

Town of Hamburg
Planning Board Meeting
February 21, 2018
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, February 21, 2018 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, Doug Schawel, Augie Geraci, Dennis Chapman, Robert Mahoney and Al Monaco.

Others in attendance included Town Planner Andrew Reilly, Attorney Cheryl McFadden Zak and Assistant Municipal Engineer Rick Lardo.

Excused: Vice-Chairman William Clark

WORK SESSION

Colton RV - Requesting a Special Use Permit to allow outdoor storage of recreational vehicles at 4817 Lake Avenue

The applicant did not appear on behalf of this proposal.

It was determined that the applicant proposes to store recreational vehicles in the fenced-in area in front of the building. It was further determined that the vehicles will be detailed and/or furnished inside the building.

Mr. Schawel made a motion, seconded by Mr. Chapman, to table this proposal.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing – 7:00 P.M., Elderwood at Hamburg Skilled Nursing Facility - Requesting Site Plan Approval of a proposed addition to the existing building at 5775 Maelou Drive

Victor O'Brien from C & S Engineers, representing the applicant, stated that changes to the parking lot that were approved a few years ago are included in the present proposal, along with a new proposed single story addition of just under 8,000 sq.ft. He noted that a net increase of 26 parking spaces is also proposed.

In response to a question from Chairman O'Connell regarding adding more parking spaces to the site, Mr. O'Brien stated that the site is fairly constrained, and there are wetlands on the site that cannot be further encroached upon. He noted that no new beds are planned for this addition.

Mr. Schawel 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 Elderwood at Hamburg Skilled Nursing Facility to construct an to the existing building located at 5775 Maelou Drive. The Public Hearing will be held on February 21, 2018 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.

Board members discussed the location of the dumpster(s) on the site.

Mr. Schawel made the following motion, seconded by Mr. Chapman:

„In 2016, the Hamburg Planning Board issued a SEQR Negative Declaration and approved the Site Plan for the construction of new facilities at the Elderwood at Hamburg Skilled Nursing Facility located at 5775 Maelou Drive. The applicant did not construct that project and now proposes a new project at that location. Based on the Planning Board’s review of the new plans and the fact that the plans represent a reduction in the proposed construction, and no adverse comments have been received, the Planning Board has determined that the SEQR Negative Declaration has not been impacted (no changes to the project that would result in any significant impact), and the project is still in conformance with the Town’s laws and the previous approval granted.

Therefore, the Planning Board hereby grants Conditional Site Plan Approval for this revised plan and confirms that the SEQR Negative Declaration is still valid. This approval is contingent upon the following:

- The Engineering Department comment letter dated February 21, 2018.
- The previous conditions placed on this plan.“

Carried.

Engineering Department comments have been filed with the Planning Department.

Leonard P. Iwanenko, Jr. - Requesting a Special Use Permit to operate a towing and storage facility at 4699 Camp Road

Mr. Iwanenko stated that the facility on this property has always been a storage facility.

Chairman O’Connell stated that Mr. Iwanenko was previously informed about the Town Code requirement that towing facilities provide an eight-foot high fenced in area for the storage of vehicles.

Mr. Iwanenko stated that he used this facility previously for his towing business, and at a previous location he used for towing for four (4) years, he only had a six-foot high fence. He stated that no one ever came to him and said that he needed an eight-foot high fence.

In response to a statement made by Mr. Iwanenko, Mr. Chapman stated that 4699 Camp Road was never approved for a towing business.

Chairman O'Connell advised Mr. Iwanenko that per the Town Code, the Planning Board cannot allow a towing facility to have a fence less than eight (8) feet high.

Mr. Iwanenko stated that there are five (5) other towing businesses in Town that tow for the Police Department, and not one of them has an eight-foot fence.

Mr. Iwanenko stated that he started to put two (2) feet of plastic on top of the existing six-foot high fence on the property and is still working on finishing it.

Chairman O'Connell advised Mr. Iwanenko that a letter will be sent to the Police Department from the Planning Department stating that he (Mr. Iwanenko) has not received the required Special Use Permit needed to tow for the Police Department.

Chairman O'Connell made a motion, seconded by Mr. Chapman, to table this project and request that the Planning Department write a letter to the Hamburg Chief of Police indicating that the applicant does not have the required Special Use Permit for 4699 Camp Road. Carried.

Engineering Department comments have been filed with the Planning Department.

Capital Telecomm Holdings, LLC, as agent for Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless - Requesting a tower special permit and site plan approval of a cellular tower to be located at 3081 Pleasant Avenue

Attorney Don Cheney from Cheney & Blair, representing the applicant, stated that a variance was granted by the Board of Zoning Appeals for the distance of the proposed cellular tower to the property line shared with the New York State Thruway and two (2) uninhabited sheds on the property.

In response to a question from Mr. Reilly, Attorney Cheney confirmed that the New York State Thruway Authority will be notified of this proposal.

Mr. Bill Johnson, faculty member at Rochester Institute of Technology and an RF engineer, stated that he reviewed the application and issued a fairly lengthy report with much general information. He stated that the summary of findings section of the report addresses each of the points that might be of issue as follows:

- The proposed height is reasonable and is probably at or close to the minimum height for the proposed site based upon coverage objectives.
- The site does not require non-ionizing exposure analysis because it is categorically excluded under FCC regulations from mandatory human exposure analysis.
- The proposed tower height needed to accommodate the applicant's antenna center line (ACL) of 150 feet leaves co-location options at lower ACL. The Planning Board may want to consider requesting that the applicant design for the possibility of adding an ad-

ditional 20' section to facilitate future co-location at a higher ACL if another service provider justifies the need and the extra height comports with aesthetic requirements.

- Now is the time to be looking at what the future might hold in terms of other sites that will need cellular coverage.

Peter Franz, RF design engineer for Verizon, stated that on January 24, 2018 he put together information showing the forward data volume and the ever-growing increase for the nearby site serving this area. He noted that the usage continues to grow as more and more people have smart phones, etc. He stated that this cellular tower would cover Thruway traffic and a portion of the neighborhoods northwest of the site.

Mr. Franz stated that although there are two (2) or three (3) cellular towers relatively close to this site, co-location is not a possibility because those towers are too far out of the center of the targeted gap area.

Mr. Reilly asked Board members to consider whether it makes sense to have the applicant increase the height of the proposed tower so other users can co-locate there.

It was determined that the proposed tower would be 158 feet high.

In response to a question from Chairman O'Connell, Mr. Johnson confirmed that in his opinion, this is the best site in the area for the proposed cellular tower in terms of what the applicant needs for coverage.

In response to a question from Chairman O'Connell, Attorney Cheney stated that he does not believe the applicant would have any problem designing the cellular tower to be expandable so that if, in the future, another applicant approaches the Town with the need for a higher tower in this location.

Mr. Schawel made a motion, seconded by Mr. Mahoney, to schedule a public hearing to be held on March 21, 2018. Carried.

Engineering Department comments have been filed with the Planning Department.

Villages at Mission Hills Subdivision, Part II - Requesting approval of a revised Preliminary Plat

Board members discussed the proposed conservation areas and which should be placed in a conservation easement.

David Manko, applicant, stated that he lost ten (10) lots as a result of wetlands on the property, so the number of proposed lots has been decreased to 81.

Mr. Schawel made a motion, seconded by Mr. Chapman, to schedule a public hearing to be held on March 21, 2018. Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Schawel made a motion, seconded by Mr. Geraci, to approve the minutes of February 7, 2018. Carried.

Mr. Schawel stated that he was advised that the applicant for the proposed Tim Hortons has received permission from Tim Hortons to close at 10:00 P.M. and open at 5:00 A.M.

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

Respectfully submitted,
Doug Schawel, Secretary
March 14, 2018