

Town of Hamburg
Planning Board Meeting
August 23, 2017
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, August 23, 2017 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, Vice-Chairman William Clark, Doug Schawel, Dennis Chapman, Robert Mahoney and Al Monaco.

Others in attendance included Town Planner Sarah desJardins and Assistant Municipal Engineer Rick Lardo and Attorney Mark Walling.

Excused: Augie Geraci

WORK SESSION

John Bierl - Requesting Sketch Plan Direction on a proposal to construct a 90-unit apartment development on land located on the south side of Big Tree Road, west of Eagle Crest Mobile Home Park

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that four (4) twelve-unit buildings, five (5) eight-unit buildings and one (1) duplex are proposed.

Mr. Gow stated that this property was originally slated to be developed as town homes, and two (2) duplexes and one (1) single-family home currently exist on the property, along with a roadway, cul-de-sac and accompanying utilities. He noted that the current developer is trying to use as much as possible of what is existing on the property.

Mr. Gow stated that the roadway would be expanded, an apartment building is proposed on the north side of the property and on the south side and the cul-de-sac would be reconfigured.

Mr. Gow stated that because of the location of the existing roadway, the applicant cannot locate the apartment buildings on the east side of the property the required 50 feet from the east property line and would therefore need variances from the Zoning Board of Appeals (ZBA).

Mr. Gow stated that the 100-year floodplain exists on the site, and any construction the applicant does in that floodplain must be raised up to at or above the base flood elevation. He noted that as a result, part of the project would involve filling some of the lower area to bring buildings up and out of the floodplain area. He stated that the applicant will build up the areas on which the buildings would be constructed, a topographic map will be prepared, and that map will be submitted to FEMA for a LOMA, which would mean that the area would be taken out of the floodplain and therefore flood insurance would not be required.

Mr. Lardo stated that in the above situation, the applicant would have to excavate an equal amount of fill on the site to equal what he fills.

Board members discussed fire apparatus access and determined that the applicant will have to satisfy the Supervising Building Inspector.

In response to a question from Mr. Mahoney, Mr. Gow stated that the roadways would be private, and there would be no homeowners' association because the apartments would be rentals.

Mrs. desJardins stated that the Town's new Fair Housing Law stipulates that at least 10% of the units be considered affordable, and this law will apply to this apartment development if it is approved.

It was determined that this property is located in the R-3 and R-4 Districts, both of which allow multi-family dwellings.

Board members discussed the proposed apartment building along Big Tree Road and its proximity to the parcel to the east. The applicant stated that he has made an effort to contact that property owner but has not been successful.

Chairman O'Connell stated that the Board will be more concerned about the proximity of the proposed apartment building along Big Tree Road to the property to the east than it will with the proximity of the buildings to the entrance road of the mobile home park.

Board members agreed that the applicant should not attempt to obtain variances until the Planning Board knows exactly how the project will be laid out. He stated that he would like the layout re-worked to incorporate the fire apparatus access, distance of the buildings to the property lines, etc.

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

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing - Cherry Cars 4670 Camp Road Special Use Permit

Michael Deni, applicant, showed Board members two (2) drawings of the site. The drawing entitled "Rev A" reflected the changes requested by the Planning Board and the Engineering Department (pavement removed so that it is 35 feet from the Right-of-Way). He stated that this drawing illustrates that this is not a tenable option for him because in that scenario it would not be realistic to park cars that far back from Camp Road and to park them so close to the building. He stated that there is not a single car dealership in the Town of Hamburg that displays vehicles that far from the roadway, and it would put him at an extreme disadvantage.

The drawing entitled "Rev B" shows the display area for the vehicles (the paved area) adjacent to the Right-of-Way. Mr. Deni stated that in this scenario, he would remove the existing fence that runs along his property line shared with the restaurant and remove some of the existing pavement in that area to create a green space and buffer. He stated that also in this scenario, there would be less pavement on the site than there is now.

Mr. Lardo advised Mr. Deni that the distance from the Right-of Way of parking areas cannot be reduced to closer than ten (10) feet from the Right-of-Way by the ZBA.

It was determined that the Planning Board cannot approve Mr. Deni's "Rev B" drawing without him obtaining a variance from the ZBA, and the parking cannot be closer than ten (10) feet to the Right-of-Way in any case.

Mrs. desJardins advised Mr. Deni to visit the Building Department on August 24, 2017 to apply for the necessary variance and to speak with her and the Supervising Code Enforcement Official, Kurt Allen, about his concerns regarding the Town Code and the definition of "street line".

It was determined that the public hearing would not be held so that the applicant can attempt to obtain the variance he requests.

In response to a question from Mr. Lardo, Mr. Deni stated that he does not intend to need a dumpster. Mr. Lardo further advised Mr. Deni that a landscaping plan will be required, and if landscaping is proposed in the paved area, then curbing will be required.

Mr. Clark made a motion, seconded by Mr. Chapman, to schedule a public hearing to be held on September 20, 2017 for this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Buffalo-South Motor Inn, Inc. – Requesting Site Plan Approval of a proposed gas station to be located at 4344 Milestrip Road

Chris Wood from Carmina Wood Morris, representing the applicant, stated that since the Board's last meeting, a landscaping plan has been submitted. He asked the Board to schedule the required public hearing for the requested Special Use Permit and Site Plan Approval.

Mr. Clark made a motion, seconded by Mr. Chapman, to schedule a public hearing to be held on September 6, 2017 for this project. Carried.

Engineering Department comments have been filed with the Planning Department.

D.E.B. Subdivision – Requesting Preliminary Approval of a proposed nine-lot subdivision to be located on Eckhardt Road

Chris Wood from Carmina Wood Morris, representing the applicant, stated that nine (9) lots are now being proposed. He further stated that the wetland delineation report has been completed, and the wetlands are now represented on the Preliminary Plat. He noted that the wetland delineation report will be submitted to the Army Corps of Engineers to get the jurisdictional determination, and the applicant will be applying for a permit to disturb less than one tenth of an acre of wetlands.

Mrs. desJardins stated that the Overlay District discourages standard road frontage lots. Board members agreed that the applicant cannot do much else with the property, and he is proposing to set the new homes back 70 feet from the road, so that could be considered mitigation from the discouragement of standard road frontage lots.

Mr. Clark made a motion, seconded by Mr. Chapman, to schedule a public hearing to be held on September 6, 2017 for this project. Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Clark made a motion, seconded by Mr. Chapman, to authorize the Planning Board to investigate the discrepancy found regarding the Villas at Brierwood map cover. Carried.

Mr. Clark made a motion, seconded by Mr. Mahoney, to reschedule the public hearing for Michael Jablonski, 3134 Old Lakeview Road, to September 20, 2017. Carried.

Mr. Schawel made a motion, seconded by Mr. Monaco, to approve the minutes of August 9, 2017. Carried.

Mr. Schawel made a motion, seconded by Mr. Mahoney, to adjourn the meeting. The meeting was adjourned at 7:40 P.M.

Respectfully submitted,
Doug Schawel, Secretary
August 31, 2017