

Town of Hamburg
Planning Board Meeting
May 20, 2020
Minutes

The Town of Hamburg Planning Board met for a Work Session, followed by a Regular Meeting at 7:00 P.M. on Thursday, May 20, 2020 via Webex. Those attending included Chairman William Clark, Doug Schawel,

Al Monaco, Robert Mahoney, Dennis Chapman, Megan Comerford and Kaitlin McCormick.

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

WORK SESSION

Oakview Homes & Development - Requesting Site Plan Approval of a proposal to convert the vacant building located at 5673 McKinley Parkway to office and storage space for a small residential remodeling business

Costa Kalonaros, applicant, stated that he would like to take an existing building that has been an eyesore for several years and fill it with an active business. He stated that the overhead doors are proposed so he can keep his vehicles inside the building for security. He noted that no dumpsters are planned. He further noted that he does not plan to alter the building or parking area.

Mr. Kalonaros stated that there is a 40' wide grassed parcel owned by National Fuel between this building and the first residential property on Marie Drive. He noted that he spoke with the owner of the first residence on Marie Drive about his project, and the property owner provided a letter in full support of the change of use and proposed renderings. He further stated that the Marie Drive residents are happy that the property will be utilized.

Mr. Kalonaros stated that the underground fuel tanks on the property were removed in 2017.

In response to a question from Chairman Clark, Mr. Kalonaros stated that he will probably remove the existing concrete curb that steps up to the building and add landscaping in that area in front of the building. He further stated that he will probably spruce up the existing landscape bed at the corner of Marie Drive and McKinley Parkway.

In response to a question from Mr. Mahoney, Mr. Kalonaros stated that he has two (2) business vehicles that would be stored inside the building. He further stated that there would be no storage of those vehicles outside overnight.

Mr. Kalonaros stated that the first residential property on Marie Drive has existing large evergreen trees along its property line shared with the National Fuel property.

Chairman Clark polled Board members regarding Site Plan Review vs a Site Plan Waiver for this project as follows:

Mr. Monaco stated that he preferred Site Plan Review of this project.

Mrs. Comerford stated that she was fine with a Site Plan Waiver. She stated that he is making an improvement and is amendable to the Board's conditions of perhaps putting in some barriers.

Mr. Schawel stated that he was fine with a Site Plan Waiver.

Mrs. McCormick stated that there is a lot of improvement and very little external impact, so she would be okay with a Site Plan Waiver, especially since the neighbors have expressed their support of the project.

Mr. Chapman stated that just so the Board does not set a bad precedent, he would go with Site Plan Review.

Mr. Mahoney stated that the applicant has made great improvements there and it does look well, and he okay with the Site Plan Waiver.

Chairman Clark stated that he is okay with a Site Plan Waiver.

Board members agreed that the following conditions will be placed on the Site Plan Waiver:

1. The building must look like the rendering submitted by the applicant.
2. The adjacent residential property owner will be contacted to determine what he would like to see in terms of screening.
3. No outdoor dumpster or mobile trailer can be placed on the site unless it is placed in a screened enclosure.

REGULAR MEETING

Continuation of 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

In response to a question from Chairman Clark, Mrs. desJardins stated that no comments had been received regarding this proposal.

Chairman Clark declared the public hearing closed.

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

"Whereas, the Town of Hamburg received a special use permit and site plan application from Mario Pellicano to operate a Craft Winery at 6736 Boston State Road; and

Whereas, the Hamburg Planning Board has reviewed this application and project at several meetings and held the required public hearing and received no adverse comments from the public and received input from Town Departments; and

Whereas, the Hamburg Planning Board in accordance with the New York State Environmental Quality Review Act (SEQRA) has done a thorough review of the project and its potential impacts, and

Whereas, the Hamburg Planning Board, in accordance with SEQRA has determined that the proposed special use permit and operation of a craft winery at this location will not adversely

affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations.

Now, Therefore, Be It Resolved, that the Town of Hamburg Planning Board hereby determines that the proposed special use permit and operation of a craft winery is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued and that the Planning Board Chairman is authorized to sign the EAF, which will act as the Negative Declaration". Carried.

Ms. McCormick made the following motion regarding the requested Special Use Permit, seconded by Mr. Chapman:

“Whereas, the Town of Hamburg received a special use permit and site plan applications from Mario Pellicano to operate a Craft Winery at 6736 Boston State Road; and

Whereas, the Town of Hamburg has determined that the project as described meets the definition of a craft winery as shown in Section 280-342 of the Town Zoning Code; and

Whereas, the Hamburg Planning Board has reviewed this application and project at several meetings and held the required public hearing and received no adverse comments from the public and received input from Town Departments; and

Whereas, the Hamburg Planning Board in reviewing the proposed project (special use permit), has determined, in accordance with Section 280-312 and 280-326.4 (Craft Winery) that:

1. The project will be in harmony with the purposes and intent of Section 280-312 (Special Use Permits).
2. The project will not create a hazard to health, safety and general welfare.
3. The project will not alter the essential character of the neighborhood, nor will it be detrimental to its residents.
4. The project will not otherwise be detrimental to the public convenience and welfare.
5. The project is in accordance with the specific SUP requirements listed in section 280-326.4:
 - A. Craft Winery accessory activities may include (depending on site location and attributes) the following:
 - (1) Wine tasting;
 - (2) Retail Sale of Wine (in accordance with NYS law) and must be made onsite;
 - (3) Retail sales of related products souvenirs.
 - B. The minimum acreage of the lot used for a craft winery shall be 5 acres (and must be large enough to accommodate parking, required setbacks, etc.). Minimum acreage is met.
 - C. Craft wineries with retail sales will need to show adequate parking and screening from adjacent residential uses. There is adequate existing parking on-site.
 - D. All “manufacturing/process” activities and storage must take place within an

enclosed building. All activities will take place within a structure.

- E. "Manufacturing/process buildings" must be located a minimum of 200 feet from any residential structures located on surrounding properties (unless a "sign-off" letter is received from such adjacent residential use). The site meets the set-back requirement.
- F. The winery must operate in accordance with all NYS laws. An SLA license has been received.

Now, Therefore, Be It Resolved, that the Town of Hamburg Planning Board hereby determines that the proposed special use permit is in accordance with the requirements of the Town of Hamburg and therefore a special use permit is hereby issued with the following conditions:

1. The Building Inspection department will make periodic structural inspections of the facility to ensure the proper maintenance of all structures and the adequate cleanup of litter.
2. The project does not involve the construction of any new structures. Any new structures proposed will require the re-opening of the SUP process and site plan approval.
3. The site will be operated in conformance with the SLA license issued by NYS and includes the growing of grapes, the processing of grapes, bottling of wine and a small tasting room and minor retail sales of wine related products.
4. The SUP does not include the running of large special events at the site."

Carried.

Ms. McCormick made the following motion regarding the requested Site Plan Approval, seconded by Mr. Mahoney:

"The Town of Hamburg Planning Board hereby grants Site Plan Approval for the Pellicano Winery to be located at 6736 Boston State Road with the following conditions:

1. Approval is contingent upon any Engineering Department comments.
2. The project does not involve the construction of any new buildings or structures."

Carried.

Engineering Department comments have been filed with the Planning Department.

Continuation of public hearing - 7:00 P.M St. Francis High School of Athol - Requesting Preliminary Plat Approval of a two-lot subdivision to be located at 4129 Lakeshore Road

In response to a question from Chairman Clark, Mrs. desJardins stated that no comments had been received regarding this proposal.

Chairman Clark declared the public hearing closed.

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

“In accordance with the New York State SEQR Law, the Town of Hamburg Planning Board has reviewed the two-lot subdivision proposed by St. Francis High School of Athol to be located at 4129 Lakeshore Road. Based on the Preliminary Plat, review of the submitted materials and input from other departments, the Planning Board has determined that the proposed subdivision is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued.” Carried.

Ms. McCormick made the following motion, seconded by Mr. Mahoney:

The Hamburg Planning Board hereby grants Preliminary Plat Approval for the St. Francis High School of Athol Two-Lot Subdivision with the following conditions:

- The installation of sidewalks is waived.
- The filing of a Map Cover is waived.”

Carried.

Continuation of 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 again spoke to Roger Gibson, Supervising Code Enforcement Official, about whether the golf cart storage area must be screened per the Town Code. She stated that he again indicated that this is a C-2 use and is not required to be screened. She noted that Mr. Gibson stated that this use is very much like a used car business, a Tractor Supply store or a Colten RV business, all of which do not screen their inventory.

Mr. Schawel stated that the applicant would simply be storing the golf carts on this site, and the applicant plans to extend the existing chain link fence around the area for security reasons.

Mr. Mahoney stated that he agrees with Mr. Schawel.

Mr. Chapman stated that there are no residential uses near this property, so there is no need to screen the storage area.

Board members agreed that no screening should be required.

In response to a question from Ms. McCormick, Mrs. desJardins stated that she forwarded the wetland delineation to the Board members after its last meeting.

Board members reviewed the submitted wetland delineation.

Ms. McCormick questioned the fact that the delineation was done on December 24, 2019. She stated that wetland delineations are not usually performed outside of the growing season, and she questioned how the vegetation could be confirmed.

Mr. Reilly stated that the Planning Board will have to accept the wetland delineation. He noted that there is a \$1,000 per day fine if the applicant is found to be filling federal wetlands.

Ms. McCormick stated that she would like to hear from the applicant on the wetland delineation before acting on this proposal.

Ms. McCormick asked that the Conservation Advisory Board (CAB) be asked to comment on the submitted wetland delineation before the Planning Board makes any decisions on this proposal. She stated that the CAB should make an assessment about whether or not members think that the vegetation is appropriately represented in the submitted wetland delineation or whether members think the delineation performed in December accurately reflects the current on site conditions.

Ms. McCormick stated that Earth Dimensions (author of the wetland delineation) could also provide a justification as to why the delineation is representative.

In response to a question from Chairman Clark, Mrs. desJardins stated that no comments had been received regarding this proposal.

Chairman Clark declared the public hearing closed.

Chairman Clark made a motion, seconded by Mrs. Comerford, to table this project. As the vote on the motion was four (4) ayes and three (3) nays (Mr. Schawel, Mr. Monaco and Mr. Mahoney), the motion carried.

Engineering Department comments have been filed with the Planning Department.

Continuation of 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 2816 Pleasant Avenue

In response to a question from Chairman Clark, Mrs. desJardins stated that no comments had been received regarding this proposal.

Chairman Clark declared the public hearing closed.

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

“Whereas, the Town of Hamburg received a site plan application for a 4,074 sq.ft. addition to the Sharma medical complex at 2816 Pleasant Avenue; and

Whereas, the Hamburg Planning Board held the required public hearing; and

Whereas, the Hamburg Planning Board in accordance with the New York State Environmental Quality Review Act (SEQRA) has done a thorough coordinated review of the project and its potential impacts, and

Whereas, the Hamburg Planning Board has determined that the proposed addition will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations.

Now, Therefore, Be It Resolved, that the Town of Hamburg Planning Board hereby determines that the proposed addition is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued, and

Be It Finally Resolved, that the Planning Board chairman is authorized to sign the EAF.”

Carried.

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

“The Planning Board hereby grants Conditional Site Plan approval for the revised Site Plan for the Sharma medical complex project to be located at 2816 Pleasant Avenue with the following conditions and waivers:

1. Approval is contingent upon the Engineering Department comment letter dated May 6, 2020.
2. The installation of sidewalks is waived, as there are no existing sidewalks in the area.”

Carried.

Engineering Department comments have been filed with the Planning Department.

Continuation of 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).

In response to a question from Chairman Clark, Mrs. desJardins stated that no comments had been received regarding this proposal.

Chairman Clark declared the public hearing closed.

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

“Whereas, the Town of Hamburg received a site plan application for a revised Site Plan for the Glenn Wetzl senior apartment project on Southwestern Boulevard; and

Whereas, the Hamburg Planning Board held the required public hearing; and

Whereas, the Hamburg Planning Board in accordance with the New York State Environmental Quality Review Act (SEQRA) has done a thorough coordinated review of the project and its potential impacts, and

Whereas, the Hamburg Planning Board has determined that the proposed addition will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations.

Now, Therefore, Be It Resolved, that the Town of Hamburg Planning Board hereby determines that the proposed addition is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued, and

Be It Finally Resolved, that the Planning Board chairman is authorized to sign the EAF.”

Carried.

Ms. McCormick made the following motion, seconded by Mr. Mahoney:

“The Planning Board hereby grants Conditional Site Plan approval for the revised Site Plan for the Glenn Wetzl senior apartment complex project with the following conditions and waivers:

1. Approval is contingent upon the Engineering Department comment letter dated May 6, 2020.
2. The installation of sidewalks is waived, as there are no existing sidewalks in the area.”

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 determined that the applicant had asked that this project be tabled.

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

James Cleary – Requesting Site Plan Approval of a proposal to create a wedding/event center at 6653 Taylor Road

Attorney Sean Hopkins, representing the applicant, stated that this proposed use requires a use variance from the Zoning Board of Appeals, and if a Negative Declaration is issued by the Planning Board, the applicant will attempt to obtain that variance and, if successful, will return to the Planning Board for Site Plan Review.

Attorney Hopkins stated that the proposal is to demolish the existing building and replace it with a building whose footprint would be 5,080 sq.ft. with a 3,360 sq.ft. second floor. He stated that 100 parking spaces are proposed.

Attorney Hopkins stated that the new building would be located in approximately the same location as the building to be demolished and comparable in terms of size and scale.

Attorney Hopkins stated that a preliminary storm drainage plan has been prepared and noted that the site disturbance would be approximately 2.9 acres of the 14.9-acre site.

Attorney Hopkins stated that there is a 1976 lease with a tennis center that lasts forever, so the existing tennis bubble on the site will stay in place in perpetuity until the tennis center decides it is no longer interested in it.

Attorney Hopkins stated that there are no plans to impact the area near 18-Mile Creek.

Chris Wood, project engineer, stated that the area of the site near the driveway at Taylor Road slopes to the east, and the applicant plans to install a yard drain to pick that drainage up so that it does not continue to sheet drain on to the neighbor's property.

Attorney Hopkins stated that a ditch crosses the site, and nearby residents have informed the applicant that it has not been well maintained. He noted that the neighbors have been assured that as part of this project, the applicant will do whatever is needed to maintain that ditch appropriately.

Attorney Hopkins stated that in terms of a redevelopment project, especially given the wide assortment of options that have been previously proposed on this site, this is the best option that has been presented.

Attorney Hopkins stated that the applicant is requesting that a Negative Declaration be issued by the Planning Board. He noted that as a result of the Coordinated Review that was performed by the Planning Department, none of the Involved and Interested Agencies expressed any concern about potentially significant environmental impacts.

Attorney Hopkins stated that the target days for weddings would be Fridays and Saturdays, and the hours of operation would be between 5:00 PM and 10:30 PM for evening events and between 1:00 PM and 5:00 PM for daytime events. He noted that all of the food would be prepared off site and delivered to the event, and the sound system would be controlled by the facility operator.

Attorney Hopkins stated that a trip projection letter for this project was prepared by SRF Associates (traffic engineering firm). He noted that the letter compared this project to the historical use of the site (tennis, swimming and social club). He stated that the Institute of Transportation Engineers (ITE) does not have a precise category for wedding events, so SRF Associates compared this project to two (2) other projects in its database that are similar to this one. He noted that SRF Associates concluded that during Friday afternoon evening peak hours, the trip generation rate would be .26 trips per person, and on Saturday afternoons it would be .29 trips per person. He stated that obviously this is an estimate.

Attorney Hopkins stated that more and more people are arriving at weddings via alternate means of transportation (chartered shuttle bus, Uber, etc.). He stated that the projected maximum allowable capacity at any time would be 200 guests, and the average number would be approximately 150 guests.

Attorney Hopkins stated that the tennis bubble would not be open during the months that the events center would be operating. He noted that SRF Associates concluded that a Traffic Impact Study is not warranted in this situation because the applicable threshold utilized by the New York Department of Transportation (NYSDOT) and Erie County Department of Public Works is 100 trips during an hour at an adjacent intersection (the intersection of the driveway and Taylor Road).

Attorney Hopkins stated that the conclusion issued by SRF Associates is that this project will generate relatively low traffic during the peak hours and will not result in any potentially significant adverse traffic impacts.

Attorney Hopkins stated that the New York State Office of Parks, Recreation and Historic Preservation was contacted in April for input on this project, and that office concluded that no properties including archeological and/or historical resources listed in or eligible for New York State or the National Register of Historic Places will be impacted by this project.

Attorney Hopkins stated that an email was received from the Erie County Division of Sewerage Management in April with relatively straight forward comments. He noted that there is a private pump station on this property that has not been maintained and is outdated and should be replaced. He stated that that existing pump station will be replaced in its entirety with a new private pump station, along with all related sanitary sewer infrastructure.

In response to a question from Mr. Mahoney, Mr. Wood stated that a portion of the new parking lot would be located where the outdoor tennis courts are now. He further stated that the parking closer to the entrance would be removed and replaced with green space.

In response to a question from Mr. Mahoney, Attorney Hopkins stated that existing traffic issues on Taylor Road was not investigated by the SRF Associates.

In response to a question from Mrs. Comerford, Attorney Hopkins stated that SRF Associates was looking at the vehicles expected to arrive and not vehicles like Uber that would be dropping off people and then returning later to pick them up. He noted that trips leaving during the peak hour when guests are arriving would be much lower than the number of trips coming in.

Mr. Mahoney noted that if the Town owned Taylor Road facility has an event that ends at the same time as this wedding venue, there would be a large amount of traffic on Taylor Road at one time.

Attorney Hopkins stated that the peak hour for this project generally would not correlate with the peak hour for traffic in general on Taylor Road.

Mr. Mahoney stated that if events are held during the week, that could be a traffic issue.

In response to a question from Mrs. Comerford, James Cleary, applicant, stated that he would like to use local hotel shuttles for people coming in from out of town.

In response to a question from Mr. Monaco, Mr. Cleary stated that the business will not have a permanent liquor license. He stated that caterers would supply the license.

In response to a question from Mrs. Comerford, Mr. Cleary stated that there will be a food preparation area and a refrigerator to keep desserts and drinks cold, but there will be no stove, etc.

In response to a question from Mr. Chapman, Mr. Cleary stated that no cooking will be done on site. He noted that scrap food will be placed into garbage bags, which will be disposed of, and used plates, cups, etc will be taken off site.

Mr. Mahoney stated that there is a lot of wildlife in this area, and he is concerned about how food scraps would be removed from the site.

Mr. Cleary stated that caterers would remove everything they bring in when they leave.

Mr. Reilly stated that he would like to make sure that the number of vehicles exiting to Taylor Road at peak hours is a safe one.

Board members discussed the fact that this site is located in the Critical Environmental Area (CEA).

Board members determined that public input would be solicited regarding the environmental aspects of this project during its meeting on June 3, 2020.

Board members agreed that the Planning Department would prepare a draft resolution regarding a possible Negative Declaration for the Board's June 3, 2020 meeting.

Chairman Clark made a motion, seconded by Mr. Mahoney, to table this project to June 3, 2020 for public input and a review of the Environmental Assessment Form. Carried.

OTHER BUSINESS

Ms. McCormick made a motion, seconded by Mr. Chapman, to approve the minutes from May 6, 2020 with a slight grammatical correction. Carried.

Ms. McCormick made a motion, seconded by Mr. Chapman, to approve the minutes from April 29, 2020. As the vote on the motion was six (6) ayes and one (1) abstention (Mr. Schawel), the motion carried.

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

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Respectfully submitted,
Kaitlin McCormick, Secretary
June 1, 2020