant patrons in the parking lot associated with the business.

In response to a question from Mrs. Yerkovich, Mr. Tuffilaro stated that the new parking lot would provide 50 spaces and the banquet hall can accommodate approximately 60 people.

Mr. McCabe suggested that a chain link fence be installed around the perimeter of the new parking lot to control access to and from it.

Mr. O'Connell stated that even if the employees and valet personnel crossed Clark Street and then crossed Armor Duells across from the gas station, the left turn arrow for vehicles turning south on Clark Street would make it dangerous.

Mr. Schawel stated that there is no conducive way to get from the new parking lot to the restaurant because there are no sidewalks in the area and people would have to walk in the shoulder of the roadways.

Attorney McFadden-Zak stated that she is surprised that the applicant would propose the new parking lot without installing crosswalks because of the potential liability to the applicant if someone gets hurt.

Mr. Tuffilaro stated that the applicant is currently having discussions with the County regarding the safety situation.

Mr. Lardo stated that he has not had any conversations with the County regarding any improvements to the roads in that area.

Chairman Reszka stated that he is concerned that approving this parking lot may be making things better for the business while making things worse for the general public in terms of safety.

Mr. Tuffilaro stated that the applicant has purchased the adjacent home on Abbott Road and plans to convert it to a commercial use. In response to a question from Attorney McFadden-Zak, he stated that the only property in the area the applicant owns is the lot where the restaurant is located, the adjacent home and the vacant parcel where the new parking lot

is proposed. He further stated that there are no parcels nearby for sale.

Mrs. Yerkovich made a motion, seconded by Mr. Bellissimo, to schedule a public hearing for this project to be held on July 18, 2012. Carried.

Engineering Department comments have been filed with the Planning Department.

Chairman Reszka made a motion, seconded by Mr. Bellissimo, to close the Work Session. Carried.

REGULAR MEETING

Oakwood Apartments – Vacant land, north side of Lake Avenue

Chairman Reszka stated that an editorial appeared in the most recent edition of the *Hamburg Sun* recommending that the Planning Board not forward a positive recommendation to the Town Board regarding this project until all safety issues regarding Lake Avenue in the Town of Hamburg have been mitigated. He further stated for the record that the Planning Board makes the final decisions regarding site plan approvals.

Mr. Reilly reviewed Part Two of the Full Environmental Assessment Form in order to thoroughly review the potential environmental impacts of the project.

Mrs. Yerkovich 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 Oakwood Apartment project. Based on revisions made to the Plan, review of the submitted materials (including Part 1 of the Full EAF, and evaluation of Part 2), input from other departments, committees and agencies, and consideration of public input, the Planning Board has concluded that the project’s environmental impacts have been avoided or mitigated to the maximum extent practicable.

Therefore, the Planning Board has determined that the proposed Oakwood Apartments project is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued.” Carried.

Mrs. Yerkovich made the following motion, seconded by Mr. Koenig:

“Based on the review of the Oakwood Apartment project, the revisions made to the site plan, and the completed SEQR process, the Hamburg Planning Board wishes to approve the Oakwood Apartment project. Therefore, Be It Resolved that the Hamburg Planning Board hereby issues site plan approval for the Oakwood Apartment project, proposed by David Burke, located on Lake Avenue, based on the site plan dated 6/25/12 and with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated 7/5/12.
2. A landscape plan shall be submitted to the Planning Department for review and approval within 30 days of this approval.

3. No access will be allowed to Glenwood Avenue.
4. The entrance onto Lake Avenue will restrict left turns out.
5. The requirement for the installation of sidewalks along Lake Avenue is waived.

Mrs. Yerkovich made a motion, seconded by Mr. Koenig, to amend the above motion to include the following additional condition:

- There will be no access to Oakwood Avenue.

Carried.

Engineering Department comments have been filed with the Planning Department.

Roger Duffett – Vacant land north of 5646 Maelou Drive

Mr. Reilly stated that the site plan for this project has changed, noting that the parking spaces previously located on the north side of the proposed building have been relocated in front of the proposed building. He further stated that a variance would be required because parking must be located at least 35 feet from the right-of-way.

Roger Duffett, applicant, stated that sewer is available to the proposed building. Mr. Lardo stated that he received a call from Erie County and the individual he spoke to indicated that the County is not aware of Mr. Duffett's plans regarding sewage disposal.

Mr. Reilly stated that his concern is that Mr. Duffett might rent out a portion of the new building to a tenant who requires more parking spaces than what Mr. Duffett plans to provide. He further noted that Mr. Duffett is only proposing 10 parking spaces for a building that could conceivably house three (3) different tenants.

Mr. Duffett stated that he is proposing parking spaces along the front of the building instead of the side because he may wish to construct another building in the future.

Mr. Duffett stated that he has spoken with representatives of the Erie County Water Authority and has learned that to extend the water lines to the new building would be cost prohibitive. He noted that he would like to pursue drilling a well instead.

In response to a question from Chairman Reszka, Mr. Duffett stated that he does not plan to have any fire service to the building.

Mr. Reilly stated that at the Board's next meeting the Board will have to decide whether to schedule a public hearing and also whether to forward a positive recommendation to the Zoning Board of Appeals regarding the proposed parking in the front of the building.

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

Engineering Department comments have been filed with the Planning Department.

Camp Road Medical Park – Vacant land south of 4855 Camp Road

Chairman Reszka stated that the applicant asked that the project be tabled, as a public hearing was scheduled for July 18, 2012.

Engineering Department comments have been filed with the Planning Department.

Suburban Adult Services, Inc. – Vacant land behind 3050 and 3060 Abbott Road

Chairman Reszka stated that this property is the subject of a public hearing to be held by the Town Board on July 16, 2012. He further stated that he understands that there are many neighbors who are opposed to the proposed rezoning.

Mr. Reilly stated that the neighbors' major issue is that if the proposed rezoning is approved, more and more apartment buildings will be approved between this vacant property and the homes on the south side of Willett Road.

Mr. Reilly reminded Board members that the Planning Board has already forwarded a positive recommendation to the Town Board regarding this rezoning proposal and that at this point the Board is reviewing the Site Plan at the applicant's risk, as the rezoning has not been approved.

It was determined that the Site Plan reflects all of the land the applicant owns at this point. It was further determined that two (2) apartment buildings are shown but only one (1) is planned at this time, although if the need arises and the funding becomes available the second building might be considered. It was further determined that the applicant is only asking for approval of one (1) building at this time.

Patricia Bittar from Wm. Schutt & Associates, representing the applicant, stated that most of the residents of the proposed apartment building would not have vehicles and there would be no permanent supervision on site. She further stated that the parking area proposed for this building might also be utilized by the day hab facility (3060 Abbott Road). She noted that if the second building is ever built, there may not be a need to provide additional parking if what is installed in conjunction with the first building suffices for both buildings.

It was determined that 12 residents would live in the apartment building and 24 parking spaces are proposed.

In response to a question from Chairman Reszka, Ms. Bittar stated that an agreement will be in place between SASI and Lombardo's Funeral Home regarding possible overflow parking for the apartment building on the funeral home property, if necessary.

Mr. Reilly confirmed with Ms. Bittar that the applicant has evaluated any environmental concerns on the property including wetlands, archeologically sensitive areas, etc.

Ms. Bittar stated that the proposed utility plan shows water service and a private fire hydrant to be located between the first apartment building and the potential second building. She noted that the hydrant would be located within 400 feet of the perimeter of the building(s).

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

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. McCabe made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board

Date: July 23, 2012