

Town of Hamburg
Planning Board Meeting
February 19, 2020
Minutes

The Town of Hamburg Planning Board met for a Work Session at 6:30 P.M., followed by a Regular Meeting on Wednesday, February 19, 2020 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Vice-Chairman Doug Schawel, Dennis Chapman, Robert Mahoney, Al Monaco, Kaitlin McCormick and Megan Comerford.

Others in attendance included Town Planners Sarah desJardins and Matthew Bowling, as well as Town Engineer Michael Quinn and Planning Board Attorney Jennifer Puglisi.

Excused: Chairman William Clark

WORK SESSION

Alliance Homes – Requesting Preliminary Plat Approval of a proposed two-lot subdivision to be located at S-5100 Bayview Road

Andrew Romanowski from Alliance Homes stated that the property in question is zoned R-1, and the newly created lot would be just over one (1) acre in size. He stated that both lots would meet all Town Code requirements. He noted that one (1) lot would contain the existing home on the property, and the other lot would be built on by the property owner's son.

Mr. Romanowski stated that there are some wetlands and a flood plain on the property, but he is not proposing to disturb either.

In response to a question from Ms. McCormick, Andrew Gow from Nussbaumer & Clarke, project engineer, stated that the wetlands on the property have not been field delineated, but he expects that they exist in the area of the flood plain. He noted that even if the wetlands were going to be disturbed, it would be less than 1/10 of an acre, and he feels strongly that there are no wetlands in the area in which the home is proposed.

Mr. Romanowski stated that the distance from the proposed home to Rush Creek would be more than 100 feet.

Mr. Romanowski stated that the proposed top of wall elevation would be approximately eight (8) feet above the high bank of the creek at the closest point.

In response to a question from Mr. Quinn regarding the flood plain, Mr. Gow stated that he used the studied elevation of 725, did a field topo and applied to the Federal Emergency Management Agency (FEMA) for a Letter of Map Amendment (LOMA). He noted that the LOMA was received, and a copy was submitted to the Planning Department. He further stated that the LOMA was obtained primarily so that the homeowner will not have to purchase flood insurance.

In response to a question from Ms. McCormick, Mr. Romanowski stated that the intent is to leave the mature woods on the new lot pretty much undisturbed.

In response to a question from Mr. Bowling, Mr. Gow stated that nothing can be built in a floodway, and the things that can be done within a flood plain are limited. He noted that during a 100-year storm, for example, the main channel of water coming through an area is the floodway. He noted that the stiller waters on the outside of that channel are considered the potential flood plain.

Mr. Gow stated that the FEMA maps are not completely accurate regarding the location of the flood way.

Mr. Romanowski noted that in this area Rush Creek is quite small, and a person can easily step over it.

In response to a question from Mr. Chapman, Mr. Romanowski stated that the two (2) lots would have separate public utilities.

In response to a question from Ms. McCormick, Mr. Quinn stated that the Engineering Department has had no complaints about flooding in the area of this subdivision.

Mr. John Maddigan, owner of the property to be subdivided, stated that he has lived there for 38 years, and Rush Creek has never overflowed towards the proposed lot.

Mr. Maddigan advised Board members that he is requesting that his property be subdivided because he would like his son to build a home next to him and help him with the property and his wife, who is suffering from dementia.

Mr. Bowling stated that the Town Engineer visited the site and feels comfortable with the topography of the site and the fact that there are no wetlands on the portion of the site where the home is proposed.

Mr. Chapman asked how the Town can be assured that the new home will be more than 100 feet from the centerline of Rush Creek. Mr. Romanowski replied that he will have to supply the Building Department with a location survey to show that the home is where it was proposed to be located.

Mark Lorquet, Chairman of the Conservation Advisory Board (CAB), stated that phragmites, an invasive species, exists in the right-of-way and ditch along Bayview Road in the area of the new building lot.

Vice-Chairman Schawel made a motion, seconded by Mr. Monaco, to schedule a public hearing on this project to be held on March 4, 2020.

Mr. Chapman stated that he is not comfortable setting the public hearing until he has an opportunity to walk the site.

Mr. Gow agreed to add the topographic information on the Preliminary Plat.

Mr. Romanowski stated that if any ash trees are cut down on the property, they will be chipped on site.

As the vote on Vice-Chairman Schawel's motion was five (5) ayes and one (1) abstention (Mr. Chapman), the motion carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

JSEK Hamburg, LLC - Requesting a rezoning of a portion of 4535 Southwestern Boulevard from C-1 to C-2 in order to construct a car wash facility

Attorney Sean Hopkins, representing the applicant, stated that a Traffic Impact Study (TIS) was performed, and it was submitted to the Planning Department and Engineering Department, as well as to the New York State Department of Transportation (NYSDOT).

Attorney Hopkins stated that the TIS indicates that the project would not result in potentially significant adverse traffic impacts during the key times (weekday am peak hour and weekday pm peak hour). He noted that car washes generally do not generate any traffic during the weekday am peak hours, and during weekday pm peak hours, car washes generate approximately 34 trips entering and 34 exiting. He stated that this is a small number given the fact that there are approximately 24,000 trips on Southwestern Boulevard during the day.

Attorney Hopkins stated that the TIS indicates that on Saturdays the car wash would generate 64 trips entering and 64 existing. He further noted that car washes are not generally considered to be destination trip, and the TIS acknowledges the fact that there would be a sizeable percentage (35%) of trips that would be pass-by trips.

Attorney Hopkins stated that a 10,800 sq.ft. office building was previously approved for this location, and that use would generate much more traffic during the weekday am peak hours and probably comparable traffic during the weekday pm peak hours than a car wash would. He noted that obviously the office building would not generate traffic on the weekends like a car wash would.

Attorney Hopkins stated that the applicant will await the comments from the NYSDOT regarding the TIS. He further stated that the NYSDOT has become increasingly stringent about proposed curb cuts onto State highways. He noted that because of this fact, no new curb cut is proposed, and access would be provided via the existing driveway that leads to the office park.

Attorney Hopkins stated that the concept plan has been revised to reduce the number of parking spaces labeled as "vacuum stalls" to 20. He noted that very few parking spaces would be needed other than for employees.

Attorney Hopkins stated that the proposed car wash would be compatible with the office use. He further stated that the adjacent property is already zoned C-2, and therefore this rezoning would not be considered "spot zoning".

Attorney Hopkins stated that the owner of the existing office park has spoken with all of the tenants, and one (1) tenant did have some minor questions relative to traffic impacts, and a copy of the TIS will be provided to that tenant. He further stated that the owner of the existing office park has indicated that he plans to continue to market the rear portion of the site where additional office buildings were approved for office buildings only. He noted that the owner does not want commercial uses in the rear of the site.

Attorney Hopkins stated that no additional rezoning is being contemplated by the owner of the office park, and the remainder of the office park will be built based on what was previously approved.

Attorney Hopkins stated that the applicant would agree to exclude other uses allowed in the C-2 District.

In response to a question from Ms. Comerford, Attorney Hopkins stated that for purposes of traffic impact studies, weekday am peak hours are generally between 7:30 A.M. and 8:30 A.M., and weekday pm peak hours are generally between 4:30 P.M. and 6:00 P.M.

Ms. Comerford stated that the high traffic time between 4:30 P.M. and 6:00 P.M. is not indicative of what truly goes on in that area.

In response to a question from Mr. Chapman, Attorney Hopkins acknowledged that the TIS did not take into consideration traffic that could be generated if the remaining approved office buildings are built. He stated, however, that the buildings that have not been built yet were previously approved, so typically a TIS would not include them.

Attorney Hopkins stated that a Negative Declaration was issued in connection with the approval of the existing office park.

Vice-Chairman stated that the Board should be considering the difference between the traffic that would be generated by the 10,800 sq. ft. building that is already approved for this site and the traffic generated by the proposed car wash.

In response to a question from Mr. Chapman, Attorney Hopkins stated that the TIS took into consideration what the surrounding highway system is. Mr. Chapman responded that there is always traffic in the center turn lane in that area between Riley Boulevard and the Maplewood Apartments.

Mr. Mahoney stated that he agrees with Mr. Chapman's concerns regarding the center turn lane. He asked Attorney Hopkins when the TIS was performed, and Attorney Hopkins responded that it was performed a few weeks prior to the meeting.

Attorney Hopkins stated that the NYSDOT will not accept a TIS performed during summer months.

Mrs. desJardins asked Attorney Hopkins to provide the difference between the anticipated trips that would be generated by the 10,800 sq.ft. office building vs the trips that would be generated by the proposed car wash facility.

Attorney Hopkins stated that he would provide the above requested information to the Board for its review.

In response to a question from Mr. Chapman, Attorney Hopkins stated that two (2) employees are anticipated at any given time.

In response to a question from Ms. Comerford, Attorney Hopkins stated that the largest number of cars that could be processed in one (1) hour is 60, and approximately 40 spaces are provided for cars waiting in the queue.

Mr. Mahoney asked for the total number of employees at the office park. Attorney Hopkins stated that he would try and get that number.

Vice-Chairman Schawel made a motion, seconded by Mr. Chapman, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Erie Wind LLC – Requesting a six-month extension to the approval granted on December 4, 2019 such that the approval is extended to June 4, 2021

Mr. Chapman made a motion, seconded by Mr. Mahoney, to extend the Site Plan Approval granted on December 4, 2019 to June 4, 2021. As the vote on the motion was five (5) ayes and one (1) abstention (Ms. Comerford), the motion carried.

OTHER BUSINESS

Ms. McCormick distributed a very preliminary draft of a mixed use zoning code put together by Chairman Clark and edited by Ms. McCormick.

Mr. Chapman made a motion, seconded by Mr. Mahoney, to approve the minutes from January 22, 2020 as revised. Carried.

Mr. Chapman made a motion, seconded by Mr. Mahoney, to approve the minutes from February 5, 2020. Carried.

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

Respectfully submitted,

Kaitlin McCormick, Secretary

February 26, 2019