

Town of Hamburg
Planning Board Meeting
July 17, 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, July 17, 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 Drew Reilly and Sarah desJardins, Town Engineer Mike Quinn and Planning Board Attorney Jennifer Puglisi.

WORK SESSION

Aspire of WNY, Inc. – Requesting a rezoning of vacant land located on the south side of Bayview Road across from Berkeley Place from C-2 to N-C or R-3 (whichever the Town prefers) in order to construct a 60-unit multi-family development

Chairman Clark stated that he would be recusing himself on this proposal and that Mr. Geraci would be acting as Chairman.

Attorney Steve Ricca, representing the applicant, stated that Aspire is pursuing this project in partnership with CHN Housing Partners. He stated that 25% of the apartment units would be occupied by Aspire of WNY for people with serious chronic disabilities, and the balance of the units would be occupied by CHN Housing Partners income qualified residents.

Attorney Ricca stated that the applicants met with the Town Board at a Work Session and also attended a Code Review Committee meeting, where the committee recommended that the rezoning be entertained by the Town Board.

Attorney Ricca stated that although these are not for profit organizations, they will be for-profit percentage owners, so they will be paying taxes pursuant to a PILOT program.

Attorney Ricca stated that traffic concerns have been raised, and the rezoning itself would not trigger a traffic problem because of all of the uses that are already allowed in the existing zoning district (C-2). He noted that a projected trip generation letter was submitted to the Town with the initial application, and peak traffic was projected to be 20. He stated that C & C has looked at uses that can be done in the C-2 district and found that the projected trips and traffic from those sorts of uses that are already allowed are much higher than what would be expected from a 60-unit apartment building. He further noted that residential uses generally do not attract drive-by traffic.

Mr. Reilly stated that this parcel is part of a larger property that was rezoned many years ago for a business park and it was approved with a traffic study, which is why Riley Boulevard was constructed to handle the new traffic generated by the business park.

Mr. Reilly stated that because only 25% of the apartments would be occupied by Aspire residents, he is concerned about the small number of proposed parking spaces.

Attorney Ricca stated that the applicant does not want to over park the site and is fairly comfortable with the number of parking spaces provided on the site plan, but there is plenty of room to add more spaces if need be.

In response to a question from Mr. Reilly, Attorney Ricca stated that the applicant has no plans for future expansion on this site.

Mr. Reilly stated that there is support in the Comprehensive Plan for this type of project, although in the Comprehensive Plan this area is called out for business park development.

Attorney Ricca fees that the proposed project is a comparatively low intensity traffic generating project, and it has been shown that brick and mortar retail is struggling.

Mr. Reilly stated that the applicant must be aware that the rest of the vacant land in this area would still be zoned for a business park, and in the future if a large commercial project is proposed there, the Town would not expect the applicant to object.

It was determined that the Aspire residents who would live at this complex would not need staff with them all of the time, but they would need help with menu planning, check book balancing, etc.

It was determined that the nearest bus stop is located at the intersection of Bayview Road and South Park Avenue, which would probably be used by many of the residents of this development.

Wanakah Country Club – Requesting Site Plan Approval of an expansion of the dining area and a new terrace off the ballroom at 5161 Lakeshore Road

Beth Buscaglia, architect, representing the applicant, stated that the proposed project involves a very small addition to the grill room at the country club. She noted that currently there is a covered event terrace in front of the grill room, and the plan is to convert part of the grill room to a golf simulator and expand the grill room itself by 1,091 sq.ft. She stated that the existing awning over the event terrace will be relocated to a new terrace that will be adjacent to the ball room. She stated that an open area for dining with umbrellas will also be added, making the total addition 2,100 sq.ft.

Mr. Quinn stated that he is satisfied with how the new areas will be drained.

Chairman Clark made a motion, seconded by Mr. Schawel, to schedule a public hearing to be held on August 7, 2019. Carried.

Engineering Department comments have been filed with the Planning Department.

Clinton Holcomb – Requesting Site Plan Approval of an indoor public mini-storage business in the former Dick’s Sporting Goods building (3504 McKinley Parkway)

Clinton Holcomb, applicant, stated that the former Dick’s building has been vacant for quite a while, and he would like to change the use to indoor public mini-storage. He stated that he plans to install new building signage.

Mr. Chapman asked the applicant if a marketing study was done to make sure there is a need for this type of use. Mr. Holcomb replied that he did do a study and found that there is a need.

Mr. Holcomb stated that no exterior changes are planned other than building signage and some paint.

Mr. Holcomb assured Board members that there would be no outdoor storage at this site.

In response to a question from Mr. Mahoney, Mr. Holcomb stated that he is not planning to get into the truck rental business at this site.

Chairman Clark made a motion, seconded by Mr. Chapman, to schedule a public hearing to be held on August 7, 2019. Carried.

Joe Ball – Requesting Site Plan Approval of a proposed 3,456 sq.ft. building addition and a 6,000 sq.ft. new maintenance building at 3725 Jeffrey Boulevard

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the proposal is to construct a new free standing truck maintenance building on Jeffrey Boulevard for Joe Ball, who has recently sold his business to Modern. He noted that the proposal also includes an addition to the existing truck maintenance building on the site.

Mr. Reilly stated that if any existing light fixtures are not dark sky compliant, they should be converted.

Chairman Clark made a motion, seconded by Mr. Monaco, to schedule a public hearing to be held on August 7, 2019. Carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing – 7:00 P.M., Kavcon Development LLC - Requesting Preliminary Approval of a two-lot subdivision at 5110 Camp Road

Public Hearing – 7:00 P.M., 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 the applicant purchased these parcels in 2016 and has received the necessary variances from the Zoning Board of Appeals. He noted that the SEQR Coordinated Review was initiated, and responses were received by the Planning Department from four (4) involved/interested agencies, none of which raised any concerns about any potentially significant environmental impacts.

Attorney Hopkins stated that a minor subdivision is proposed, along with a project that includes renovating the existing building on the site, constructing a new retail building along Camp Road and constructing two (2) new retail buildings along Southwestern Boulevard.

Attorney Hopkins stated that very extensive landscaping is proposed, including 76 new trees and approximately 130 new shrubs and bushes.

Attorney Hopkins stated that there could be some additional development in the rear of the site in the future, but at this time there are no such plans, and if the applicant decides to move forward with additional development, the proposal would require Planning Board approval.

Attorney Hopkins stated that a reciprocal access easement for the parcels will be recorded.

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 Kavcon Development to construct a retail project at 5110 Camp Road. The Public Hearing will be held on July 17, 2019 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a two-lot subdivision proposed by Kavcon Development to be located at 5110 Camp Road. The Public Hearing will be held on July 17, 2019 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Chairman Clark declared the public hearing open. The following people spoke:

- Patrick Healy, 42 Brookwood Drive, asked how this project is affected by the Town’s current moratorium on shopping centers.

Mrs. desJardins stated that this project is not affected by the moratorium because the applicant is not proposing spec buildings.

Chairman Clark declared the public hearing closed.

Chairman Clark made a motion, seconded by Mr. Mahoney, to authorize the Planning Department to prepare resolutions for the Board’s next meeting and table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing – 7:00 P.M., Burke Construction, LLC – Requesting Site Plan Approval of a project consisting of two (2) new 8-unit apartment buildings to be located on vacant land on the west side of McKinley Parkway, just north of 3300 McKinley Parkway

Attorney Sean Hopkins, representing the applicant, stated that the proposal is to construct two (2) two-story eight-unit buildings and a single story garage. He noted that this site is contiguous to the existing apartment complex owned by the Burke family. He stated that the applicant did obtain the necessary variances from the Zoning Board of Appeals.

Attorney Hopkins stated that an extensive landscaping plan has been submitted.

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 Burke Construction to construct two new apartment buildings on the west side of McKinley Parkway, south of Lake Avenue. The Public Hearing will be held on July 17, 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.

Mr. Geraci made the following motion regarding SEQR, seconded by Ms. McCormick:

“In accordance with the New York State SEQR Law, the Town of Hamburg Planning Board has reviewed the Burke Construction, Inc. project, which involves the construction of two (2) eight-unit apartment buildings on property located on the west side of McKinley Parkway, south of Lake Avenue, received input from various departments and held the required public hearing In accordance with the New York State SEQR Law. Based on this review and input, the Planning Board has determined that the project’s environmental impacts have been avoided or mitigated

to the maximum extent practicable. Therefore, the Planning Board has determined that the proposed Burke Construction, Inc. apartment project is not anticipated to result in any significant adverse environmental impact, and a Negative Declaration is hereby issued.” Carried.

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

“Based on the review of the Burke Construction, Inc. apartment project materials and having completed the SEQR process, the Hamburg Planning Board hereby approves the project with the following conditions:”

- Approval is contingent upon the Engineering Department comment letter dated July 17, 2019.
- The installation of sidewalks is waived, as there are no sidewalks on the west side of McKinley Parkway in the area.
- The landscaping plan shall be approved by the Planning Department.
- Recreation is available adjacent to the property.

Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing – 7:00 P.M., Full Circuit Athletics - Requesting Site Plan Approval of a proposed 9,744 sq.ft. new building to be constructed at 3110 Lakeview Road

Frank Wailand, representing the applicant, stated that the applicant has added seven (7) Honey Locust trees scattered along the front of the new building.

Board members discussed the proposed landscaping for the site.

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 Full Circuit Athletics to construct a new 9,744 sq.ft. building at 3110 Old Lakeview Road. The Public Hearing will be held on July 17, 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.

Mr. Geraci made the following motion regarding SEQR, seconded by Ms. McCormick:

“In accordance with the New York State SEQR Law, the Town of Hamburg Planning Board has reviewed the Full Circuit Athletics project, which involves the construction of a 9,744 sq.ft. new building at 3110 Lakeview Road, received input from variance departments and held the required public hearing In accordance with the New York State SEQR Law. Based on this review and input, the Planning Board has determined that the project’s environmental impacts have been avoided or mitigated to the maximum extent practicable. Therefore, the Planning Board has determined that the proposed Full Circuit Athletics project is not anticipated to result in any significant adverse environmental impact, and a Negative Declaration is hereby issued.”

Carried.

Mr. Geraci made the following motion regarding SEQR, seconded by Mr. Mahoney:

“Based on the review of the Full Circuit Athletics project materials and having completed the SEQR process, the Hamburg Planning Board hereby approves the project with the following conditions:

- Approval is contingent upon the Engineering Department comment letter dated July 17, 2019.
- The installation of sidewalks is waived, as there are no sidewalks in the area.
- The landscaping plan shall be approved by the Planning Department.”

Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing – 7:00 P.M., Bryan Ehrhart – Requesting Preliminary Approval of a 30-lot cluster subdivision to be located on vacant land, north side of Pleasant Avenue

David Stutz, engineer for the project, stated that a wetland delineation was done that shows that there are wetlands surrounding the entire perimeter of the property. He stated that the impact to the federal wetlands from this project would be approximately 24,500 sq.ft. in the area of lots 2 through 8.

Bryan Ehrhart, applicant, stated that he had three (3) test pits dug to test for semi-volatile and volatile chemicals. He stated that the pits were dug at basement depth per the New York State Department of Environmental Conservation (between 10 and 12 feet), and the report detailed trace amounts not requiring any kind of remediation or action by any agency.

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 30-lot subdivision proposed by Bryan Ehrhart to be located on the north side of Pleasant Avenue. The Public Hearing will be held on July 17, 2019 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Chairman Clark declared the public hearing open. The following people spoke:

1. Patrick Healy, 42 Brookwood Drive, asked the following questions and had the following comments:
 - He asked if the planned wetland mitigation changes in any way the layout of the proposed subdivision.
 - Regarding the three (3) test pits recently dug for analysis, he asked whether, since trace amounts of certain chemicals were found in those locations, the Board should be looking in other locations on the site to make sure hot spots were not missed.
 - He is concerned about the dumping that occurred years ago on this site and asked if wetland mitigation was done at that time and how the person who did the dumping got the permits to do that.
 - He is concerned that there could be 60 vehicles entering and exiting the subdivision at one spot and asked if the proposed curb cut onto Pleasant Avenue meets the New York State Department of Transportation requirements for that relatively blind curve.

- He is concerned about the impact the subdivision would have on the nearby sewer connection and whether the applicant will have the necessary access he will need to make it work without further encroaching into the existing easement or making it less desirable for him and his neighbors to live on their properties.
- He asked if any responses have been received as a result of the SEQR Coordinated Review.
- He stated that it is his understanding that years ago the Village closed the access from Pleasant Avenue to the Village Park west of this site because of safety concerns and asked if putting an entrance to this subdivision so close to that location is wise.

2. Eric Herman, 48 Brookwood Drive, had the following concerns:

- He is concerned about the additional traffic generated by this subdivision and the fact that there is not a lot of sight distance on the curves in that area.

Chairman Clark declared the public hearing closed.

Board members reviewed the comment letter received from the involved/interested agencies notified as part of the SEQR Coordinated Review.

Mr. Reilly asked Mr. Stutz to submit information on the sight distance along Pleasant Avenue.

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

Engineering Department comments have been filed with the Planning Department

Planning Board review of proposed Craft Winery law and proposed revisions to the existing Craft Brewery law

Chairman Clark made a motion, seconded by Mr. Mahoney to recommend that the Town Board approve the Craft Winery law amendment. Carried.

Chairman Clark made a motion, seconded by Mr. Chapman, to recommend the changes to the Craft Brewery law. Carried.

OTHER BUSINESS

- ✓ Board members discussed a fence that was partially erected at Glenn Wetzl's senior apartment development that was not on the Site Plan approved by the Planning Board. Board members agreed that it will review the fence at its August 7, 2019 meeting.
- ✓ Board members agreed that an applicant who wishes to change the use of a building located at 4243 and 4247 South Park Avenue should receive a Site Plan Waiver rather than Site Plan Approval. They further agreed that a condition of approval should be that there be no outdoor storage.

Mr. Geraci made a motion, seconded by Mr. Schawel, to approve the minutes of July 3, 2019. Carried.

Mr. Schawel made a motion, seconded by Mr. Geraci, to adjourn the meeting. Carried.

The meeting was adjourned at 8:00 P.M.

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Respectfully submitted,
Doug Schawel, Secretary
July 31, 2019