

Town of Hamburg
Planning Board Meeting
May 1, 2019
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, May 1, 2019 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman William Clark, Doug Schawel, Dennis Chapman, Robert Mahoney, Al Monaco and Kaitlin McCormick.

Others in attendance included Town Planners Sarah desJardins, Andrew Reilly and Matt Bowling, as well as Planning Board Attorney Jennifer Puglisi.

Excused: Vice-Chairman Augie Geraci

WORK SESSION

Chuck Backus – Requesting Sketch Plan Direction on a proposal to convert an existing vacant building to public mini-storage and construct additional new mini-storage buildings at 1975 Lakeview Road

Chuck Backus, applicant, stated that he may request a variance from the Zoning Board of Appeals for a side yard setback. He further stated that he plans to put a new roof on and rehabilitate the 18,000 sq.ft. building in the front of the property, and he has rectified the environmental concerns.

In response to a question from Chairman Clark, Mr. Backus stated that he plans to add to the front and rear of the 5,500 sq.ft. building in the rear of the property for larger storage units for nice boats, etc.

Mr. Backus confirmed that all of the storage would be indoors.

Chairman Clark stated that the Board will want to see what the building and proposed landscaping would look like. Mr. Backus agreed to provide that information.

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

Kavcon Development LLC - Requesting Preliminary Approval of a two-lot subdivision at 5110 Camp Road

Attorney Sean Hopkins stated that the applicant purchased this property, as well as vacant land on Southwestern Boulevard. He stated that the applicant needs to subdivision 5110 Camp Road into two (2) parcels for project financing purposes. He noted that parcel # 1 would contain an out building with two (2) retail spaces, and parcel # 2 would encompass the remainder of the property.

Attorney Hopkins stated that a Site Plan Review application will be submitted so that the project and the subdivision can be reviewed simultaneously. He further stated that in order

to subdivide this parcel, certain variances will be required, so the applicant will attempt to obtain those variances, as well as possible variances for signage, before returning to the Planning Board.

Attorney Hopkins confirmed that no spec buildings are proposed as part of this project.

Chairman Clark made a motion, seconded by Mr. Chapman, to table this project to the Board's June 5, 2019 meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing – 7:00 P.M., Michael Schmidt – Requesting Site Plan Approval of a 4,400 sq.ft. self-storage building at 5139 Southwestern Boulevard

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the applicant submitted a revised plan to the Building Department in 2018 showing the last self-storage building proposed in a different location than what was previously approved by the Planning Board. He stated that it is his understanding that the Building Department approved the change in location.

It was determined that the change in location of the proposed building was authorized by the Building Department.

Mr. Chapman asked Mrs. desJardins to research a permit for site work for the latest building that had expired.

Chairman Clark stated that although a dumpster exists on the site, no dumpster is shown on the Site Plan.

Chairman Clark stated that he would like to see the entire storage area fenced in. Mr. Gow agreed to discuss that possibility with the applicant.

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 Michael Schmidt to construct new self-storage buildings at 5139 Southwestern Boulevard. The Public Hearing will be held on May 1, 2019 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Chairman Clark declared the public hearing open. No one spoke.

Chairman Clark declared the public hearing closed.

Chairman Clark made a motion, seconded by Mr. Monaco, to table this project to the Board's June 5, 2019 meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing – 7:00 P.M., Joseph Duggan – Requesting Preliminary Approval of a four-lot subdivision to be located at 6813 Taylor Road

Mrs. desJardins stated that the applicant contacted a wetland specialist at the Board's request and was dismayed at the cost. She noted that the applicant then asked the engineer from Greenman-Pederson, who completed the Environmental Assessment Form for the project, to contact the Town Engineer to confirm that no wetlands exist on the property. She stated that the engineer from Greenman-Pederson did contact Mr. Quinn, and Mr. Quinn indicated that he was satisfied that there are no wetlands.

It was determined that the applicant must hire a wetland specialist to determine whether wetlands exist on this property.

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 four-lot subdivision proposed by Joseph Duggan to be located at 6813 Taylor Road. The Public Hearing will be held on May 1, 2019 at 7:00 p.m. in Room 7B of Hamburg Town Hall."

Chairman Clark declared the public hearing open. No one spoke.

Chairman Clark declared the public hearing closed.

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

Engineering Department comments have been filed with the Planning Department.

CC Land Corp. - Requesting Site Plan Approval of a 10,350 sq.ft. building to be constructed at 5809 Camp Road

Chairman Clark made the following motion regarding SEQR, seconded by Mrs. McCormick:

"Whereas, the Town of Hamburg Planning Board received a Site Plan application from CC Land Corp. requesting Site Plan Approval of a +/- 10,350 sq.ft. building at 5809 Camp Road; and

Whereas, the proposed action (construction of a +/- 10,350 sq.ft. building) is an Unlisted Action under SEQR; and

Whereas, the Town of Hamburg Planning Board has received input from the Town's advisory boards; and

Whereas, a public hearing was held on the proposed action on April 17, 2019 with no comments being received; and

Whereas, in accordance with Part 617 of the Implementing Regulations pertaining to Article 8 (SEQR) of the Environmental Conservation Law, the Planning Board has reviewed Part 1 of the EAF and completed Part 2 and 3 of the FEAF and reviewed the criteria for determining significance in accordance with Section 617.7 of SEQR.

Now, Therefore, Be It Resolved, that the Hamburg Planning Board, in accordance with SEQR, has determined that the proposed project will not adversely affect the natural resources of the

State and/or the health, safety or welfare of the public and is consistent with the social and economic considerations and therefore issues a SEQR Negative Declaration in accordance with Section 617.7 of the SEQR regulations; and

Be It Further Resolved, that the Planning Board Chairman is authorized to sign the Environmental Assessment Form, which will act as the Negative Declaration.” Carried.

Chairman Clark made the following motion regarding site plan approval, seconded by Mr. Schawel:

“Whereas, the Town of Hamburg Planning Board received a Site Plan application from CC Land Corp. requesting Site Plan Approval of a +/- 10,350 sq.ft. building at 5809 Camp Road; and

Whereas, the Town of Hamburg Planning Board has determined that the project will not adversely affect the natural resources of the State and or health, safety and welfare of the public and is consistent with the social and economic considerations and issued a Negative Declaration; and

Whereas, the Town of Hamburg Planning Board has received input from the Town’s advisory boards, and the applicant received input from the Planning Board and revised the architectural design of the building to conform to the standards outlined in Article XXVIII of the Town Code (Camp Road/Village Overlay District); and

Whereas, a public hearing was held on the proposed action on April 17, 2019 with no comments being received.

Now, Therefore, Be It Resolved, that the Town of Hamburg Planning Board approves the Site Plan for 5809 Camp Road with the following conditions:

- Approval is contingent upon the Engineering Department comment letter dated 4/29/18.
- The final landscaping plan shall be approved by the Planning Department. The applicant shall adhere to Section 280-307.1 and 280-307.2 of the Town of Hamburg Code.
- The Town of Hamburg, in accordance with Section 280-306 of the Town Code waives the requirement of the installation of sidewalks along Franklin Street bounding the proposed project site for the following reasons:
 1. Sidewalks already exist on Camp Road, and there is a sidewalk on the opposite side of Franklin Street.”

Carried.

Engineering Department comments have been filed with the Planning Department.

David Canfield – Requesting Site Plan Approval of a new storage building to be located on vacant land, northeast corner of Lakeshore Road and Big Tree Road

Andy Gow from Nussbaumer & Clarke appeared on behalf of the applicant.

Mrs. McCormick stated that she was under the impression from the Conservation Advisory Board (CAB) that because the CAB was already in contact with the U.S. Army Corps of Engineers, a review was already started. She stated that she was advised by the Chairman of the CAB that there has been no formal investigation launched by the Corps of Engineers because there has not been a formal comment.

Mr. Gow stated that the applicant has no problems with the Town contacting the Corps of Engineers, but if there is an issue or enforcement action on it, that will happen with the Corps of Engineers because it is their jurisdiction. He stated that he does not want the dumping issue to slow up approval of the proposed project, which is on the other end of the site.

In response to a question from Chairman Clark, Attorney Puglisi stated that a formal complaint to the Corps of Engineers would have to be made by the Building Department.

Board members discussed the apparent dumping of large quantities of dirt on the site between 2011 and 2018.

Mr. Bowling stated that the acting Supervising Code Enforcement Official indicated that there has not been a reported complaint about illegal dumping since 1999. He further noted that the Supervising Code Enforcement Official also indicated that soil testing may be required at the time of Building Permit application.

In response to a question from Mr. Schawel, Mr. Gow confirmed that the location of the proposed building is not in the area where the dumping has occurred.

Mrs. McCormick stated that the Chairman of the CAB would like someone to do something about a referral on the wetland disturbance on this site.

Chairman Clark made a motion, seconded by Mr. Monaco, to ask the acting Supervising Code Enforcement Official to look at this site and investigate it for possible illegal dumping, and if there is illegal dumping, report that to the proper agency (Army Corps of Engineers). Carried.

Chairman Clark, seconded by Mr. Mahoney to table this project and authorize the Planning Department to prepare approval resolutions for the Board's June 5, 2019 meeting. 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 April 17, 2019. Carried.

Mr. Schawel made a motion, seconded by Mr. Monaco, to adjourn the meeting. The meeting was adjourned at 7:45 P.M.

Respectfully submitted,
Doug Schawel, Secretary
May 8, 2019