

Town of Hamburg
Planning Board Meeting
August 8, 2018
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting on Wednesday, August 8, 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, Dennis Chapman, Augie Geraci, Robert Mahoney and Al Monaco.

Others in attendance included Town Planners Sarah desJardins and Matt Bowling, as well as Attorney Cheryl McFadden Zak.

REGULAR MEETING

Public Hearing – 7:00 P.M., John Ward – Requesting Preliminary Plat Approval of a two-lot subdivision to be located at 3326 Queens Lane

Mr. John Ward, applicant, stated that he would like to subdivide his property so he can construct a new home that will be accessed from Van Peyma Road.

Mr. Schawel read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on August 8, 2018 in Room 7B of Hamburg Town Hall at 7:00 P.M. regarding a proposed two-lot subdivision known as the John Ward Subdivision, to be located at 3326 Queens Lane.”

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. Mahoney, to issue a Negative Declaration under SEQRA. Carried.

Mr. Clark made a motion, seconded by Mr. Chapman, to grant Preliminary Approval of this proposed subdivision with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated August 8, 2018.
2. The installation of sidewalks is waived.
3. The filing of a Map Cover is waived.
4. No further subdivision of this property will be allowed.

Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing – 7:00 P.M., Hamburg Land Associates - Requesting Preliminary Approval of a two-lot subdivision to be located in front of 4950 Southwestern Boulevard (Lowe’s)

Jonathan Phillips from Davidson Architecture & Engineering, representing the applicant, stated that the subdivision is being proposed in order to develop a new KFC on one (1) parcel. He noted that the applicant has no immediate plans to develop the other parcel.

Mr. Schawel read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on August 8, 2018 in Room 7B of Hamburg Town Hall at 7:00 P.M. regarding a proposed two-lot subdivision to be located on vacant property in front of Lowe’s, 4950 Southwestern Boulevard.”

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

- Mark Wittman, 4922 Oregon Road, stated that he lives next door to the proposed subdivision and asked on which parcel the KFC would be constructed. He asked if a drive-thru is proposed and how it would exit the property.
- A member of the public asked what the purpose is of subdividing the property.

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.

Public Hearing – 7:00 P.M., Plaza Street Partners - Requesting Site Plan Approval of a new KFC restaurant to be located in front of Lowe’s (4950 Southwestern Boulevard)

Jonathan Phillips from Davidson Architecture & Engineering, representing the applicant, stated that a new KFC is proposed in front of Lowe’s. He stated that some minor adjustments had been made to the building elevations and colors based upon comments made at the previous Planning Board meeting.

In response to a question from Chairman O’Connell, Mr. Phillips stated that the building material proposed is brick with two (2) main colors to mimic the look of the Lowe’s.

Chairman O’Connell asked if there is any way to do something additional/different with the facade, noting that the building looks plain. Mr. Phillips responded that there is not a lot of room to budge with the prototype because it is modular and prefabricated. He noted, however, that he can look at adding a larger cornice around the top of the building.

Attorney McFadden Zak showed the Board and the applicant a photograph of a KFC with a gabled peak.

Mr. Bowling stated for the record that the Chairman was discussing a corbeled cornice for the parapet.

Mr. Phillips stated that he can modify the cornice.

Mrs. desJardins informed Mr. Phillips that the Planning Department does not have a current Site Plan and asked for an updated one.

In response to a question from Mr. Mahoney, Mr. Phillips stated that the dumpster would have the same color scheme as the building, and it would be located outside in an enclosure with a brick finish on the front.

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 Plaza Street Partners to construct a new KFC Restaurant on vacant land in

front of Lowe's, 4950 Southwestern Boulevard. The Public Hearing will be held on August 8, 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:

- Mark Wittman, 4922 Oregon Road, asked what the operating hours would be, and whether store hours would differ from drive-thru hours. He asked about the proposed signage and whether it would be illuminated. He asked about any parking lot lighting and what delivery hours would be. He asked when grass would be cut and snow removed.

Chairman O'Connell declared the public hearing closed.

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

Engineering Department comments have been filed with the Planning Department.

Anthony Cutaia – Requesting Sketch Plan Direction on a multi-family project to be located at 5138 South Park Avenue

Attorney Sean Hopkins, representing the applicant, stated that the Sketch Plan had been updated to reflect input received from the wetland delineation report that was performed. He stated that two (2) of the previously proposed eight-unit buildings have been eliminated, bringing the total number of proposed units down to 168.

Chris Wood, engineer for the project, stated that one (1) building along South Park Avenue and one (1) building near Bayview Road were eliminated because of the existence of wetlands.

Attorney Hopkins stated that the site is 27 acres in size and is zoned R-3, and the density would be only 6.22 units per acre, which is relatively low. He noted that the applicant is cognizant of the fact that there is an existing subdivision on the north side of this site and plans to keep the existing tree line in that area intact. He further stated that the applicant's representatives will meet with the nearby property owners as part of the review process.

Attorney Hopkins stated that although the Town Code requires that a 50-foot area be provided between building on the site and the property lines, the current Sketch Plan shows the buildings behind the existing subdivision 87 feet away from that northern property line.

Attorney Hopkins stated that the wetland delineation report indicates that there are two (2) jurisdictional wetlands on the site. He stated that one (1) is 1.16 acres, and the other is .69 acres. He noted that there is also a jurisdictional ditch that wraps around a portion of the site. He stated that based on consultations with Earth Dimensions, Inc. (wetland consultant), and knowing what the U.S. Army Corps of Engineers will accept, the applicant proposes to impact 0.49 acres that would be part of the baseball field to be installed, and that would require a Nationwide Permit from the U.S. Army Corps of Engineers.

Attorney Hopkins stated that the wetland delineation has been submitted to the U.S. Army Corps of Engineers for its review, and once that department has issued a jurisdictional determination, it will be provided to the Planning Board.

Attorney Hopkins stated that a traffic impact study will be performed, but not until after school is back in session after Labor Day.

In response to a question from Mr. Geraci, Mr. Wood stated that the ball diamond would be used by Hilbert College.

Mr. Wood stated that it is understood that a recreation area would be provided in conjunction with this project, and the ball diamond would not be considered part of that.

In response to a question from Chairman O'Connell, Mr. Wood stated that there would be a clubhouse and pool, as well as a dog park and other amenities for residents of the development.

Mrs. desJardins stated that 500 square feet per unit, or almost two (2) acres, of recreation area would be required. She asked Mr. Wood to show where that area would be on the plans.

Chairman O'Connell stated that correspondence was received from Christopher Hull, Director of Community Development, expressing concern about the density of the project and whether adding such a large number of market rate rental units would oversaturate the current market place for this type of housing. He noted that Mr. Hull also expressed concern about the existing storm water ditch system along the eastern edge of South Park Avenue and whether it would be able to handle the water flow from light rains and heavy downpours. He stated that Mr. Hull indicated that this area has been prone to flooding during rain events in the past. He noted that Mr. Hull also asked whether the Town of Hamburg could have access to the current building on the site, as well as the ball fields, for meetings and recreational uses.

Attorney Hopkins stated that an onsite storm water management system would have to be designed and implemented that, once the site is fully developed, results in a rate of runoff that does not exceed what is there today.

Chairman O'Connell stated that he is very concerned about the density of the project, especially as it relates to fire apparatus getting in and out of the site.

Chairman O'Connell stated that the applicant will have to address Mr. Hull's comments and concerns.

Attorney Hopkins stated that the project meets the New York State Fire Code.

Mrs. desJardins stated that the Building Department has indicated that the project as proposed would be a problem regarding fire apparatus access to the buildings closest to the property lines. She recommended that the applicant meet with the Building Department to discuss that issue.

Mr. Geraci stated that Southwestern Boulevard is saturated with apartments, and additional apartments are proposed on Sowles Road.

Mr. Wood stated that the existing connection from Hilbert College to this site may or may not be utilized as part of this project.

In response to a question from Attorney McFadden Zak, Mr. Wood stated that this project is not expected to be for student housing.

Attorney Hopkins stated that the project that is most similar to this currently in western New York is Dockside Village on Transit Road in Amherst.

Mr. Clark made a motion, seconded by Mr. Mahoney, to seek Lead Agency Status under SEQRA. Carried.

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

Engineering Department comments have been filed with the Planning Department.

Kavcon Development, LLC – Requesting Sketch Plan Direction on a proposal to construct a retail project at 5110 Camp Road

Attorney Sean Hopkins, representing the applicant, stated that the Conceptual Site Plan had been revised since the Planning Board's last meeting as follows:

- The plan indicates that the project will meet the minimum overall green space requirement (15%)
- The plan indicates that the project will meet the minimum internal parking area green space requirement (5%).

Attorney Hopkins noted that, except for a small piece along Camp Road, there is no landscaping currently on this site. He noted that the project as proposed would be an improvement over what is there today. He stated that Chris Wood, project engineer, will be focusing the landscaping on those areas that are most visible on the site.

Attorney Hopkins stated that after looking at the number of parking spaces vs the uses that are currently on the site, the parking spaces behind the current building may actually be needed. He stated that if, after completing the first phase of this redevelopment, it appears that there is surplus parking behind the building, the applicant may consider adding some additional development in that area.

Attorney Hopkins stated that the parcel on Southwestern Boulevard included in this project has never been well maintained, and the proposed single-story multi-tenant buildings would be very well received.

Attorney Hopkins stated that there already are tentative transactions by which a building on the Southwestern Boulevard parcel would be fully leased.

Chairman O'Connell stated that the Traffic Safety Advisory Board (TSAB) will be reviewing this project, and he has been advised that Jerry Giglio, TSAB Coordinator, indicated that the existing entrance on Camp Road closest to the Camp Road/Southwestern Boulevard intersection should be closed instead of the one further south on Camp Road.

Mr. Wood stated that he will email the plans to the New York State Department of Transportation for informal input regarding which entrance on Camp Road should be closed.

Mr. Clark made a motion, seconded by Mr. Chapman, to seek Lead Agency Status under SEQR. Carried.

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

Engineering Department comments have been filed with the Planning Department.

Frank Russo – Requesting Preliminary Approval of an 11-lot subdivision as an extension of Niles Avenue

Mr. Keith Marquis appeared on behalf of the applicant. He submitted responses to the public comments made at the public hearing held on July 11, 2018 as follows:

TOWN OF HAMBURG NILES AVENUE SUBDIVISION PUBLIC HEARING COMMENTS

Item 1 – There is no way of determining where wildlife will adjust within the area. A total of 11 single family homes are proposed for the area on a total of approximately 6 acres. Total area

actually developed is roughly 2 acres including roadway meaning approximately 2/3 of the area will remain undeveloped.

Item 2 – Relocating wetlands would help in making the development more financially attractive by introducing additional buildable lots. However, first and foremost wetlands are to be avoided and any disturbance minimized. Wetlands can be disturbed up to 1/10 of an acre given certain circumstances but need to be presented to the Army Corp of engineers and substantiated. Based on most recent wetland delineation (2016) the wetlands are as noted on plan.

Item 3 – Wetlands delineation performed by Earth Dimensions, Inc.

Item 4 – Existing wetland limits have been determined by a consultant well versed in the delineation of wetland limits. The purpose of detention basin is to provide an area where the theoretical increase in drainage discharge is slowed to the eventual conveyance of runoff to the proposed discharge point. With surface water controlled via culverts and swales located outside the wetland boundaries, existing wetlands will function as they currently do.

Item 5 – See item 1

Item 6 – Single family homes are proposed. No manmade buffer is planned for the development.

Item 7 – The developer does not have the option to pick and choose where this particular development can be placed.

Item 8 – The developer would consider a potential area designated as a conservation area. Cul-de-sacs exist throughout the western New York area. To our knowledge there are no restrictions denoting the elimination of cul-de-sacs within the town.

Item 9 – The driveway leading to 3580 Niles Avenue will become part of the roadway extension. Construction of the roadway will follow requirements of the Town of Hamburg.

Item 10 – No additional actions are proposed to protect wetlands. Detention basins are designed to confine runoff for a 25 year storm based on Town of Hamburg requirements. If a 50 year storm were to occur, drainage throughout the entire area and town could potentially be compromised.

It was determined that the sidewalks would be installed along the entire property owned by the developer.

Mr. Marquis stated that he believes the developer would be agreeable to designating some conservation areas on the site. It was determined that Mr. Marquis will speak to Drew Reilly about where the conservation areas should be.

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

Engineering Department comments have been filed with the Planning Department.

Planning Board review of proposed Town Code revisions

Mr. Clark stated that if the Town Board wanted to make it mandatory for every Board member, even if he or she is an attorney, to get the four (4) hours of training, he would not object.

Chairman O'Connell made a motion, seconded by Mr. Chapman, to forward a positive recommendation to the Town Board regarding all of the proposed revisions to the Town Code.

OTHER BUSINESS

Mr. Schawel made a motion, seconded by Mr. Chapman, to approve the minutes of July 25, 2018. As the vote on the motion was six (6) ayes and one (1) nay (Mr. Mahoney), the motion carried.

Mr. Schawel made a motion, seconded by Mr. Mahoney, to approve the minutes of July 11, 2018. Carried.

Mr. Schawel made a motion, seconded by Mr. Geraci, to adjourn the meeting. The meeting was adjourned at 8:10 P.M.

Respectfully submitted,
Doug Schawel, Secretary
August 13, 2018