

Town of Hamburg  
Planning Board Meeting  
September 19, 2012  
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting on Wednesday, September 19, 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 and Doug Schawel.

Others in attendance included Andrew Reilly, Sarah desJardins and Richard Lardo

Excused: Sasha Yerkovich

**Public Hearing – Suburban Adult Services**

Mr. McCabe read the following public hearing notice:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Suburban Adult Services, Inc. to construct a 12-unit apartment building on vacant land located west of 3050 Abbott Road. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on September 19, 2012 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Mr. Reilly stated that this property was recently rezoned from C-2 to N-C (Neighborhood Commercial). He further stated that the applicant is requesting Site Plan Approval of one (1) twelve-unit building, with a possible second building to be constructed in the future (the second building would require Site Plan Approval from the Planning Board.) He noted that one of the conditions of rezoning was that a conservation easement will be placed on a portion of the property (approximately 1.6 acres) and the development of this property will be limited to no more than two (2) buildings.

Patricia Bittar from William Schutt & Associates, representing the applicant, stated that the proposal is to construct a two-story twelve-unit apartment building with access from Abbott Road. She further stated that a storm water detention pond is proposed, as well as a conservation easement area that will stay in its natural vegetated state forever. She noted that the proposed building is considered Phase One and if the applicant decides in the future that the second building is desired, Site Plan Approval will be required for that building.

In response to a question from Mr. Reilly, Ms. Bittar stated that if the second building is constructed, the storm water detention pond size will not need to be enlarged. She further stated that because the proposed disturbance area on the site exceeds one (1) acre, the pond must be designed in accordance with New York State Department of Environmental Conservation regulations, which require that the pond hold water for the sake of water quality and water quantity issues. She noted that the pond would have a normal depth of eight (8) feet.

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

Chairman Reszka declared the public hearing closed.

Mr. McCabe made a motion, seconded by Mr. Koenig, to direct the Planning Department to prepare approval resolutions for the Board's next meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

### **Russo Development (Old Milestrip Road)**

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

Andrew Gow from Nussbaumer & Clarke asked that the project be tabled until the Board's next meeting. He further stated that the applicant is in the process of renewing conversations with the utility provider whose property runs adjacent to Coder Road.

Mr. Gow agreed to submit responses to the questions raised at the Public Hearing.

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

Engineering Department comments have been filed with the Planning Department.

### **Boston State Holding Co., LLC – Rezoning from R-2 to R-3**

Chairman Reszka stated that he had just been presented with a petition from 137 neighborhood residents opposing the proposed rezoning. He further stated that all Planning Board members, as well as Town Board members, the Planning Department and the Town Engineer, would be receiving a copy of the petition.

Attorney Sean Hopkins, representing the applicant, displayed an exhibit depicting the adjoining homes on Heatherwood Drive, along with the existing +/- 130-foot conservation easement that runs from the rear of these properties to the center line of the creek. The exhibit also depicted the proposed 50-foot wide conservation easement on the applicant's property adjacent to the creek. Attorney Hopkins noted that all vegetation in that conservation easement would be permanently preserved. Attorney Hopkins stated that no structure, parking or driveways would ever be built in the conservation easement area.

Attorney Hopkins stated that, because of the additional 50 feet of conservation area proposed by the developer, many of the residents of Heatherwood Drive would have almost 200 feet of permanent conservation area that would separate the rear of their lots from the beginning point of the portion of the site that would be developed by the applicant.

Regarding justification for the rezoning of this property, Attorney Hopkins stated that this site is clearly in the "Residential High-Density Mixed Use" area of the Town's Comprehensive Plan and therefore it is consistent with its recommendations. He further stated that from a planning perspective, this proposed rezoning makes sense because it would be a transition from the C-2 zoning along Camp Road to the existing R-2 zoning on Heatherwood Drive.

Attorney Hopkins stated that he reviewed the letters submitted from the neighbors and noted that drainage will have to be addressed by the applicant if the project gets to the Site Plan

Approval stage. He further stated that the applicant had a project approved on this property a number of years ago and is confident there is adequate sanitary sewer capacity for this current proposal. He noted that the creek corridor would be left in its existing state, so the animal habitats would remain.

Mr. Reilly stated that the existing zoning of the property (R-2) allows the construction of duplex rental units. He noted that a previous cluster development was approved on this property in 2004 for single family homes.

Chairman Reszka stated that the applicant could, if he so chose, build that approved subdivision now.

Mr. Reilly showed the Board a map of the Town that indicates where R-3 zoning exists and how much of it is currently developed. He noted that the Town's Community Development Department has indicated that there is not much R-3 property available for development in Hamburg.

Mr. Reilly explained to the members of the public the rationale behind the Comprehensive Plan and why it designated the southern part of the Town as an area to remain rural.

Attorney Hopkins reiterated that the requested rezoning is consistent with the Town's Comprehensive Plan.

Chairman Reszka stated that the Planning Board received traffic information from the Hamburg Police Department for Howard Road, as well as the accident history for the corner of Howard Road and Camp Road. He noted that only eight (8) accidents were reported at that intersection in a three year period. He further noted that the addition of traffic from this proposed project would not result in a huge increase in the volume of traffic currently on Howard Road.

Mr. Reilly stated that it is his understanding that when the Mission Hills project on Camp Road is fully built out, the New York State Department of Transportation will install a signal at the corner of Camp Road and Howard Road if the thresholds have been met. He further stated that the typical level of traffic that initiates a traffic study is 100 car trips or more per hour. He noted that this proposed project will not generate that level of traffic.

Attorney Hopkins noted that the Institute of Transportation Engineers does national studies to come up with projections based on land uses and, based on the projected car trips per hour generated by this project during the afternoon peak hours (40 car trips per hour), the added traffic to Howard Road would be relatively minor.

Mr. Reilly asked Andrew Gow from Nussbaumer & Clarke where the required private recreation area would be located on the site. Mr. Gow responded that it would probably be located on the west side of the property.

It was determined that the roadway accessing the development would be private.

Mr. Jeff Russo, applicant, stated that he and his brother are proposing the project. He stated that they have attended several Town meetings and have met with the neighbors to discuss their concerns. He further stated that they are trying to utilize the property in the way that makes the most sense, given how it is situated. He noted that they purchased the property through an unsolicited bid and would now like to do something with it. He stated that he does not want to continue to pay taxes on the property and leave it undeveloped. He noted that he plans to build quality units and attract quality tenants.

Mr. Bellissimo informed Mr. Russo that the Planning Board received a letter from Kurt and Joanne Greiner, which stated that they were informed that the Russos have no intention of being rental agents and that they plan to build the units and sell them off. Mr. Russo responded that this is not a true statement.

Attorney Hopkins stated that the Russos have no intention of selling this property, noting that they have the finances and ability to construct the project.

Karen Aquiline, 3460 Heatherwood, stated that she and some of the neighbors walked the Russo property with Mr. Russo's brother and at that time he said that he is not a rental agent and has no plans to retain ownership of the project once it is built.

Kris Gorman, member of the audience, stated that she is concerned that the Russos will complete the project and then sell the entire property to a large management firm. Attorney Hopkins responded that is not the Russos' intention.

Ms. Gorman asked why the subdivision that was previously approved on this site was never constructed. Attorney Hopkins responded that the subdivision was to be developed by a well-known third party developer, but that prospective purchaser backed out of the deal.

Chairman Reszka stated that whether or not the Russos plan to sell the project after it is completed cannot be considered by the Planning Board when making a recommendation to the Town Board on the rezoning request.

Cheryl McBride, Heatherwood Drive, asked Mr. Reilly at what point the Town will decide that it is saturated with multi-family developments. Mr. Reilly responded that the Town desires to have a mixture of uses and has considered whether there is enough R-3 property in the Town, not whether the Town is saturated with this type of zoning.

Ms. McBride stated that within a two mile radius of her neighborhood there are several multi-family developments and senior housing developments, and several have vacancies. Attorney Hopkins stated that the applicant's target market is younger and more affluent seniors than those who would reside in senior housing.

Ms. McBride stated that she and her neighbors feel that their area is saturated with multi-family housing and do not feel there is a need for more.

Kevin O'Beirne, member of the audience, asked what the date of the Comprehensive Plan was. Mr. Reilly explained that the last update of the Comprehensive Plan was done in 2007.

Chairman Reszka stated that several current members of the Planning Board were on the Comprehensive Plan update committee.

Mr. O'Beirne stated that he is not in favor of spot zoning, which he feels this request would be. He further stated that he believes the rezoning request is purely for economic development. He asked what the process would be for the residents to learn what the Planning Board's position is regarding this rezoning request. Chairman Reszka stated that the Planning Board's position will be clear when it decides on whether to recommend the rezoning or not.

Mr. O'Beirne asked what the status of SEQR is for this project. Mrs. desJardins responded that the Town Board has resolved to seek Lead Agency Status and initiate a Coordinated Review of the proposal. She noted that the information will be mailed to the Interested and Involved Agencies once she receives it from the applicant's engineer.

Joanne Greiner asked which Mr. Russo the neighbors should believe regarding whether or not they plan to sell the development after it is constructed.

Mr. Reilly stated that there are federal wetlands on this property along the stream corridor. Attorney Hopkins stated that any wetlands will be avoided.

Chairman Reszka stated that the Board needs a few weeks to digest the correspondence received. He noted that the Board will probably make a recommendation to the Town Board at its next meeting (October 3, 2012.) He further stated that no additional information is required from the applicant.

Mary Laferty, 3489 Howard Road, stated that she recently noticed surveyors on her road and asked if there would be any other entrances to this proposed development besides the one depicted on the applicant's plans. Chairman Reszka responded that the plan being considered has only one (1) entrance/exit.

Chairman Reszka made a motion, seconded by Mr. Schawel, to table this proposal. Carried.

Engineering Department comments have been filed with the Planning Department.

### **Willow Woods Subdivision**

It was determined that the public Scoping Session for this project will be held on October 17, 2012.

Engineering Department comments have been filed with the Planning Department.

### **OTHER BUSINESS**

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to approve the minutes of August 15, 2012 and September 5, 2012. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 8:05 P.M.

Respectfully submitted,  
Stephen J. McCabe, Secretary  
Planning Board

Date: September 24, 2012