

Town of Hamburg
Planning Board Meeting
October 3, 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, October 3, 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, Robert Mahoney, Augie Geraci and Al Monaco.

Others in attendance included Town Planner Sarah desJardins and Attorney Cheryl McFadden Zak.

WORK SESSION

Hamburg Auto Center – Requesting Sketch Plan Direction of a proposal to construct an additional building at 5873 Camp Road

Mr. Ronald Henry, applicant and owner of Hamburg Auto Center, stated that he currently has a four-bay shop and has been at this location for approximately 15 years. He stated that his business has increased dramatically over the years, and he needs more room. He stated that he would like to add another shop in the rear of the property that would have three (3) additional bays. He further stated that he needs higher ceilings to more easily work on New York State Department of Transportation (NYSDOT) vehicles.

In response to a question from Mr. Geraci, Mr. Henry stated that the NYSDOT is not his only customer.

Mrs. desJardins stated that Mr. Henry would have to pursue an area variance for relief from the minimum lot coverage percentage of 15%. She further stated that Mr. Reilly, Town Planner, and the Supervising Code Enforcement Official are discussing the interpretation of a section of the Town Code that indicates that auto repair cannot be performed closer than 200 feet from a residentially zoned property, and this site is adjacent to R-1 zoned property.

In response to a question from Chairman O'Connell, Mrs. desJardins stated that Mr. Henry's current building is considered grandfathered relative to the 200-foot requirement, but the new building would have to adhere to current zoning regulations, or the applicant would have to pursue an area variance.

Mr. Henry stated that the adjacent property owner whose property is zoned R-1 indicated he would give Mr. Henry a letter of support.

Mr. Henry stated that there is an existing 16' X 16' shed on the property in the location where the new building is proposed that would be demolished.

In response to a question from Chairman O'Connell, Mr. Henry stated that the proposed building would be 50' X 32' (1,700 sq.ft.).

In response to a question from Mrs. desJardins, Mr. Henry stated that his dumpster is not located in an enclosure because he never knew it had to be enclosed. He further stated that he has a waste oil tank in an enclosure.

Mrs. desJardins stated that if the project is approved, the existing dumpster on the property will have to be located in an enclosure.

In response to a question from Mr. Clark, Mr. Henry stated that he is proposing a new building instead of an addition to the existing building because he wants to retain the ability to drive around the existing building, which would not be possible if an addition is built considering the position of the existing building.

Mr. Henry stated that he plans to replace the existing fence on the east side of the property.

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

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Capital Telecom 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 Donald Cheney appeared on behalf of the applicant.

Chairman O'Connell stated that he has been on the Planning Board for seven (7) years, and before that he was a member of the Village of Hamburg Planning Board, as well as a liaison as an elected official for a number of years. He stated that in his opinion the Planning Board does the best it can for the community, including its residents. He stated that the only thing the Planning Board asked of the applicant towards the end of the review process was that it be a good neighbor and propose ways to camouflage the cellular tower, and it appears that the applicant rejected that request. He stated that rejecting the Planning Board's request was wrong in his opinion. He stated that he believes there are ways to camouflage the cellular tower because he has seen many photographs of ways to do so on the Internet, and he believes that the applicant should want to be a good neighbor to the surrounding property owners and the community.

Chairman O'Connell stated that he believes that the applicant is doing wrong. He stated that he voiced his opinion to that effect at the Board's previous meeting, and the vote on the SEQR determination did not go his way, but he feels that the applicant is doing the wrong thing by not complying with the Board's request for ideas to camouflage the cellular tower. He urged Attorney Cheney to stress to the applicant that it should consider being a good neighbor and find ways to camouflage the cellular tower other than painting the pole white. He stated that it will be ugly and will not look nice, and his concern is for the community of the Town of Hamburg.

Attorney Cheney stated that he will bring up Chairman O'Connell's concerns with the applicant, and if there is an option out there that will work, he will propose it. He stated that the Chairman's concerns are noted.

Chairman O'Connell stated that he believes that the applicant is not being a good neighbor.

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

“WHEREAS;

In accordance with Section 280-332 of Article XLVII of the Hamburg Zoning Code, the construction a new cell tower in a residential zoning district requires site plan review and a tower special permit.

At the 9/19/18 Planning Board meeting, the above referenced project received a SEQR Negative Declaration and approval of a Tower Special Permit.

The Action is now subject to Article XLIV, Site Plan review.

WHEREAS;

Based on the following actions/submittals:

- a) The issuance of a SEQR Negative Declaration and the granting of a Tower Special Permit with conditions.
- b) The submittal of a Site Plan dated 8/21/17 in accordance with Section 280-333 A. (5), and Section 280-305 (applicable supporting data).
- c) Completion of a public hearing and input received from Hamburg Departments and Advisory Boards.

And per the conditions of the Tower Special Permit, the Site Plan;

- 1) Illustrates a tower with maximum six foot mount antennas;
- 2) Illustrates a tower that is a monopole painted a non-reflecting grey;
- 3) Illustrates a tower that shall be lit with a shielded, non-flashing red light
- 4) Illustrates a tower with no signage on it
- 5) Illustrates access, one parking space, a fence of eight (8) feet in height and the propane tanks to be relocated.

And per the requirements of Site Plan Review,

- 1) The requirement of a Landscaping Plan shall be waived, and
- 2) A SWPPP, Access Management Plan and Architectural Standards are not required.

And based on Section 280-306, criteria for review recommendations and the previous discussed information, the Planning Board has determined the following:

- 1) The project has been approved through the Tower Special Permit process.
- 2) That circulation and pedestrian safety are not a problem.
- 3) The Landscaping and setbacks are in accordance with the telecommunication facilities requirements.

Now Therefore Be It Resolved, that the Planning Board hereby issues conditional Site Plan Approval.”

Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Schawel made a motion, seconded by Mr. Mahoney, to approve the minutes of September 19, 2018. Carried.

Mr. Schawel made a motion, seconded by Mr. Mahoney, to adjourn the meeting. The meeting was adjourned at 7:20 P.M.

Respectfully submitted,
Doug Schawel, Secretary
October 10, 2018