

Town of Hamburg  
Planning Board Meeting  
November 7, 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, November 7, 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 Planners Drew Reilly and Matt Bowling, Town Engineer Michael Quinn and Attorney Cheryl McFadden Zak.

Excused:

**WORK SESSION**

**Guggenheim Development Services, LLC – Requesting Preliminary Approval of a two-lot subdivision to be located as an outparcel in front of Lowe’s (4950 Southwestern Boulevard)**

**Guggenheim Development Services, LLC – Requesting a Special Use Permit and Site Plan Approval of a proposed Jiffy Lube to be located on an outparcel in front of Lowe’s (4950 Southwestern Boulevard)**

Chairman O’Connell stated that when the property in front of Lowe’s was split into two parcels recently and the KFC project was approved by the Planning Board, one of the conditions was that the property not be further split. He stated that this applicant would like to go on the second parcel but is requesting a three-lot subdivision because it does not want to own the entire second parcel and is willing to label the second and third new parcels “unbuildable”. He noted that the applicant does not want to have to pay taxes on property that cannot be developed.

Mr. Garth Winterkorn from Costich Engineering, representing the applicant, stated that the applicant plans to purchase the property from Hamburg Land Associates and locate a Jiffy Lube business on one (1) of the newly created parcels and retain ownership of the remaining two (2) parcels.

Mr. Winterkorn stated that a 3,375 sq.ft. building is proposed.

Mr. Jerry Giglio, Traffic Safety Advisory Board Chairman, stated that Mr. Sandy Carnavale, resident of nearby Oregon Road, advised him that he is concerned about the current stacking that occurs at the westernmost entrance to the Lowe’s and how it may get worse with the installation of the new KFC and Jiffy Lube. He stated that Mr. Carnavale asked if the Planning Board would speak to the DOT about closing the ramp for vehicles exiting to the west onto Southwestern Boulevard at that westernmost driveway.

Mr. Giglio stated that he feels that Mr. Carnavale’s concerns are legitimate.

Board members discussed the current traffic situation in the area of the Lowe’s on Southwestern Boulevard.

It was determined that Mrs. desJardins will contact the DOT regarding the above concern.

Mr. Winterkorn stated that Jiffy Lube is a very low traffic generator. He stated that twelve years ago when the Lowe's was being reviewed, the corresponding traffic study anticipated two (2) restaurants in front of the store, and obviously the Jiffy Lube would generate much less traffic than a restaurant.

Mr. Reilly stated that he is concerned that if the Planning Board allows the two (2) parcels not being purchased by the applicant to remain and be labeled "unbuildable" or "undevelopable", the owner will stop paying taxes on those two (2) parcels, they will go into foreclosure and the Town will end up owning them.

Chairman O'Connell stated that the applicant's attorney and the Planning Board attorney will have to discuss the issue and see if some amicable agreement can be arrived at.

Mr. Winterkorn explained how the Jiffy Lube operation would work and how the drainage would be handled. He showed Board members the proposed landscaping for the site and stated that all of the lighting would be downward lit with full cutoffs. He stated that the dumpsters would be fully enclosed by masonry walls that would match the building. He noted that a maximum of eight (8) employees would be on site per shift, there would be two (2) shifts and the hours of operation would be Monday through Friday from 8:00 AM until 7:00 PM, Saturday from 7:30 AM until 7:00 PM and Sunday from 8:00 AM until 6:00 PM.

Mr. Winterkorn showed Board members elevations of the proposed building.

Chairman O'Connell stated that he would like to see something a bit nicer on the back of the building facing Southwestern Boulevard. He stated that the bottom of the building looks nice, but there is nothing on the top of the building.

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

Engineering Department comments have been filed with the Planning Department.

## **REGULAR MEETING**

### **Public Hearing – 7:00 P.M., 5272 South Park Avenue LLC - Requesting Preliminary Plat Approval of a two-lot subdivision to be located on portions of 5200 and 5272 South Park Avenue**

Attorney Sean Hopkins, representing the applicant, stated that the project site consists of a portion of two (2) parcels. He stated that the majority of the project site is located on property at 5272 South Park Avenue, and for purposes of engineering and technical considerations a small portion of the project site is located on property at 5200 South Park Avenue.

It was determined that there will be no access to the development from South Park Avenue.

Attorney Hopkins stated that the SEQR Coordinated Review was initiated, and the 30-day comment period has expired.

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 5272 South Park Avenue to construct a residential project on property located at 5200 and 5272 South Park Avenue. The Public Hearing will be held on November 7, 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:

- Barb Lipka, Twilight Lane, asked where this subdivision is proposed.

Chairman O'Connell declared the public hearing closed.

It was determined that the project would be tabled.

Engineering Department comments have been filed with the Planning Department.

**Public Hearing - 7:00 P.M., 5272 South Park Avenue LLC - Requesting Site Plan Approval of a residential project on portions of 5200 and 5272 South Park Avenue**

Attorney Sean Hopkins, representing the applicant, stated that the project site consists of 7.6 acres and is property zoned for apartments. He stated that each apartment would have its own entrance and garage.

Attorney Hopkins stated that one (1) of the existing driveways on Sowles Road would be closed, and access to the site would be from the existing westerly driveway, as well as from the existing driveway used for Hilbert College. He stated that a reciprocal access agreement will be obtained from Hilbert College for that access.

Attorney Hopkins stated that intensive landscaping is proposed, as well as high intensity screening along Sowles Road. He stated that the trees in the area of the proposed bio-retention pond would be removed and replaced with new landscaping.

It was determined that there would be no dumpsters.

Attorney Hopkins stated that the surrounding residents are most welcome to discuss the project further with him at any time.

Attorney Hopkins stated that the applicant does not feel that sidewalks along Sowles Road make sense, given the location of the project and where sidewalks current exist.

In response to a question from Mr. Reilly, Attorney Hopkins stated that the proposed apartments are not intended for student housing.

Attorney Hopkins stated that the Hamburg Conservation Advisory Board (CAB) indicated that it did not like a particular type of tree proposed on the site, and this was relayed to the project landscape architect, who agreed with the CAB and will be replacing that type with another.

Mr. Reilly stated that there must be a way for the people living in this development to get to South Park Avenue. Attorney Hopkins stated that there are no sidewalks on South Park Avenue now.

Attorney Hopkins stated that there would be no basements, and it has been confirmed that the minimum depth to bedrock in this area is three (3) feet.

Mr. Schawel read the following notice of public hearing:

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

- Robert Gorecki, 5095 Fairgrounds Road, asked if the projected additional traffic from this project has been considered and how many units are proposed.

Attorney Hopkins stated that Erie County Department of Public Works, which has jurisdiction over Sowles Road, has requested that a traffic study be performed.

- A member of the public asked if there will be landscaping around the bio-retention area.
- Barb Lipka, Twilight Lane, stated that she is concerned about the woods being removed and believes that this will cause too much density in the area.
- A member of the public who lives on Twilight Lane asked what the plans are for the remainder of this large parcel.
- A member of the public who lives on Twilight Lane stated that there numerous apartment complexes in Hamburg and questioned the need for this type of housing.

Mr. Clark made a motion, seconded by Mr. Schawel, to leave the public hearing open and the table the project.

Engineering Department comments have been filed with the Planning Department.

#### **David Burke - Requesting Site Plan Approval of a new maintenance building associated with Sherwood Meadows Apartments (Heatherwood Drive)**

Mr. Reilly stated that when the apartment complex was approved, the applicant was not required to build a playground because there was no need, but he did have to provide a recreation area. He noted that the maintenance building is now proposed in the recreation area space, and therefore the recreation area must be replaced.

A representative of Mr. Burke stated that the original recreation area was 6,000 sq.ft. He stated that it is proposed that it be replaced with a 7,200 sq.ft. area now.

Mr. Chapman stated that the nearby playground area is owned by the school and is not intended to be used by the apartment dwellers.

Board members asked the representative what the applicant plans to do with the new recreation area. The representative stated that signs will be installed indicating that the area is for recreation.

Mr. Chapman stated that benches, a meditation garden, etc. would be good uses for the new recreation area.

The representative stated that the maintenance building would match the architectural look of the existing apartments.

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

Engineering Department comments have been filed with the Planning Department.

#### **Anthony Cutaia – Requesting Site Plan Approval of a proposed multi-family project to be located at 5138 South Park Avenue**

Attorney Sean Hopkins, representing the applicant, stated that the site consists of approximately 27 acres and is zoned correctly for apartments. He stated that all of the buildings would be two-story units, and a market study was conducted indicating that there is a demand for this type of housing.

Attorney Hopkins stated that the heavily vegetated area located south of the existing homes on Twilight Lane that ranges from 20 feet to 40 feet in width would be left and would be supplemented with landscaping. He stated that the buildings that are closest to the existing lots on Twilight Lane on the west side of the relocated ball fields would be located the required 50 feet from the property line. He noted that the buildings on the east side of the relocated ball fields would be located 87 feet from the property line.

Attorney Hopkins stated that two (2) of the eight-units buildings were eliminated previously.

Attorney Hopkins stated that the two (2) ball fields on the property used by Hilbert College would be relocated and updated, and Hilbert College has indicated that they will continue to be accessible to the public.

Attorney Hopkins stated that 3,200 sq.ft. of recreational trails are proposed that would wind around the entire site. He further stated that those trails, the other open spaces on the site and the relocated ball fields comply with the recreation area requirement.

Attorney Hopkins stated that Traffic Impact Study and a wetland delineation have been performed, and less than a one half acre of wetlands would be impacted.

Attorney Hopkins stated that an informational meeting will be held for nearby residents on November 27, 2018 to solicit input.

Attorney Hopkins stated that a portion of the existing large building on the site would be utilized as a community space and a clubhouse, and there would be a pool.

It was determined that Hilbert College has a 100-year lease on the existing ball fields.

It was determined that these apartments would probably not be affordable for college students.

Chairman O'Connell stated that he still feels this is a project that is way too dense.

Mr. Clark made a motion, seconded by Mr. Chapman, to table this project. 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 October 17, 2018. As the vote on the motion was six (6) ayes and one (1) abstention (Chairman O'Connell), 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  
November 20, 2018