

Town of Hamburg
Planning Board Meeting
June 3, 2020
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M. on Wednesday, June 3, 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.

REGULAR MEETING

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

Ms. McCormick stated that she spoke with the applicant’s environmental consultant, who provided her with the jurisdictional determination from the Army Corps of Engineers.

Mrs. Comerford made the following motion, seconded by Ms. McCormick:

“In accordance with the New York State SEQRLaw, the Town of Hamburg Planning Board has reviewed the Battery Post project, which involves a 35 750 sq.ft. expansion of the existing golf cart storage lot at 4109 St. Francis Drive, and held the required public hearing on May 6, 2020. The project meets the criteria established in the SEQRLaw as a Type II action (617.5 (c) (7) and therefore does not require completion of the SEQRLaw process.

The Planning Board hereby grants Conditional Site Plan approval for the Battery Post project to be located at 4109 St. Francis Drive with the following conditions and waivers:

1. The installation of sidewalks is waived, as there are no existing sidewalks in the area.”

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.

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 then Site Plan Approval from the Planning

Board. He noted that the property is 14.6 acres in size, 100 parking spaces are proposed, and the applicant plans to replace the existing pump station on the site and install new sanitary sewer infrastructure.

Attorney Hopkins summarized the new information that was obtained since the Board's May 20, 2020 meeting as follows:

- A detailed letter was submitted responding to the comments from the New York State Department of Environmental Conservation (NYSDEC) and the Erie County Department of Sewerage Management.
- An updated letter was submitted responding to comments made at the May 20, 2020 meeting.
- Preliminary engineered plans were submitted to Ms. Jarrell for review.

Attorney Hopkins stated that originally the outfall from the proposed stormwater management pond was going to outfall into Eighteen Mile Creek. He noted that NYSDEC made it clear that that would be a disturbance within 50 feet of Eighteen Mile Creek, which is a jurisdictional A waterway, so it has been avoided and now no impacts are proposed to that rear portion of the site that falls within the jurisdiction of the NYSDEC.

In response to a question from Ms. McCormick, Mr. Reilly stated that this property is adjacent to or within the Eighteen Mile Creek Critical Environmental Area (CEA).

Ms. McCormick asked that the boundary of the CEA be labeled on the plans.

Attorney Hopkins stated that a lighting plan has been prepared for the project. He noted that 12-foot poles on 3-foot bases are proposed and they will be dark-sky compliant and shielded. He further stated that there will be no light spill-over onto any adjacent properties.

Attorney Hopkins stated that any existing lighting that is not compliant will be removed.

Attorney Hopkins stated that as a result of the SEQR Coordinated Review, none of the Involved or Interested agencies that responded raised any concerns relative to any potentially significant adverse environmental impacts.

Attorney Hopkins stated that after reviewing the preliminary engineered plans, Ms. Jarrell provided an email on June 1, 2020 to the applicant indicating that, for purposes of the SEQR review, she has no major concerns. He acknowledged that Ms. Jarrell's email does not mean that the fully engineered plans are reviewed and approved.

Attorney Hopkins stated that a trip generation letter was previously submitted. He noted that Taylor Road is a County highway subject to the jurisdiction of the Erie County Department of Public Works, and while the project itself does not meet the State threshold for a Traffic Impact Study (TIS), the Board did indicate that it wanted some traffic analysis done relative to the projected exiting trips during the PM weekday hour and the Saturday peak hour. He stated that the previous traffic studies that had been done for similar facilities were done before services such as Uber became common, so the trip generation information was updated to reflect the possibility that people may use Uber, etc. to get to the venue.

Attorney Hopkins stated that if ride sharing services, shuttle bus services, etc. are used to get people to the venue, that would actually reduce the number of trips arriving during the peak hours, but those trip projections were left unchanged in the trip generation report. He noted that the weekday PM peak hour exiting trips number has been increased to 16 and the Saturday PM peak hour exiting trips has been increased to 19 as a result of the change due to the potential use of Uber, etc.

Ms. McCormick confirmed that the numbers in the trip generation information for the former Willow Bend Club are historic and not actually relevant to the Board's review. She stated that the Board is only interested in what the increase is from the existing conditions.

Mr. Mahoney questioned whether ride sharing will continue to be popular going forward given social distancing. He asked if the applicant believes that the 100 proposed parking spaces will not be used on a regular basis.

Attorney Hopkins stated that it is the applicant's intention to provide services like shuttle buses for guests. He stated that the Covid-19 situation would impact the wedding venue industry in the same way it is impacting ride sharing, and the applicant has to make this investment and proceed with this project as if things will return to relative normalcy.

Attorney Hopkins stated that the applicant's goal is to provide those ride sharing services, but the 100 parking spaces have been designed for the maximum capacity of the facility, which is 200 individuals. He further noted that the applicant is comfortable that if no one used ride sharing services, there would be enough parking on site for the largest event that would ultimately be held.

In response to a question from Mrs. Comerford, Attorney Hopkins stated that the only two (2) facilities that are in the Institute of Transportation Engineers national database that are similar to this proposal are located in Vancouver, and that information was used because it was the best available.

Ms. McCormick clarified for a member of the public that the reason she stated that the traffic counts should be compared to what is out there now is that the current traffic is low, and the net increase is larger than it would be if the traffic counts were to be compared to when the site was being used previously.

Mr. Mahoney stated that Willow Bend was previously a club and events were sporadic. He noted that events were usually not planned or scheduled.

Mr. Reilly stated that the County is not concerned about the anticipated volume of traffic generated from this project. He asked Attorney Hopkins to elaborate on how vehicles will be able to enter and exit this driveway safely.

Attorney Hopkins stated that the Level of Service during the arrival hour and departure hour for weekdays and Saturdays would be "A".

Attorney Hopkins stated that SRF Associates, who prepared the traffic information, looked at site distances at the intersection of Taylor Road and the events center driveway and found that while the sight distance for vehicles exiting the events center and turning left would be slightly less than what the best recommendation is, the sight distance would be sufficient in either direction. He noted that the sight distance for vehicles turning left onto Taylor Road would be 340 feet, and the sight distance for vehicles turning right would be greater than 400 feet.

Attorney Hopkins stated that some of the vegetation along Taylor Road could be maintained to allow for increased visibility for entering and exiting vehicles.

Attorney Hopkins stated that there would be no impacts to any federal or New York State wetlands as a result of this project.

Ms. McCormick noted that federal wetlands are not mapped, but because the disturbance is happening in areas that have been previously developed and this is a redevelopment of existing infrastructure or is along the existing roadway between the existing building and the road, those areas are disturbed already.

In response to a question from Ms. McCormick, Attorney Hopkins confirmed that the footprint of the building and the footprint of any permanent disturbance that is happening overlays with the existing building and footprint of structures on the site with the exception of the parking lot.

Mr. Chris Wood, project engineer, stated that the project does not extend into the existing wood line.

In response to a question from a member of the public, Mr. Wood stated that the existing driveway is 24 feet wide, which is standard width for a two-way driveway.

Board members reviewed Part II and III of the Environmental Assessment Form as follows:

- Impact on Land – Yes.
 1. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal
- Impact on Geological Features – No.
- Impact on Surface Water – Yes.
 1. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.
 2. The proposed action may cause soil erosion, or otherwise create a source of storm-water discharge that may lead to siltation or other degradation of receiving water bodies.
 3. The intensification of an existing sanitary sewer problem
- Impact on Groundwater – No.
- Impact on Flooding – Yes.
 1. The proposed action may result in development within a 100 year floodplain.
 2. The proposed action may result in, or require, modification of existing drainage patterns.
- Impact on Air – No.
- Impact on Plants and Animals – No.
- Impact on Agricultural Resources – No.
- Impact on Aesthetic Resources Yes.
 1. Proposed action may be visible from any officially designated federal, state or local scenic or aesthetic resource.
 2. The situation or activity in which viewers are engage while viewing the proposed action is recreational or tourism based activities.
 3. There are similar project visible within the following distance of the propose project: ½ - 3 miles.
- Impact on Historic and Archeological Resources – Yes.
 1. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office archaeological site inventory.
- Impact on Open Space and Recreation – Yes.

1. The proposed action may result in an impairment of natural functions, or ecosystem services, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, and wildlife habitat.
 2. The proposed action may eliminate open space or recreational resource in an area with few such resources.
- Impact on Critical Environmental Areas – Yes.
 1. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.
 2. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.
 - Impact on Transportation – Yes.
 1. The proposed action may alter the present pattern of movement of people or goods.
 - Impact on Energy – Yes.
 - Impact on Noise, Odor, and Light – Yes.
 1. The proposed action may produce sound above noise levels established by local regulation.
 2. The proposed action may result in light shining onto adjoining properties.
 3. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.
 - Impact on Human Health – No.
 - Consistency with Community Plans – Yes.
 1. The proposed action is inconsistent with local land use plans or zoning regulations.
 - Consistency with Community Character – No.

In response to a question from Ms. McCormick, Mr. Mahoney stated that this project is consistent with the community character.

Board members reviewed the draft Part III as follows:

- Impact on Land – The project will have its own site specific Erosion and Sediment Control Plan. The project will not result in a significant impact on land.
- Impacts on Surface Water – There are no mapped federal or state wetlands on the project site. Construction will be mostly on already disturbed areas of the site. The site has had sewer problems in the past, and the applicant plans to fix those problems associated with sewer overflows. The project will not result in a significant impact on surface water.
- Impact on Flooding – The site contains a floodplain, but no construction is proposed within this area. The project will not result in a significant impact on flooding.
- Impacts on Aesthetic Resources – The improvements are far enough away from Eighteen Mile Creek that they will not impact the views of the creek from areas outside of the site.
- Impact on Historic and Archaeological Resources – The applicant provided a letter from OPRHP indicating that the project will have no impact on archaeological and/or historic

resources. The project will not result in a significant impact on historic or archaeological resources.

- Impact on Open Space and Recreation – The site is presently used for recreational purposes, which will be allowed to continue at the site. The project will not result in a significant impact on historic or archaeological resources.
- Impact on CEA – The project will not impact the quality of the water within the creek, and no overflows will occur into the creek or its tributaries. The project will not be located near the creek and its banks and therefore will have no impact on the quality of this resource. The project will have a minor impact on the scenic or aesthetic resources of this creek corridor.
- Impacts on Transportation – No new entrances to the site are proposed and no significant modifications to existing entrances are proposed. The traffic analysis concluded that traffic increases would not be large (less than 100 peak trips per hour) and did not require a full TIS. The applicant has shown that the existing entrance configuration is acceptable and will not be adversely affected by the additional traffic to be generated. The project will not result in a significant impact on transportation.
- Impact on Energy – The project will not result in a significant impact on energy.
- Impact on Noise, Odor and Light – The applicant plans to remove any existing lighting that is not dark-sky compliant, and any new lighting will be shielded and dark-sky compliant. Events will not run past 10:00 P.M. and there will be no outside music besides music during the wedding ceremony. The project will not result in a significant impact on noise, odor and light.
- Consistency with Community Plans – This site is an existing non-conforming use, and the addition of this new use fits into the character of the site and creates no additional land use problems. The project requires a use variance.

Chairman Clark made a motion, seconded by Mr. Mahoney, to authorize the Planning Department to prepare a SEQR resolution for the Board's next meeting. Carried.

In response to a question from Mr. Mahoney, Mr. Cleary confirmed that no one in his organization will apply to the SLA for a liquor license.

In response to a question from Mr. Mahoney, Attorney Puglisi stated that she does not think the Board can stipulate that any future owners of this business cannot obtain a liquor license because that is under the purview of the SLA.

In response to a question from Mr. Chapman, Mr. Cleary stated that the caterers would remove all trash from the premises.

OTHER BUSINESS

Chairman Clark made a motion, seconded by Mr. Chapman, to table approval of the May 20, 2020 minutes. Carried.

Mr. Schawel made a motion, seconded by Ms. McCormick, to adjourn the meeting. The meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Kaitlin McCormick, Secretary

June 15, 2020