

Town of Hamburg
Planning Board Meeting
December 18, 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, December 18, 2019 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman William Clark, Vice-Chairman Augie Geraci, Doug Schawel, Al Monaco, Robert Mahoney, Dennis Chapman, and Kaitlin McCormick.

Others in attendance included Town Planner Matthew Bowling and Planning Board Attorney Jennifer Puglisi.

WORK SESSION

Carter's House, LLC – Requesting Preliminary Approval of a two-lot subdivision at 3110 Old Lakeview Road

Attorney Jay Pohlman, representing the applicant, stated that last year the Planning Board approved a plan to construct a building for batting practice at the applicant's baseball academy. He stated that the new building was constructed, and when he (Attorney Pohlman) attempted to get a separate address for the new building he was informed that a two-lot subdivision is required if each building is to have an address.

Attorney Pohlman stated that the new subdivision that was filed at the County Clerk's office consists of a portion of the applicant's property, as well as a small portion of the adjacent lot that is currently owned by his father. Attorney Pohlman stated that the small part of the adjacent lot was added so that there would be the required 30' for the side property setback. He further noted that the two buildings are ten (10) feet apart, and there is a walkway between them.

Attorney Pohlman stated that October 31, 2019 he filed the new subdivision at the County Clerk's office after forming a new entity called "Tyler's House", and the new subdivision lot was transferred from Carter's House to Tyler's House. He noted that easements for parking and access are included in the transfer.

In response to a question from Mr. Bowling, Attorney Pohlman stated that he has not gone to the County Clerk's office to reverse the filing of the subdivision because he must wait for the applicant's parents to sign off on the reverse because a small portion of their adjacent lot is included in the transfer.

Attorney Pohlman stated that he will reverse the filing of the new subdivision if he does not receive Planning Board approval. He stated that if he does not receive Planning Board approval of the subdivision he will reverse it, although he thought it was already approved.

Mr. Bowling stated that it is his understanding that the Supervising Code Enforcement Official determined that Attorney Pohlman must reverse the filing of the subdivision before the Planning Board acts on this request. Attorney Pohlman responded that it costs \$400 each time, whether he is filing the subdivision or reversing the conveyance.

Attorney Pohlman stated that the applicant's financing institution for the new building is not happy that the applicant is now playing around with its collateral.

Mr. Bowling stated that the next step in the review process is to refer the applicant to the Board of Zoning Appeals, since variances are required in order to create this new lot.

Attorney Pohlman stated that both LLCs (Carter's House and Tyler's House) are owned by the applicant. He noted that the only reason the subdivision is being proposed is for liability protection.

In response to a question from Chairman Clark, Attorney Pohlman stated that the applicant's father's new lot would be approximately 2.8 acres in size.

Attorney Pohlman stated that he attended the meeting in 2018 when the new building was reviewed, and he thought that at that time the layout of the two (2) lots was discussed.

In response to a question from Mr. Bowling, Attorney Pohlman stated that he hoped to reverse the filing of the subdivision within a week. He noted that he will need the approval from the financing company, and he will need the applicant's parents to sign the new deed.

Ms. McCormick made a motion, seconded by Mr. Schawel, to table this project. Carried.

Battery Post – Requesting approval of a revised Site Plan for a proposed project at 4109 St. Francis Drive (originally approved on 6-7-17)

Jeff Logsdon, applicant, stated that he has decided not to construct the addition to the existing building that was approved by the Planning Board in 2017, but he would like to extend the area approved in 2017 for the storage of golf carts.

In response to a question from Chairman Clark, Mr. Logsdon stated that the total area of the property to be used for the storage of golf carts would be just under one (1) acre.

In response to a question from Chairman Clark, Mr. Logsdon stated that there are federal wetlands on the property, but the storage area will be at least 50 feet away from them.

It was determined that the applicant will have the existing wetland delineation updated because it was done in 2001.

Mr. Logsdon stated that millings are proposed in the storage area, and this is the sixth time he has asked to expand that area. He noted that the existing storage area is not paved. He further stated that the storage area would be located in the 100-year flood plain, and he would not be changing the elevation.

Mr. Bowling advised the applicant to speak with the Building Department about whether a Flood Plain Development permit would be required.

Mr. Logsdon stated that he would have the federal wetlands area flagged.

Chairman Clark asked Mr. Logsdon to submit a plan to the Board showing the existing landscaping. Ms. McCormick also asked that the new plan show the swale and where piping is proposed.

In response to a question from Mr. Bowling, Mr. Logsdon stated that three (3) or four (4) trees would be removed in connection with this project.

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

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing – 7:00 P.M., E-One - Requesting Site Plan Approval of a 2,100 sq.ft. addition to an existing building at 4760 Camp Road

Dan Buchanan from Bammel Architects, representing the applicant, stated that the applicant proposes to construct a small covered metal enclosure for cold storage onto the side of one of the existing buildings on the property. He stated that currently there is pavement on all sides of the building, and none of that pavement would be removed.

Mr. Buchanan showed Board members a color rendering of the proposed addition and noted that the applicant tried to match the color of the existing building.

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 E-One to construct a 2,100 sq.ft. addition to an existing building at 4760 Camp Road. The Public Hearing will be held on December 18, 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, seconded by Mr. Schawel:

“WHEREAS, the Town of Hamburg received a Site Plan application from E-One to construct a 2,100 sq. ft. shed additional to the cold storage building at 4760 Camp Road; and

WHEREAS, the proposed 2,100 sq. ft. addition will be constructed over an existing paved area; and

WHEREAS, the proposed 2,100 sq. ft. addition will be in keeping with the size, scale, massing, materiality and overall style of the existing building; and

WHEREAS, the Town of Hamburg Planning Board has reviewed the project and held a public hearing on December 18, 2019; and

WHEREAS, the Town Engineer has reviewed the project and has provided comment; and

WHEREAS, the proposed project, construction of a 2,100 sq. ft. addition, is a Type II Action under the State Environmental Quality Review Act (SEQR);

NOW, THEREFORE BE IT RESOLVED, that the Town of Hamburg Planning Board approves the Site Plan application as proposed with the following conditions:

- Approval is contingent upon the Engineering Department comment letter dated December 18, 2019.”

Carried.

Engineering Department comments have been filed with the Planning Department.

5272 South Park Avenue LLC – Planning Board to review a minor change to the approved Site Plan

Rob Savarino, representing the applicant, stated that the applicant was looking for Planning Board approval of the two (2) minor changes to the previously approved Site Plan. He noted

that the minor changes are that the product is now a for sale product and will contain basements.

Mr. Savarino stated that previously the Board asked him to research what kind of subsurface will be found, and he had conversations with Stan Blas, owner of SJB Consultants, who indicated that he (Mr. Savarino) would most likely encounter topsoil and then most likely at the five-foot depth a weathered shale that would be easily removed by a ripping technique. He noted that Mr. Blas also indicated that harder shale would not probably be found until a depth of eleven feet is reached. Mr. Savarino stated that eight-foot basements are planned.

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

“WHEREAS, the Town of Hamburg received an amended Site Plan application from 5272 South Park Avenue, LLC to convert the approved apartment project from rental units to condominiums for sale; and

WHEREAS, the Planning Board approved this project on January 16, 2019, and this proposed change includes no physical alterations to the approved plan; and

WHEREAS, the Planning Board issued a Negative Declaration under the State Environmental Quality Review Act (SEQRA) on January 16, 2019; and

WHEREAS, the Town of Hamburg Planning Board has reviewed the project and determined that no changes are being made to the Plan and that no public improvements are being proposed to be dedicated to the Town for ownership and maintenance; and

WHEREAS, a public hearing was held on the amended application on December 4, 2019 with no adverse comments being received.

WHEREAS, the Town Engineer has reviewed the revised plans and has determined that the revised project will not have any impact on surface water, ground water or the water table in the area of the new development.

NOW, THEREFORE BE IT RESOLVED, that the Hamburg Planning Board has determined that this amended application does not change the SEQR decision made on this project (a Negative Declaration); and

BE IT FURTHER RESOLVED, that the Town of Hamburg Planning Board approves the amended site plan (including the previous conditions of approval; especially the restriction of no blasting).”

Carried.

OTHER BUSINESS

Mr. Geraci made a motion, seconded by Mr. Monaco, to approve the minutes of November 6, 2019 and December 4, 2019. Carried.

Mrs. McCormick made a motion, seconded by Mr. Chapman, to approve the minutes of November 20, 2019. Carried.

Mr. Schawel made a motion, seconded by Mrs. McCormick, to adjourn the meeting. The meeting was adjourned at 7:30 P.M.

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Respectfully submitted,
Doug Schawel, Secretary
December 30, 2019