

Town of Hamburg
Planning Board Meeting
August 19, 2015
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M. on Wednesday, August 19, 2015 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, Stephen McCabe, David Bellissimo, Joseph Collins, Augie Geraci, Doug Schawel and William Clark.

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

REGULAR MEETING

Public Hearing - Lucia's (4151 Lakeshore Road)

Architect Daryl Martin, representing the applicant, stated that the applicant proposes a building and parking lot expansion at this site. He stated that the applicant is in the process of combining an adjacent lot with the lot that contains the restaurant building. He noted that the applicant would like to remove the existing patio and an existing office and build a new kitchen, new dining area up front and a new patio that would overlook the lake.

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 Lucia's to construct an addition to the building and a new parking area at 4151 Lakeshore Road. The Public Hearing will be held on August 19, 2015 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 regarding SEQR, seconded by Mr. Schawel:

"In accordance with the New York State SEQR Law, the Hamburg Planning Board has reviewed the Lucia's Restaurant project located at 4151 Lake Shore Road and the associated materials submitted with the site plan application, including a Short Form EAF. The project is a Type II action under SEQR and will not have a significant impact on the environment. Therefore, a SEQR determination is not required, and the SEQR review is completed."

Carried.

Mr. Bellissimo made the following approval motion, seconded by Mr. Clark:

"Based on the review of the Lucia's Restaurant project and having completed the SEQR process, the Hamburg Planning Board hereby issues Site Plan Approval for Lucia's Restaurant, located at 4151 Lake Shore Road, with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated August 19, 2015.
2. The landscaping plan shall be reviewed and approved by the Planning Department.”

Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing - Popeyes Restaurant (McKinley Parkway)

Christopher Kamber from APD Engineering, representing the applicant, stated that a 2,560 sq.ft. restaurant building is proposed with a drive-through. He stated that 46 seats are planned, but most of Popeye’s business is drive-through.

Mr. Kamber stated that a cross-walk with stop signs on either end has been added to the site plan per previous discussions with the Planning Board. He further stated that the handicapped parking spaces have been moved to the area west of the building in the larger existing parking lot, which is closer to the new building’s front door. He noted that he has spoken with the property owner, who indicated where the snow will be stored on the site.

In response to a question from Mr. Clark, Mr. Kamber stated that he spoke to the property owner about installing speed bumps in the roadway immediately west of the proposed building, but no one is in favor of that because of the amount of snow that this area receives and the problems associated with removing that snow where speed bumps are in place.

Mr. Bellissimo stated that he would like to see signs on both sides of the access road immediately west of the new building that make drivers aware that they are approaching an area where handicapped people will be crossing.

Chairman O’Connell stated that Wegman’s has speed bumps in the parking area, and they seem to work very well. He stated that he feels speed bumps are necessary in the area just west of the new building. Board members discussed the Wegman’s speed bumps with Mr. Kamber and seemed to feel strongly that speed bumps are appropriate in this situation. Mr. Kamber stated that the property owner is not in favor of speed bumps.

Mr. Kamber suggested raising the walkway leading from the front door across the roadway to the existing parking area. He noted that traffic would have to come up and over that raised walkway, which would slow vehicles down. He stated that the walkway would be 6 inches higher than the roadway.

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 Popeyes Louisiana Kitchen to construct a new restaurant on vacant land located

at 3670 McKinley Parkway. The Public Hearing will be held on August 19, 2015 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Chairman O’Connell declared the public hearing open. The following people spoke:

- Laura Podkulski, McKinley Parkway, asked where the vehicles would be exiting the site and whether a stop sign would be placed at that location.
- Michele Klaus, Kast Place, asked if the dumpster would be screened.
- Charlie Cox, Breckinridge Road, asked if the parking spots west of the new building could be moved closer to the building by moving the existing roadway further to the west and creating parking spaces in its place.
- Michele Klaus asked if the tenants of the existing plaza have been notified of this proposal.

Chairman O’Connell declared the public hearing closed.

Chairman O’Connell stated that he would like the applicant to come to the Board’s next meeting with a plan that has more pedestrian safety in mind.

Mr. Kamber stated that he believes there are two (2) options being considered as follows:

- Speed humps with signage on either side of the pedestrian walkway
- A raised access crosswalk with stop signs, as well as “pedestrian crosswalk” signs on either side.

Mr. Kamber stated that he will go with whichever option Board members prefer.

Board members agreed that the first option is the most preferable (speed humps with signage on either side). They also agreed that the safety of the pedestrians is paramount.

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

Engineering Department comments have been filed with the Planning Department.

Sherwood Meadows, Part 4

Attorney Sean Hopkins, representing the applicant, stated that the following changes were made to the subdivision plan since the Planning Board’s last meeting:

- A conservation easement in the name of the Town of Hamburg has been added on the back of the relevant lots to protect the wetlands.
- The location of the storm water management facilities has been added to the plan.

Mr. Reilly stated that the wetland area behind the relevant lots must be formally demarcated in the field.

Mr. Bellissimo made the following motion, seconded by Chairman O’Connell:

“Whereas, the Town of Hamburg has received a subdivision application from DATO Development to subdivide the property located northeast of Howard Road into 73 single-family home lots; and

Whereas, the Hamburg Planning Board, in accordance with New York SEQR law and SEQR regulations contained in 6NYCRR Part 617, issued a Negative Declaration on July 15, 2015 for this project; and

Whereas, the Hamburg Planning Board has reviewed the subdivision application against the subdivision requirements of the Town, the overall development plan, the input received from various agencies and the public and the Negative Declaration that was issued; and

Whereas, the Hamburg Planning held the required public hearings on May 6, 2015 and August 5, 2015 and received comments from the public; and

Whereas, the Hamburg Planning Board has found that the proposed subdivision is in accordance with the Town's subdivision requirements and wishes to approve the Preliminary Subdivision Plan.

Now, therefore, be it resolved that the Hamburg Planning Board hereby issues Preliminary Subdivision Approval in accordance with Chapter 230 with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated August 19, 2015.
2. Recreation fees in lieu of land will be required.
3. Sidewalks shall be constructed along the proposed public roadway.
4. A conservation easement in the name of the Town, to be reviewed and approved by the Town of Hamburg legal department, shall be provided for the wetlands along the creek corridor and recorded in the Erie County Clerk's office.
5. The wetland boundary conservation area shall be permanently identified by signage acceptable to the Planning Board.
6. The applicant shall petition and receive approval from the Frontier School District to include this property in the Frontier School District prior to final approval being granted.
7. All required traffic signage and control devices shall be installed at the applicant's expense. Utilities shall be underground, and two (2) street trees per lot shall be planted.
8. The applicant's request for a waiver of the fees for the apartments off of Heatherwood Drive shall be approved or denied by the Town Board before the Planning Board Chairman signs the Preliminary Plat."

Carried.

Engineering Department comments have been filed with the Planning Department.

West Herr Toyota – 4141 Southwestern Boulevard

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that a landscaping plan has been prepared and submitted, along with a storm water report that details the additional storm water runoff created by the additional 200'X 200' parking lot that was created on the Erie Community College parcel. He stated that this storm water report was submitted to the Engineering Department.

It was determined that the Planning Department would prepare resolutions granting Site Plan Approval.

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

Two 19 Sports, Inc. – 5160 Camp Road

Tom Kaleta, applicant, stated that he met with Ed Rutkowski from the New York State Department of Transportation (NYSDOT) regarding this proposed project, and Mr. Rutkowski's recommendation is the entrance and exit for this complex be located directly across from Elmview Avenue. He stated that Mr. Rutkowski indicated that if the access is located there, he will allow left-hand turns.

Mr. Kaleta stated 497 parking spaces are proposed, along with twelve bus parking spaces. He noted that his engineers are currently working on the site plans.

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

Glenn Wetzl – northeast corner of McKinley Parkway and Route 391

Attorney Sean Hopkins, representing the applicant, stated that since this project was first proposed, its density has been reduced from 66 lots to 45 lots. He noted that the project now would have a density of 1.46 units per acre. He stated that this density is lower than the residential neighborhood located on the opposite side of McKinley Parkway.

Attorney Hopkins stated that the request is to rezone this property from R-A to PRD (Planned Residential Development) because that would allow a precise layout to be approved, rather than a generic zoning classification, and that would assure everyone that the layout would be the project.

Attorney Hopkins noted that the originally proposed frontage lots on McKinley Parkway and Newton Road were removed, as were the entrances on McKinley Parkway and Newton Road. He stated that the access is now proposed on Boston State Road, and the NYSDOT has confirmed via email that this access is acceptable.

Attorney Hopkins stated that in the past six (6) months, a Traffic Impact Study has been submitted, a Phase One cultural resource report has been prepared, and a letter has been received from New York State Parks, Recreation and Historic Preservation indicating that there will be no impact on cultural resources. He stated that an effort has

been made to minimize the impact on the existing wetlands, and approximately .49 acre of wetlands would be impacted.

Attorney Hopkins stated that Chris Wood, engineer, looked at the existing flooding problems experienced by Mr. and Mrs. Johnson, 6411 Boston State Road, and the applicant will try to improve the Johnson's drainage situation in the following ways:

1. The applicant will intercept the existing drainage ditch that crosses onto McKinley Parkway and run it through a storm water pond on the project site.
2. The existing ditch that runs along the east side of the project site will be diverted into a storm water management area on the project site.

Attorney Hopkins stated that he can state with confidence that this will improve the existing drainage situation as a result of these improvements because the water will be diverted into the storm water management areas on the project site, and the outfall will be controlled through the outlet structure.

Attorney Hopkins stated that if this site was rezoned R-1, up to 90 lots could be developed on this site. He noted that the proposed layout includes 57.4% open space.

Attorney Hopkins stated that this layout fulfills the goals and clustering and goes a long way toward using the site in the best possible way.

In response to a question from Chairman O'Connell, Attorney Hopkins stated that the existing mature vegetation on the site would be preserved.

Attorney Hopkins stated that the proposal contains a 65-foot open space buffer along Newton Road and a 75-foot open space buffer along McKinley Parkway. He noted that that property will remain zoned R-A, and a deed restriction will be recorded in the Erie County Clerk's office.

Leslie Wilson, 4444 Grandview Avenue, asked if "private property" signs would be posted in the development.

Richard Lawrence, 4548 Newton Road, stated that recently it rained heavily, and yards on Newton Road flooded.

Tom Johnson, 6411 Boston State Road, stated that the last three (3) heavy rains flooded the pump station on Boston State Road.

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

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. Geraci, to approve the minutes of August 5, 2015. Carried.

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

Respectfully submitted,

Stephen J. McCabe, Secretary
Planning Board

Date: August 29, 2015