

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

Others in attendance included Town Planners Andrew Reilly and Sarah desJardins, Planning Board Attorney Cheryl McFadden Zak and Municipal Engineer Michael Quinn.

Chairman O’Connell wished everyone a belated happy St. Patrick’s Day.

**WORK SESSION**

**Lee Salisbury – Requesting Preliminary Approval of a two-lot subdivision to be located at 4289 Sowles Road**

Mrs. desJardins stated that the applicant had emergency surgery and could not attend the meeting. She stated that the applicant proposes to subdivide his mother’s property into two (2) lots. She noted that one (1) lot will contain the existing home, and the other lot (vacant) will be sold. She stated that a small portion of his mother’s property will be annexed to his property, which is next to it, to give him some more room.

Mrs. desJardins stated that the newly created lot meets all zoning requirements.

Mr. Clark made a motion, seconded by Mr. Mahoney, to schedule a public hearing to be held on April 4, 2018. Carried.

Engineering Department comments have been filed with the Planning Department.

**5277 South Park Avenue LLC – Requesting Sketch Plan Direction on a proposal to construct 60 attached two-story townhome units on portions of 5200 South Park Avenue and 5272 South Park Avenue**

Attorney Sean Hopkins, representing the applicant, stated that the term “townhome” simply refers to the style of home proposed, but the units will be upscale multi-family rentals. He stated that there will be six-unit and four-unit buildings, and the project is properly zoned.

Attorney Hopkins stated that an older garage on the site would be demolished in order to construct this project. He further stated that variances would be required, noting that in certain instances the proposed buildings are not the required 50 feet from the property line. He noted that the proposed buildings are set back the required 50 feet from Sowles Road.

Attorney Hopkins stated that there are no wetlands on the property.

In response to a question from Mr. Clark, Attorney Hopkins stated that he will investigate whether recreational areas are proposed in the overall redevelopment of the larger site.

In response to a question from Chairman O'Connell, Attorney Hopkins stated that he will investigate the possibility of installing sidewalks along Sowles Road.

Mr. Reilly asked Attorney Hopkins to investigate whether the proposed detention pond at the corner of the proposed entrance near Fairgrounds Road can be relocated.

In response to a question from Mr. Clark, Attorney Hopkins stated that the front of the units would face the interior roadway instead of Sowles Road.

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

Engineering Department comments have been filed with the Planning Department.

## **REGULAR MEETING**

### **Public Hearing - 7:00 P.M., - Colton RV - Requesting a Special Use Permit to allow outdoor storage of recreational vehicles at 4817 Lake Avenue**

Andrew Woodhouse, architect for the project, stated that the plans were revised based upon Planning Board input at the Board's last meeting. He stated that a parking layout was added to the Site Plan, and parking lot aisles were dimensioned. He noted that the parking lot aisles will be maintained by the tenant, and the areas where the tenant would like to park RVs are designated. He stated that an illustration of RVs laid out is shown, although that will vary depending on inventory and what the sizes of the RVs to be parked are.

Mr. Woodhouse stated that a maximum number of 225 RVs will be stored on the site.

In response to a question from Chairman O'Connell, Mr. Woodhouse stated that the parking lot is not proposed to be striped at this time.

Chairman O'Connell stated that he is concerned about fire and police vehicles being able to get through the parking lot. He noted that he would like the parking lot to be striped.

Mr. Chapman stated that it was his understanding after the last Planning Board meeting that the parking area would be striped.

Mr. Matt Neil, owner of the property, stated that he will talk to the tenant about striping the parking area.

Board members agreed that at least the aisles should be striped.

In response to a question from Mr. Monaco, Mr. Neil stated that he plans to install four (4) light standards in the parking lot. He agreed that the lights will be dark sky compliant shielded fixtures.

It was determined that the applicant will supply photos of the existing landscaping along Lake Avenue.

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 request by Colton RV for outdoor storage of vehicles at 4817 Lake Avenue. The Public Hearing will be held on March 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.

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

Engineering Department comments have been filed with the Planning Department.

**Public Hearing - 7:00 P.M., Christine Keuker - Requesting a Special Use Permit to operate an automotive repair business at 3261 McKinley Parkway**

Christine Keuker, applicant, stated that a revised plan was submitted based on input received from Mrs. desJardins and the Engineering Department. She noted that the proposed parking for customers, proposed parking for vehicles to be repaired and the existing curbing has been delineated.

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 request by Christine Keuker to operate an automotive repair business at 3261 McKinley Parkway. The Public Hearing will be held on March 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.

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

"In accordance with the New York State SEQRL Law, the Town of Hamburg Planning Board has reviewed the site plan for the Christine Keuker proposal to operate an automotive repair business in the existing building at 3261 McKinley Parkway. Based on this review, the Planning Board has determined that the project is not anticipated to result in any significant adverse environmental impacts, and a Negative Declaration is hereby issued." Carried.

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

"Conditional Site Plan Approval is hereby granted with the following conditions:

- Approval is contingent upon the Engineering Department comment letter dated March 21, 2018.

Carried.

Engineering Department comments have been filed with the Planning Department.

**Public Hearing, 7:00 P.M. - 3580 Southwestern Boulevard, LLC - Requesting Site Plan Approval of a revised previously approved Site Plan regarding a proposed parking lot expansion at 4795, 4803 and 4811 Camp Road**

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that this project was originally approved by the Planning Board, but the applicant has made some revisions to it in order to comply with New York State Department of Transportation standards. He noted that the owner has combined all these parcels into one (1) as requested by the Town.

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 3580 Southwestern Boulevard, LLC to construct a parking lot expansion on property located at 4795, 4803 and 4811 Camp Road. The Public Hearing will be held on March 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.

Mr. Clark made the following motion, seconded by Mr. Mahoney:

"In accordance with the New York State SEQRL Law, the Town of Hamburg Planning Board has reviewed the revised Site Plan for the West Herr Auction project, which involves the construction of additional parking to be located at 4789, 4795 and 4803 Camp Road. Based on this review, the Planning Board has determined that the project is not anticipated to result in any significant adverse environmental impacts, and therefore the Negative Declaration that was previously issued is still in effect."

Carried.

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

"The Planning Board hereby grants Conditional Site Plan Approval with the following conditions:

- Approval is contingent upon the Engineering Department comment letter dated March 21, 2018."

Carried.

Engineering Department comments have been filed with the Planning Department.

**Public Hearing – 7:00 P.M., Villages at Mission Hills Subdivision, Part II - Requesting approval of a revised Preliminary Plat**

It was determined that the applicant was not in attendance.

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 request for approval of a revised Preliminary Plat by The Villages at Mission Hills. The public hearing will be held on March 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.

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

Engineering Department comments have been filed with the Planning Department.

**Public Hearing – 7:00 P.M., 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, representing the applicant, stated that all property owners were notified within 500 feet of the project site, as required by Town Code. He noted that this would be a multi-carrier site. He stated that currently the cellular tower is proposed at 154 feet, but if the Board wanted the applicant to extend the height another ten (10) feet for other co-locators, it could be designed to be extendable.

It was determined that Verizon Wireless is a co-applicant and plans to install its antennas on the cellular tower at an elevation of 150 feet. It was further determined that a standby generator would exercise every other week for 15 minutes to make sure it is in working condition in case of a power outage.

It was determined that the top of the cellular tower would be lit with FAA obstruction lighting (steady red lighting).

Bill Johnson, professor at RIT and RF engineer, stated that he reviewed the material submitted by the applicant to see if there is a need for the cellular tower, if this site fulfills that need and if there are any alternate sites within ¼ mile of the proposed site that are better from a zoning point of view than the site selected by the applicant.

Mr. Johnson stated that there is no way that a cellular tower can be installed below the foliage, and there are no alternate sites within ¼ mile of this site that would be any better. He noted that the Verizon Wireless RF engineer prepared an analysis of the radio frequency coverage and the capacity to handle the multiple users anticipated in the future. He stated that the analysis showed that one of the nearby sectors that is currently serving the area will be saturated in the near future, and therefore this cellular tower is being proposed to provide coverage and capacity to relieve the other sites.

Mr. Johnson stated that the height being proposed for this cellular tower (154 feet) is acceptable.

Mr. Johnson stated that his recommendation is that this site is justified, it is at or near the minimum height and is needed for coverage and capacity.

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 request by Capital Telecomm Holdings, LLC to construct a cellular tower on property located at 3081 Pleasant Avenue. The Public Hearing will be held on March 21, 2018 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

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

- Anthony Gullo, 3100 Pleasant Avenue, stated that he lives directly across from where the cellular tower is proposed. He stated that when he received the notice, he assumed that the property owner would be leasing proposed on the other side of the Thruway for the cellular tower and not the property on Pleasant Avenue. He stated that the property across the Thruway is less than 1/8 mile from the project site. He stated that it has not been proven that RF waves do not cause cancer, and he is worried about raising a family so close to a cellular tower. He stated that there are better areas for the cellular tower that should be explored.

Chairman O'Connell declared the public hearing closed.

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

Engineering Department comments have been filed with the Planning Department.

**Eden Valley Brewing - Requesting Site Plan Approval of a proposal to redevelop a portion of the existing building at 6550 Southwestern Boulevard into a Tim Hortons**

Attorney Sean Hopkins, representing the applicant, stated that for purposes of the environmental review pursuant to SEQR, this project is a Type II Action, which means that it is exempt from an environmental review. He read the following excerpt from 6NYCRR Section 617.5 c (7):

“Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 sq.ft. of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities”

Attorney Hopkins stated that this project fall into the above category and needs no environmental review. Mrs. desJardins stated that she and Mr. Reilly agree with Attorney Hopkins' assertion that the project is exempt from environmental review.

Attorney Hopkins stated that it is his understanding that an appeal of Supervising Code Enforcement Official Kurt Allen's determination that this is a permitted use has been filed with the Board of Zoning Appeals, and the Board will hear the appeal on April 10, 2018.

Attorney Hopkins stated that he will submit a letter responding to the comments received at the public hearing held on March 7, 2018.

Board members asked for the Frontier bus schedules in the area.

Mr. Clark made a motion, seconded by Mr. Chapman, to table this project to the April 18, 2018 meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

**OTHER BUSINESS**

The Planning Board discussed a possible new building on the corner of Camp Road and Franklin Street to house Strictly Ts and Allstate Insurance that would be larger than the 7,000 sq.ft. suggested in the Site Design Conditions section of the Camp Road Overlay District. Board members agreed that the applicant can move forward with plans to request Site Plan Approval for the new building.

Mr. Schawel made a motion, seconded by Mr. Mahoney to approve the minutes from February 21, 2018 and March 7, 2018. As the vote on the motion was six (6) ayes and one (1) abstention (Mr. Clark), the motion carried.

Mr. Schawel made a motion, seconded by Mr. Geraci, to adjourn the meeting. The meeting was adjourned at 8:00 P.M.

Respectfully submitted,  
Doug Schawel, Secretary  
April 2, 2018