

Town of Hamburg
Planning Board Meeting
September 18, 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, September 18, 2013 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Vice Chairman Sasha Yerkovich, Doug Schawel, David Bellissimo, Dan O'Connell and August Geraci.

Others in attendance included Andrew Reilly and Sarah desJardins, Planning Consultants, Richard Lardo (Engineering Department) and Councilwoman Amy Ziegler.

Excused: Stephen McCabe

WORK SESSION

Eddy & Lewin Homes (Vacant land south of Sowles Road near Southwestern Boulevard)

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that a 29-lot single-family home subdivision is proposed. He stated that Harvard Street and Yale Street would be extended and looped together, and then interconnected with Sowles Road. He noted that the streets planned for extension are existing paper streets. He stated that the proposed lots would be served by existing public utilities.

Mr. Gow stated that the applicant will be requesting variances for front yard setbacks for all 29 lots in order to create more generous back yards. He noted that if the variances are granted, 40-foot driveways would still be provided.

Mr. Gow acknowledged that the applicant would have to petition the Town Board to abandon the paper streets so that Harvard Street and Yale Street can be extended.

Mr. Lardo stated that there could be problems with getting the utilities in if front yard variances are granted. Mr. Gow responded that because the sanitary sewer already runs down where the pavement would go, this would free up more space outside the road area for storm sewer, etc.

In response to a question from Chairman Reszka, Mr. Gow stated that the main ingress and egress would be onto Sowles Road.

In response to a question from Chairman Reszka, Mr. Gow stated that the proposed plan is not dependent upon receipt of the requested variances, but the variances would make it a better project.

Mr. Gow stated that a preliminary wetlands investigation has been done, and it does not appear that there are any wetlands on the site.

It was determined that screening will be required for the lots that back up to the commercial parking lot on Southwestern Boulevard.

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

Engineering Department comments have been filed with the Planning Department.

Villages at Mission Hills Apartments, Phase II

Mrs. desJardins reminded the Board that this project received Planning Board approval in December 2010, and the approval expired after six (6) months, so the applicant asked for re-approval of the Site Plan in the summer of 2011 and again in the summer of 2012. She noted that the applicant is again requesting re-approval of the Site Plan at this time.

In response to a question from Chairman Reszka, Mr. David Manko, applicant, stated that he will begin Phase II as soon as he obtains approvals from Erie County Sewer and Erie County Health Department. He further stated that he was given permission to construct two (2) buildings in Phase II as part of Phase I for financing purposes, but a Stop Work Order has been issued by the Building Inspection Department because the Phase II Planning Board approval has expired.

Mr. Reilly stated that no one may occupy a dwelling without Health Department approval, and the Building Department allowed Mr. Manko to begin construction of those two (2) buildings with the understanding the Health Department approval, as well as Erie County Sewer approval, would be in place by now.

Mr. Manko stated that he was told to construct the two (2) buildings, he got them up and now he cannot finish them. Mr. Reilly responded that Mr. Manko was not told to construct the buildings; rather he wanted to construct them for his own purposes.

Mr. Reilly suggested that Mr. Manko meet with the Building Inspection Department and direct his engineer to work on getting Health Department approval and ultimately Engineering Department approval.

Mrs. Yerkovich made a motion, seconded by Mr. Bellissimo, to schedule a public hearing to be held on October 2, 2013. Carried.

Engineering Department comments have been filed with the Planning Department.

Dan Howard Subdivision (Bayview Road and Big Tree Road)

Mrs. desJardins reminded the Board that it recently granted Preliminary Approval for a five-lot single-family home subdivision. She further stated that Mr. Howard has a prospective purchaser of the property who is interested in constructing duplexes on the lots. She noted that the property is zoned R-2, which does allow duplexes, and the lots meet all zoning requirements for duplexes.

Chairman Reszka stated that the subdivision was approved based upon the understanding that single-family homes would be constructed on the lots.

Mr. Reilly stated that the Preliminary Plat would have to be revised to show how the duplexes' driveways would be handled. He noted that one (1) driveway should service both duplexes on a lot.

Dan Howard, applicant, stated that he always wanted to be able to market the lots (or construct the homes himself) as single-family home lots or duplex lots. He stated that he does not know how the Planning Board got the impression that only single-family homes would be constructed and noted that the lots are big enough for duplexes per the Town Code.

Mr. Howard stated that he will guarantee that there will only be one (1) driveway per lot.

Mr. Bellissimo made a motion, seconded by Mr. O'Connell, to schedule a public hearing to be held on this five-lot subdivision for duplexes to be held on October 2, 2013. Carried.

REGULAR MEETING

Chairman Reszka asked for a moment of silence in honor of Kurt Allen's daughter, who passed away on September 13, 2013.

Public Hearing - Dana Weller (vacant land, west side of Boston State Road, across from Dorst Road)

Mrs. Yerkovich 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 three-lot subdivision proposed by Dana Weller to be located on the west side of Boston State Road. The public hearing will be held on September 18, 2013 at 7:00 P.M. in Room 7B of Hamburg Town Hall."

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that lot # 1 has been modified so that it has 100 feet of frontage along Boston State Road, so that a variance is no longer needed.

Mr. Gow stated that as requested, the flood plain is now shown on the subdivision map.

Mr. Reilly asked Mr. Gow to indicate on the subdivision map that no building is allowed within 60 feet of the top of the bank of Eighteen Mile Creek.

Chairman Reszka declared the public hearing open. No one spoke.

Chairman Reszka declared the public hearing closed.

Chairman Reszka made a motion, seconded by Mr. Schawel, to direct the Planning Department to prepare approval resolutions for the Board's October 2, 2013 meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing - Georgianne Peluso (4515 East Highland Parkway)

Mrs. Yerkovich 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 two-lot subdivision proposed by Georgianne Peluso to be located on the southwest corner of East Highland Parkway and Allendale Parkway (property is part of 4515 East Highland Parkway). The public hearing will be held on September 18, 2013 at 7:00 P.M. in Room 7B of Hamburg Town Hall."

Chairman Reszka declared the public hearing open. The following people spoke:

- Mr. Karl Kovacs stated that he lives adjacent to the lot in question and questioned whether the existing lot would still have the required 30 feet of rear yard. He also asked if a variance will be required if the person who builds on the newly created lot does not wish to comply with the setback requirements. He stated that he does not want a large home to be built on the new lot.
- Linda Kovacs stated that the existing home does not appear to be 30 feet from its rear yard.

Chairman Reszka declared the public hearing closed. Carried.

It was determined that the Planning Department will research whether the lot with the existing home conforms to the Town Code relative to setbacks.

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.

Shaw Properties (Vacant land north of 4819 South Park Avenue)

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the applicant is still considering options regarding the proposed layout of the 46 apartment units. He further stated that one (1) option being considered is to locate all of the buildings on the outside of the lot facing in towards a courtyard.

Mr. Gow stated that no egress or ingress is proposed on South Park Avenue. Instead, traffic will enter and exit the site via Bayview Road, and the plan is to incorporate the parking lot of the existing convenience store on Bayview Road into the entrance for the apartment complex.

Mr. Gow stated that the applicant is requesting a rezoning of the parcel from C-1 to N-C (Neighborhood Commercial) in order to pursue the proposed project.

Mr. Reilly stated that the Planning Board will conduct a Coordinated Review under SEQRA.

It was determined that Mr. Gow will submit a more detailed plan so that the Planning Board can forward a recommendation on the rezoning request to the Town Board.

Board members agreed that they approve of the plan to incorporate the entrance to the apartment complex with the existing convenience store parking lot.

In response to a question from Mr. Geraci, Mr. Gow stated that he will look into the existing traffic on Bayview Road and will meet with Erie County regarding the entrance onto Bayview Road.

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

Willow Woods Subdivision FEIS

Mr. Reilly stated that the Final Environmental Impact Statement (FEIS) for this project was recently mailed out to the Involved Agencies, and the Planning Board must wait a minimum of ten (10) days before issuing Findings. He further stated that the Planning Board can issue the Findings at its October 2, 2013 meeting.

In reference to the Preliminary Plat for this subdivision, Mr. Reilly stated that the biggest issues are forming a Homeowners' Association to own the landfill area, providing signage that will indicate where the boundaries of the landfill area are, and having a monitoring plan in place for at least five (5) years.

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

Sherwood Meadows Apartments

Chairman Reszka stated that the applicant had asked that the project be tabled.

Discussion of Local Law # 6 (Moratorium on electronic signage)

Mr. Reilly stated that the Town Board proposes to place a six-month moratorium on electronic variable message signage so that the Code Review Committee can review the law, clean it up and determine whether or where this signage will be allowed.

Mrs. Yerkovich made a motion, seconded by Mr. O'Connell, to recommend that the Town Board issue a six-month moratorium on electronic variable message signage. Carried.

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to approve the minutes of September 4, 2013, 2013. As the vote on the motion was five (5) ayes and one (1) abstention (Chairman Reszka), the motion carried.

Mr. Schawel made a motion, seconded by Mr. Geraci, to adjourn the meeting. The meeting was adjourned at 8:52 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board

Date: September 25, 2013