

Town of Hamburg
Planning Board Meeting
April 22, 2020
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, April 22, 2020 via Webex. Those attending included Chairman William Clark, Al Monaco, Robert Mahoney, Dennis Chapman, Megan Comerford and Kaitlin McCormick.

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

Excused: Doug Schawel

WORK SESSION

Monckton Family Trust - Requesting rezoning of a portion of 2819 Lakeview Road from C-2 to R-A and requesting Preliminary Approval of a three-lot subdivision to be located at 2819 Lakeview Road

In response to a question from Chairman Clark, Mrs. desJardins stated that the applicant will request whichever zoning classification the Planning Board feels is most appropriate.

It was determined that rezoning this property to R-1 would not be in conformance with the Town's Comprehensive Plan. Board members discussed whether RA or RE zoning would be most appropriate.

Mrs. desJardins stated that a business and a residence currently exist on this property. She noted that the proposal is to subdivide the parcel so that the business would be on one parcel and remain zoned C-2, the residence would be on a second parcel and the remaining vacant property would be the third parcel, on which another residence would be built.

It was determined that Mrs. desJardins would investigate whether sewer and public water exist in this area and whether the utilities to the residence and business are currently separate.

It was further determined that Mrs. desJardins would investigate what the applicants' plan is for access to the residence and to the business with specific attention to the existing circular driveway that serves both.

It was determined that if the applicants are successful in obtaining the requested rezoning, they will return to the Planning Board for subdivision review and to the Board of Zoning Appeals for possible variances.

It was determined that the entire parcel is approximately 3 acres in size.

Board members discussed the permitted uses in RA Board members would not want to see on this site if it is rezoned to RA.

Mr. Bowling stated that he would investigate the acreage of the parcels surrounding this property.

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

Engineering Department comments have been filed with the Planning Department.

Sharma Development - Requesting Site Plan Approval of +/- 4,074 sq.ft. addition to the existing medical facility located at 2818 Pleasant Avenue

Steve Geltz, representing the applicant, stated that Dr. Sharma proposes to expand the existing medical facility at this location. He noted that the addition would be constructed where pavement currently exists.

In response to a question from Chairman Clark, Mr. Geltz stated that at most two (2) parking spaces would be lost as a result of the addition in order to redo the truck turnaround area.

Mrs. desJardins stated that she would investigate when the medical facility was originally approved by the Planning Board.

In response to a question from Mr. Reilly, Mr. Geltz stated that when the building was originally constructed, the parking area was over-designed. He noted that he will provide correspondence from Dr. Sharma regarding the adequacy of the number of existing parking spaces.

In response to a question from Mr. Reilly, Ms. Jarrell stated that just a few feet of grass would be impacted by this addition, so drainage is not a concern to the Engineering Department.

In response to a question from Ms. Jarrell, Mr. Geltz stated that no roof downspouts are planned. He noted that roof drains connected to the existing system inside is proposed, and therefore there would be no impact to drainage from the addition.

Chairman Clark made a motion, seconded by Mr. Mahoney, to table this project and schedule a public hearing when it is possible. Carried.

Engineering Department comments have been filed with the Planning Department.

Glenn Wetzl - Requesting Planning Board approval of a revised Site Plan for the senior apartment project located on Southwestern Boulevard (revisions include the addition of a fenced-in dog park, the removal of two (2) dumpster enclosures, the addition of two (2) five-car garages and the addition of 34 new parking spaces)

Attorney Sean Hopkins, representing the applicant, stated that the applicant would like to provide a dog park for the residents of the apartment development as an amenity. He further stated that the amount of parking spaces originally provided for this project is less than what the applicant has found is needed.

Attorney Hopkins stated that there are 116 apartment units, and currently 1.36 spaces per unit are provided. He noted that if this project is approved, 1.74 spaces per unit would be provided, which the applicant feels would be more than adequate.

Attorney Hopkins explained that the additional demand for parking has arisen because usually when a 55+ complex opens, many of the residents are on the young side and tend to stay there for a long time. He noted that as they age, the residents have fewer vehicles.

In response to a question from Chairman Clark, Attorney Hopkins stated that replacing the green space that would be removed with this project is something the applicant would be agreeable to discussing. He stated that the existing landscaping on the site could be enhanced, especially along the Southwestern Boulevard frontage.

Mrs. desJardins stated that the two (2) new parking garages would replace two (2) existing dumpsters on the site that are no longer needed.

In response to a question from Mrs. Comerford, Chris Wood from Carmina Wood Morris stated that if the project goes forward, there will be two (2) double dumpster enclosures on the site to serve the apartment complex (two dumpsters in each enclosure).

Mr. Wood stated that the 58 units that are currently occupied utilize just one (1) double dumpster enclosure, so the applicant anticipates that when the complex is fully occupied, two (2) double dumpsters will be adequate.

In response to a question from Mrs. Comerford, Mr. Wood stated that the existing units have been occupied for approximately two (2) years.

In response to a question from Mrs. McCormick, Mr. Wood stated that the dog park would be grassed with a gate, as well as a four-foot fence surrounding it. He noted that the pet owners would be responsible for picking up after their dogs and staying with the dogs in the park.

In response to a question from Mrs. McCormick, Attorney Hopkins stated that the applicant does specify a maximum size of dog allowed at the apartment complex.

Mr. Wood stated that there would be no lighting in the dog park, but there is parking light lighting nearby.

Mrs. desJardins stated that she would forward the Site Plan to Roger Gibson, Supervising Code Enforcement Official, for input on the distance from the dumpsters to the apartments and to make sure that the new garages meet the New York State fire codes.

Mr. Wood agreed to provide to the Board how much additional square footage of impervious surface there would be if this project goes forward vs the loss of green space and what the number of dogs that would be allowed in the dog park.

Chairman Clark made a motion, seconded by Mr. Monaco, to table this project and schedule a public hearing when it is possible. 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 the applicant has run several very successful businesses including gyms, and he is currently developing a car wash in West Seneca.

Attorney Hopkins stated that Mr. Dave Kruse, traffic engineer from SRF Associates, was in attendance and had confirmed the following via correspondence dated April 22, 2020:

- The traffic counts for the Traffic Impact Study (TIS) were taken during the weekday PM peak and the Saturday peak.
- The weather conditions on the days the traffic counts were taken were appropriate. There was no excessive wind, and there was no snow. There were no weather conditions that would have affected the validity of the traffic counts.

Attorney Hopkins stated that the real benefit of this project from an overall traffic management perspective is that no new additional curb cuts are proposed. He further stated that if one compares the traffic impacts from this project to what is already approved there, they are less.

Attorney Hopkins showed Board members the rendering of the proposed building.

Mrs. McCormick stated that she believed that the statement was made at the April 9, 2020 Planning Board meeting that overall there would be less traffic generated by the proposed car wash than would be generated by the previously approved office building. She stated that when reviewing Table 1 in the SRF Associates correspondence received on April 22, 2020, it looks like the car wash would generate an additional 28 trips in the peak hour and a large number of additional trips on the weekends.

Attorney Hopkins stated that when he made his presentation to the Board on April 9, 2020, he had the trip generation tables in front of him and used the actual numbers, so there was no misrepresentation.

Mr. Kruse stated that the car wash would produce fewer trips during the AM peak than the approved office building, but during the weekday PM peak and Saturdays it would produce a higher number of trips. He noted that despite the fact that the car wash would generate a higher number of trips during the PM Saturday hours than the office building, prevailing traffic along Southwestern Boulevard is lower on Saturdays than during typical commuter peak hours. He stated that despite the fact that there would be a higher generation of traffic from this site, there would be less friction with prevailing traffic. He further stated that this situation would result in shorter delays during the Saturday hours.

Mr. Kruse stated that a car wash is a discretionary land use, meaning that there will be days when it is not in use because of the weather. He noted that this is a subscription-based model, so the volume estimates that SRF Associates uses to come up with for the car wash are based on the client's experience with this type of operation and may be a bit high due to variations in prevailing traffic and the actual operation.

Attorney Hopkins stated that the New York State Department of Transportation (NYSDOT) reviewed the traffic study and had absolutely no concerns.

In response to a question from Mr. Chapman, Attorney Hopkins stated that because of the way the site is designed, when someone exits the site there would be plenty of space before he or she is back out onto Southwestern Boulevard. He noted that because of that, there would be no stacking problems with vehicles leaving the site.

Mr. Kruse stated that people will learn over time when the best times to visit the site are in order to avoid a rush or having a hard time turning left onto Southwestern Boulevard.

In response to a question from Mr. Chapman, Attorney Hopkins stated that traffic studies show an annual background growth rate of 1% annually, which would account for other unknown or unforeseeable pending projects that would affect the traffic analysis.

In response to a question from Mr. Reilly about a letter the Planning Board received from a tenant of the office park indicating that she spends between five (5) and twenty minutes trying to turn left onto Southwestern Boulevard, Mr. Kruse stated that the TIS did not indicate that. He noted that the traffic models for this project did not show wait times as described by the tenant.

In response to a question from Mr. Reilly, Mr. Kruse stated that the TIS indicated that the average wait time during the peak hours to turn left onto Southwestern Boulevard is 22 seconds. He further noted that based on the existing traffic counts in this area, there are not many cars turning left out of this office park.

Mr. Kruse noted that it is possible that when the Covid-19 crisis is over, traffic may not get back to the previous levels for quite some time.

Mr. Mahoney stated that traffic studies are not an exact science. He noted that this is a difficult area to drive in, and it will change week to week or day to day. He stated that he does not know that the car wash is the right fit for this area and wonders if the fact that the building looks nice is reason enough to change the zoning of the property. He stated that he is not questioning the professionalism of the TIS, but he does not feel a car wash is a good fit for this site. He further questioned whether another car wash is needed when there are four (4) car washes within two (2) miles of this site. He stated that it is a safety issue for him.

In response to a question from Mr. Mahoney, Attorney Hopkins stated that he represents the owner of the car wash and not the owner of the office park. He stated that the plan is to sell this parcel to the applicant.

Chairman Clark summarized that the people who oppose the rezoning see that Southwestern Boulevard has major traffic issues and don't think it makes sense to rezone a site for a project that would increase traffic there. He stated that the people who support the rezoning see it as a reasonable infill of an underdeveloped property.

Mr. Chapman stated that the list of C-2 uses that the Board agreed it does not want to see on this site is very large and stated that if the Board is going to rezone this site to C-2, it should do so with no use restrictions.

Chairman Clark reminded Board members that the Planning Board's role is to recommend on the rezoning and the Town Board makes the ultimate decision.

Mr. Chapman stated that the Town Board should receive correspondence indicating what each Planning Board member thinks about the rezoning.

Chairman Clark stated that the April 9, 2020 and April 22, 2020 Planning Board minutes will be sent to the Town Board members. He further stated that just like any member of the public, Planning Board members can send their comments on the rezoning to the Town Board in any format it accepts.

Chairman Clark stated that Mrs. desJardins wrote a draft recommendation on the rezoning from both sides of the argument, and the Planning Board can revise that as necessary.

Mrs. desJardins stated that the recommendations she wrote from both sides had nothing to do with how she may or may not feel about the proposed rezoning. She stated that she only wrote what she heard on April 9, 2020 and what individual Planning Board members sent her subsequent to that meeting.

Mr. Chapman asked that the following comments be included as part of this meeting's minutes:

"My reasons for negative recommendation to the town board regarding the proposed rezoning from C1 to C2 for carwash facility to be located on a portion of 4535 Southwestern Blvd. I agree with some of my colleagues that the traffic study is not a true picture of the actual traffic problems that will be created if this project is approved. In addition to the comments made by my colleagues the development on Southwestern Boulevard south of the site will very shortly see the completion of the Foster Brooks senior housing development, a wellness clinic, a Jiffy Lube which will generate additional traffic past this site.

We already have a drive-through carwash on the corner of Southwestern Boulevard and Camp Road and the do-it-yourself carwash on the corner of Southwestern Boulevard and Camp Road, so I feel third carwash especially in a professional business park is not necessary.

Since it is questionable whether any additional office buildings will be built on the site as was previously approved for, I feel it would be prudent to see what the developer's plans are for the site before approving any rezoning this would also include the undeveloped land in the back of this property which also was approved for C-1 buildings.

Granted the property is currently underutilized that falls in the lap of the developer and is not a valid reason for rezoning. What efforts has the developer put forward in order seek other C-1 uses and what did those efforts produce?

The proposed building meets and exceeds architectural standards specified in section 280 – 90 and section 280 – 323 those standards are for C-2 properties not C-1 which this parcel is in.

Reasons for negative recommendation bullet number 2: does it make sense to rezone the parcel to C-2 and only allow 6 of the 35 permitted uses of C-2? Were those restrictions placed on the C2 property adjacent to this one?

My suggestion at the last meeting was that we all give a report to Chairman Clark that he could forward to the town board with our recommendation. I do not feel a positive or negative declaration should be sent to the board as a bunch of bullets to assist them in their final decision.

I respectfully request that a copy of this report be entered in its entirety in the minutes of the planning board meeting on Wednesday, April 22, 2020.”

Mrs. McCormick stated that on April 9, 2020 she was leaning towards forwarding a positive recommendation to the Town Board, but since then she is very heavily on the fence regarding her vote. She stated that she did not understand then that there would be an increase in traffic with the car wash, and on the other hand this is an underdeveloped site and she is skeptical that the balance of the vacant land associated with the office park will be developed.

Mr. Monaco stated that his main concern with this project is the potential increase in traffic.

Chairman Clark stated that the time delay at this location to get onto Southwestern Boulevard is due to the fact that there are existing issues on Southwestern Boulevard and not because of the car wash, according to the TIS.

Mrs. McCormick stated that the access point to Southwestern Boulevard at this location would go from a level of service “C” to a “D” if the project goes forward. She asked if this is a significant difference.

Mr. Kruse stated that there will be increased delay for drivers exiting the office park and car wash. He stated, however, that delays may be decreased due to gap opportunities created by adjacent signals. He noted that the TIS indicates that on average the delays at this location would be 5 - 6 seconds longer turning left.

Mr. Kruse stated that a level of service “D” is typically seen as an acceptable level of service for many communities. He noted that there is no mitigation that would reduce delays (a new traffic signal for this location would not be warranted).

Mrs. McCormick stated that this project would be an allowable use on the adjacent property that is zoned C-2, and that would also potentially create additional delays.

Attorney Hopkins stated that in the above instance, the project would probably involve a new curb cut onto Southwestern Boulevard.

Mr. Kruse stated that the proposed car wash project is maintaining best practice access management principles by utilizing an existing curb cut.

Mrs. Comerford stated that this parcel would decrease the buffer between C-2 and R-3. She asked how far the C-2 zoning would be to the existing residential area if the parcel is rezoned. Attorney Hopkins responded that the C-2 zone would be 184 feet closer to the residential area.

Chairman Clark polled Board members about the rezoning request as follows:

Mrs. Comerford stated that she is opposed.

Mr. Chapman stated that he is opposed.

Mrs. McCormick stated that she would abstain.

Mr. Mahoney stated that he is opposed.

Mr. Monaco stated that he is opposed.

Chairman Clark stated that he is in favor.

Board members agreed that the negative recommendation to the Town Board will be accompanied by their comments organized by the topics that have been discussed. The key issues will be addressed and a summary of all the data on each issue should be provided.

Chairman Clark made a motion, seconded by Mr. Chapman, to forward a negative recommendation to the Town Board regarding the proposed rezoning and attach a follow-up report with the Board's findings.

As the vote on the motion was five (5) ayes and one (1) nay (Chairman Clark), the motion carried.

OTHER BUSINESS

Mrs. McCormick made a motion, seconded by Mr. Chapman, to approve the minutes of April 9, 2020. Carried.

Mrs. McCormick made a motion, seconded by Mr. Mahoney, to adjourn the meeting. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,
Kaitlin McCormick, Secretary
April 27, 2019