

Town of Hamburg  
Planning Board Meeting  
May 6, 2020  
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M. on Thursday, May 6, 2020 via Webex. Those attending included Chairman William Clark, 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: Al Monaco

**REGULAR MEETING**

**Public Hearing - 7:00 P.M., Mario Pellicano - Requesting a Special Use Permit and Site Plan Approval of a craft winery at 6736 Boston State Road**

Mrs. McCormick 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 Mario Pellicano to operate a craft winery at 6736 Boston State Road, which requires a Special Use Permit and Site Plan Approval. The Public Hearing will be held on May 6, 2020 at 7:00 p.m. via Webex and can be observed via Facebook (Township of Hamburg, NY). Comments will be received by the Planning Department (sdesjard@townofhamburgny.com) through May 18, 2020.”

Chairman Clark declared the public hearing open. No comments were received.

Chairman Clark stated that the public hearing will be closed at the May 20, 2020 meeting.

Chairman Clark made a motion, seconded by Mr. Mahoney, to table the public hearing to May 20, 2020. Carried.

Mr. Clark made a motion, seconded by Mr. Chapman, to authorize the Planning Department to prepare draft resolutions for the next meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

**St. Francis High School of Athol - Requesting Preliminary Plat Approval of a two-lot subdivision to be located at 4129 Lakeshore Road**

Mr. Mahoney asked that the submitted Short EAF be forwarded to the Board members.

Mrs. McCormick 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 two-lot subdivision proposed by St. Francis High School of Athol to be located at 4129 Lakeshore Road. The Public Hearing will be held on May 6, 2020 at 7:00 p.m. via Webex and can be observed via Facebook (Township of Hamburg, NY). Comments will be received by the Planning Department (sdesjard@townofhamburgny.com) through May 20, 2020.”

Chairman Clark declared the public hearing open. No comments were received.

Chairman Clark stated that the public hearing will be closed at the May 20, 2020 meeting.

Chairman Clark made a motion, seconded by Mr. Mahoney, to table the public hearing to May 20, 2020. Carried.

Mr. Clark made a motion, seconded by Mr. Chapman, to authorize the Planning Department to prepare draft resolutions for the next meeting. Carried.

**Public Hearing - 7:00 P.M., Battery Post – Requesting approval of a revised Site Plan for a proposed project at 4109 St. Francis Drive (originally approved on 6-7-17)**

Mrs. desJardins stated that she spoke to Roger Gibson, Supervising Code Enforcement Official, in early March and he indicated that this project is similar to a business that sells new or used vehicles, which does not require that the vehicles are located in a fenced-in area.

Attorney Puglisi stated that she researched this issue as well and came up with the same conclusion Mr. Gibson did.

Mr. Schawel noted that the public does not go in the storage area, and the applicant plans to extend the existing chain link fence to include the larger storage area.

Board members discussed whether the golf cart storage area should be screened.

In response to a question from Mrs. McCormick, Mrs. desJardins stated that the revised wetland delineation was submitted by the applicant’s engineer previously. She agreed to forward it to the Board members.

Mrs. McCormick 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 revised Site Plan for The Battery Post, 4109 St. Francis Drive. The Public Hearing will be held on May 6, 2020 at 7:00 p.m. via Webex and can be observed via Facebook (Township of Hamburg, NY). Comments will be received by the Planning Department (sdesjard@townofhamburgny.com) through May 20, 2020.

Chairman Clark declared the public hearing open. No comments were received.

Chairman Clark stated that the public hearing will be closed at the May 20, 2020 meeting.

Chairman Clark made a motion, seconded by Mr. Mahoney, to table the public hearing to May 20, 2020. Carried.

Engineering Department comments have been filed with the Planning Department.

**Public Hearing - 7:00 P.M., Sharma Development - Requesting Site Plan Approval of +/- 4,074 sq.ft. addition to the existing medical facility located at 2818 Pleasant Avenue**

It was noted that Dr. Sharma submitted a letter to the Board indicating that there are more than enough parking spaces on the site and there are no problems in that regard.

Mrs. McCormick 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 proposed 4,074 sq.ft. addition to the Sharma medical facility located at 2818 Pleasant Avenue. The Public Hearing will be held on May 6, 2020 at 7:00 p.m. via Webex and can be observed via Facebook (Township of Hamburg, NY). Comments will be received by the Planning Department (sdesjard@townofhamburgny.com) through May 20, 2020.”

Chairman Clark declared the public hearing open. No comments were received.

Chairman Clark stated that the public hearing will be closed at the May 20, 2020 meeting.

In response to a question from Chairman Clark, Steve Geltz, representing the applicant, stated that Dr. Sharma owns the property on both sides of the current site. He further stated that he believes that more medical offices are planned on the property directly east of the current site.

Mr. Geltz stated that there are approximately 130 parking spots on the site.

Mr. Reilly recalled that a nearby property owner had a drainage complaint relative to this facility. Ms. Jarrell agreed to research this.

Chairman Clark made a motion, seconded by Mr. Chapman, to table the public hearing to May 20, 2020. Carried.

Chairman Clark stated that the Planning Department may prepare resolutions for the next meeting assuming that the drainage problem discussed has been alleviated.

Engineering Department comments have been filed with the Planning Department.

**Public Hearing - 7:00 P.M., 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).**

Mr. Chapman stated that because the development has people who go to the buildings and pick up the garbage, he does not have a problem with the location of the dumpsters.

Attorney Sean Hopkins, representing the applicant, stated that the maximum number of dogs allowed in the dog park at any given time would be eight (8), and the maximum weight of any dog allowed in the complex would be 40 pounds.

Attorney Hopkins stated that the amount of impervious surface at the project site would increase from 3.19 acres to 3.41 acres with this project. He noted that Ms. Jarrell has indicated that from a stormwater management perspective there are no issues in this regard.

Attorney Hopkins stated that any landscaping shown on the previously approved Site Plan that would be displaced as a result of these changes would be placed elsewhere on the site.

Mrs. McCormick 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 revised Site Plan proposed by Glenn Wetzl for the senior apartment project located on Southwestern Boulevard. The Public Hearing will be held on May 6, 2020 at 7:00 p.m. via Webex and can be observed via Facebook (Township of Hamburg, NY). Comments will be received by the Planning Department (sdesjard@townofhamburgny.com) through May 20, 2020.”

Chairman Clark declared the public hearing open. No comments were received.

Chairman Clark stated that the public hearing will be closed at the May 20, 2020 meeting.

Chairman Clark made a motion, seconded by Mr. Mahoney, to table the public hearing to May 20, 2020. Carried.

Mr. Clark made a motion, seconded by Mr. Chapman, to authorize the Planning Department to prepare draft resolutions for the next meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

**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**

It was noted that if parcels # 2 and # 3 are rezoned to R-A, the applicant would need variances for the size of all three (3) lots.

Mr. Reilly questioned whether parcel # 1 should remain C-2 and asked if the business on that parcel is operating.

Attorney Richard Friedfertig, representing the applicant, stated that the business on parcel # 1 is an existing operating excavation and trucking business. He stated that he would like to speak to his client before agreeing to parcel # 1 being rezoned residential.

In response to a question from Chairman Clark, Attorney Friedfertig stated that the existing home on parcel # 2 has a septic system and public water. He further noted that there is a septic system on parcel # 1.

Mr. Reilly stated that to rezone parcel # 2 and # 3 to residential and leave parcel # 1 commercial would be silly because the Board would be leaving a commercially zoned parcel in a rural residential area.

Mr. Reilly stated that it would make sense to rezone the entire parcel to R-A or R-E and make the commercial parcel legal non-conforming, since currently the home on parcel # 2 is legal non-conforming.

Mr. Bowling stated that whatever zoning the Planning Board recommends to the Town Board should be founded in the Comprehensive Plan.

Board members discussed whether R-A or R-E is more appropriate for this parcel.

Mr. Chapman stated that the entire parcel should be rezoned or none of it should be rezoned.

Chairman Clark agreed with Mr. Chapman.

Mrs. McCormick stated that she feels that the entire parcel should be rezoned to R-E.

Mr. Reilly noted that rezoning this land to R-E would be in conformance with the Town's Comprehensive Plan.

Board members agreed that this property is not properly zoned.

Board members discussed the advantages and disadvantages of rezoning the area between Lakeview Road and North Creek Road to R-E from R-A to R-E.

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

## **OTHER BUSINESS**

Board members reviewed a revised site plan for E-One on Camp Road. It was determined that the approved addition to the building will be moved 12 feet away from the building.

Board members agreed that Site Plan Approval will not be required for this revision.

Board members reviewed a project proposed by Oakview Homes & Development to convert the vacant building located at 5673 McKinley Parkway to office and storage space for a small residential remodeling business. It was agreed that the applicant will be placed on the May 20, 2020 agenda to discuss the project with the Board.

Board members discussed the clearing of trees for the Sherwood Meadows Subdivision off of Howard Road. Ms. Jarrell stated that the Engineering Department has determined that federal wetlands have been disturbed and trees have been removed that were not to be removed. She noted that the U.S. Army Corps of Engineers has been notified.

Board members discussed training hours for Planning Board members and whether the training can be obtained via the internet.

Mrs. McCormick made a motion, seconded by Mr. Chapman, to approve the minutes from April 22, 2020. Carried.

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

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Respectfully submitted,  
Kaitlin McCormick, Secretary

May 17, 2020