

Town of Hamburg
Planning Board Meeting
June 5, 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, June 5, 2019 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman William Clark, Vice-Chairman Augie Geraci, Doug Schawel, Robert Mahoney, Al Monaco, Dennis Chapman, and Kaitlin McCormick.

Others in attendance included Town Planners Sarah desJardins, Drew Reilly and Matt Bowling, Town Engineer Michael Quinn and Planning Board Attorney Jennifer Puglisi.

WORK SESSION

Eddy & Lewin Homes – Requesting Preliminary Approval of a two-lot subdivision to be located on vacant land west of 1576 Schoellkopf Road

Pat Eddy, applicant, stated that he would like to subdivide a parcel of land on Schoellkopf Road in order to construct single family homes on each new lot.

Chairman Clark made a motion, seconded by Mr. Chapman, to schedule a public hearing to be held on June 19, 2019. Carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Bryan Ehrhart – Requesting Preliminary Approval of a 30-lot cluster subdivision to be located on vacant land, north side of Pleasant Avenue

Mrs. desJardins stated that since the Board's last meeting, the applicant met with interested neighbors and has agreed to eliminate the proposed walking trail on the east side of the property and install a landscaped berm in its place.

Bryan Ehrhart, applicant, stated that a sidewalk would be installed along Pleasant Avenue.

Mr. Ehrhart stated that the general feeling he got from the meeting with the neighbors was that they wanted him to address the drainage and privacy concerns they had.

Mr. Ehrhart stated 11 soil borings were dug, and all but three (3) were located in disturbed areas where homes are proposed. He noted that the other three (2) soil borings were done where the roadways are proposed. He stated that the borings were strategically located as part of his due diligence to make sure he knows what is there.

In response to a question from Mr. Geraci, Mr. Ehrhart stated that all of the homes would have basements.

In response to a question from Chairman Clark, Mr. Ehrhart stated that he is still proposing a playground, although he noted that the neighbors had questions about what age group the playground would be geared towards.

Mr. Ehrhart stated that there still may be an access path around the pond for maintenance. He noted that the neighbors are concerned that paths may entice people to cut across the subdivision and possibly enter the subdivision to the east of this property.

Chairman Clark asked Mr. Ehrhart if the soil has been tested for any chemical contents. David Stutz from Studio T3, engineer for the project, responded that a chemical analysis has not been done. He noted that he does not think that a Phase 1 would be necessary.

Ms. McCormick confirmed with Mr. Ehrhart that as part of his due diligence he does not plan to have a Phase 1 done.

Chairman Clark stated that perhaps a performance bond would be appropriate in this situation just in case the road goes in and the homes cannot be placed on the land for some reason. He noted that once a certain percentage of the homes are built, the performance bond would no longer be needed.

In response to a question from Mr. Ehrhart, Chairman Clark stated that requiring a performance bond is something the Board has thought about doing more often because sometimes developers propose things and then do not build them.

Ms. McCormick stated that she is concerned that it may be very expensive to do this project and noted that she is also concerned about how much material will have to be dug out for the basements and how the builder will ensure that no unsuitable material is below that level.

Mr. Ehrhart stated that the location of the virgin ground was very important to find out, and that is why the soil borings were done. He further stated that allowances have been factored into the financing in case it becomes necessary to undercut foundations with structural materials to make sure he is building on something that is suitable. He noted that in that situation, the unsuitable material would be removed from under the basement slab.

In response to a question from Ms. McCormick, Mr. Ehrhart stated that "unsuitable material" covers a very wide spectrum. He stated that just because it is unsuitable to build on does not mean it cannot be used in the areas where walk out basements will be or for grading.

Mr. Ehrhart stated that if any unsuitable material has to be exported from the site, it will go to a dump site.

Ms. McCormick stated that the Conservation Advisory Board (CAB) sent a memo on this project to the Planning Board indicating that it identified concrete rubble, etc. on the site and asking where material like that would go.

In response to a question from Mr. Mahoney, Mr. Ehrhart stated that the roads would be public and the Homeowners' Association (HOA) would be responsible for maintaining the storm water pond and the common green space areas.

Mr. Quinn stated that he reviewed the submitted geotechnical report, and it his belief that the soils are good for buidling a road.

Mr. Reilly stated that he would like to know what the finished grades will be for the proposed homes and how that relates to the existing homes to the east of the site.

Board members discussed the benefits of cluster subdivisions vs traditional subdivisions.

In response to a question from Mr. Bowling, Mr. Ehrhart stated that there would be an approximately 12 to 13 foot difference between the new homes' elevation and the existing homes to the east of the site.

Mr. Stutz stated that he envisions a 4-foot berm along the rear of the properties to the east with 5-6' trees on top.

Board members discussed how high the berm should be.

Mr. Ehrhart stated that in addition to the storm water management controls he is obligated to install to control runoff, the proposed berm would help guide water off the site to the swale to the north and help with existing water problems the neighbors have.

In response to a question from Ms. McCormick, Mr. Ehrhart stated that there are no wetlands on the site. Ms. McCormick suggested that a walkover of the site be performed to make sure there are no federal wetlands.

Ms. McCormick stated that she will want some reassurance that the applicant will be meeting residential soil standards because of the fill that will be placed there. She noted that chemical testing would be appropriate.

In response to a question from Chairman Clark, Mr. Ehrhart stated that he would not commit at this time to doing chemical testing of the soil because of what that would entail. He further stated that if he comes across anything that looks suspect as the project is being built, he will have to test for environmental remediation.

Mr. Quinn stated that knowing what was done to build the round-a-bouts and the fill that was subsequently dumped on this property as a result, it is very likely that any chemical testing will not find anything. He stated that if there was anything undesirable in the soil, it would have been picked up by the soil borings.

Chairman Clark made a motion, seconded by Mr. Geraci to schedule a public hearing to be held on July 17, 2019. Carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Joseph Duggan – Requesting Preliminary Approval of a four-lot subdivision to be located at 6813 Taylor Road

Mrs. desJardins stated that the applicant had a wetland walk-over done, and the results showed that there is only one (1) small area of wetlands that would not affect the constructability of the site.

Ms. McCormick made the following motion, seconded by Mr. Schawel:

“In accordance with New York State SEQR law, the Hamburg Planning Board has reviewed the four-lot subdivision proposed by Joseph Duggan to be located at 6813 Taylor Road. Based on the Preliminary Plat, submitted materials and input from other departments, the Planning Board has determined that the proposed subdivision is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued.” Carried.

Ms. McCormick made the following motion, seconded by Mr. Monaco:

“The Hamburg Planning Board hereby grants Preliminary Plat Approval for the Joseph Duggan Four-lot subdivision to be located at 6813 Taylor Road with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated June 19, 2019.
2. Sidewalks exist along Camp Road and Staley Road.
 - 2019.
 - The installation of sidewalks is waived.
 - The filing of a Map Cover will be required.
 - Recreation fees in lieu of land will be required.
 - There shall be no further subdivision of these lots.”

Carried.

Engineering Department comments have been filed with the Planning Department.

Hamburg Auto Center – Requesting a Special Use Permit and Site Plan Approval of a proposal to construct an additional building at 5873 Camp Road

Ron Henry, applicant, appeared on behalf of the project.

Mrs. desJardins stated that the applicant did obtain the necessary variances. She noted that the privacy fence on the east side of the property will be replaced, and the applicant plans to install a dumpster enclosure on the south side of the property.

Mr. Henry stated that he plans to remodel the front of the existing building when the new building is constructed.

Chairman Clark made a motion, seconded by Mr. Mahoney, to schedule a public hearing to be held on June 19, 2019. Carried.

Engineering Department comments have been filed with the Planning Department.

Chuck Backus – Requesting a Special Use Permit and Site Plan Approval of a proposal to convert an existing vacant building to public mini-storage and construct additional new mini-storage buildings at 1975 Lakeview Road

Chairman Clark made a motion, seconded by Mr. Mahoney, to schedule a public hearing to be held on June 19, 2019. Carried.

Engineering Department comments have been filed with the Planning Department.

Michael Schmidt – Requesting a Special Use Permit and Site Plan Approval of a proposal to construct two (2) new self-storage buildings totaling 6,400 sq.ft. at 5139 Southwestern Boulevard

Mrs. desJardins stated that Mr. Chapman had asked her to research the history of the previously approved building not being constructed where it was located on the approved Site Plan. She noted that the Building Inspector at the time granted the applicant a Building Permit to construct the building in the different location.

Board members discussed the screening of the site and indicated to the applicant that they want trees planted on the existing berm on the north side of the property before a Building Permit is issued for the new building.

Michael Schmidt, applicant, stated that he had no idea there was a problem with him putting the previously approved building in a different location.

Chairman Clark made a motion, seconded by Mr. Chapman, to schedule a public hearing to be held on June 19, 2019. 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

Mrs. desJardins stated that since the Board's last meeting, the Building Department visited the site, took photographs of the areas where dumping has occurred and sent those photographs to the U.S. Army Corps of Engineers (USACE). She noted that the USACE indicated that it is investigating the dumping and will notify the Building Department as to whether action will be taken.

Mr. Geraci made the following motion, seconded by Mr. Monaco:

"In accordance with the New York State SEQR Law, the Town of Hamburg Planning Board has reviewed the Canfield Storage Building project, which involves the construction of a 2,400 sq.ft. storage building, and held the required public hearing on April 3, 2019. The project meets the criteria established in the SEQR law as a Type II action (617.5 (c) (7) and therefore does not require completion of the SEQR process.

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

- Approval is contingent upon the Engineering Department comment letter dated June 5, 2019.
- The installation of sidewalks is waived.
- The landscaping will be approved by the Planning Department."

Carried.

Engineering Department comments have been filed with the Planning Department.

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

Kavcon Development, LLC – Requesting Site Plan Approval of a proposal to construct a retail project at 5110 Camp Road

Attorney Sean Hopkins, representing the applicant, stated that all of the necessary variances were approved by the Board of Zoning Appeals on June 4, 2019. He noted that some of the variances were relative to the new internal property lines once the property is subdivided, and the rest of the variances have to do with the proposed signage for the project.

Attorney Hopkins stated that Consumers Beverages will locate on this site, and the applicant has a letter of intent for the proposed building to be located on Camp Road.

Attorney Hopkins stated that there will be no speculative development on this site, and buildings will be built as the applicant gets tenants.

Attorney Hopkins stated that he and the applicant met with the New York State Department of Transportation (NYSDOT), and the curb cut on Camp Road reflects where the NYSDOT asked for it to be located. He noted that an existing curb cut on Camp Road will be eliminated.

Jerry Giglio, Traffic Safety Advisory Board (TSAB) Chairman, stated that it is the opinion of the TSAB that the Camp Road curb cut should be located as far south on the site as possible because of the large amount of turning traffic in that area in both directions. He noted that the proposed driveway is almost directly across from the Arby's and McDonald's businesses.

Attorney Hopkins stated that the proposal is to remove the existing southern curb cut and move the existing northern curb cut further south to be aligned with the Arby's curb cut across the street.

Chairman Clark made a motion, seconded by Mr. Mahoney, to schedule a public hearing on the proposed subdivision and Site Plan to be held on July 17, 2019.

It was determined that resolutions will be prepared for July 17, 2019.
Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Geraci made a motion, seconded by Mr. Schawel, to approve the minutes of May 15, 2019.
Carried.

Mr. Geraci made a motion, seconded by Ms. McCormick, to adjourn the meeting. The meeting was adjourned at 8:15 P.M.

Respectfully submitted,
Doug Schawel, Secretary
June 11, 2019