

Town of Hamburg
Planning Board Meeting
August 5, 2020
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M. on Wednesday, August 5, 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.

Chairman Clark stated that regarding survey disputes between property owners, the Planning Board does not weigh in on who owns which part of a property, but it would not approve a project that allowed someone to make a change to a disputed area. He noted that the Planning Board would never approve a project on land that might not belong to the applicant.

Chairman Clark further stated that the public hearings will remain open until the Board's next meeting so that it can continue to take comments from the public via Facebook, emails or letters to the Planning Department, phone calls, etc.

REGULAR MEETING

Public Hearing – 7:00 P.M., Lindsay Buncy/Marie Doman-Pazch – Requesting Site Plan Approval of the addition of a coffee shop and co-working space at 4900 Lakeshore Road

In response to a question from Ms. McCormick, Lindsay Buncy stated that the parking plan shows 14 spaces. Marie Doman-Pazch stated that the Public House is willing to allow the applicants to use some of its parking spaces when needed, and the owner of the adjacent property to the south between 4900 Lakeshore Road and the Public House is willing to allow the applicants to use up to four (4) spaces if needed.

In response to a question from Ms. McCormick, Ms. Buncy stated that the 14 spaces shown do not include the area owned by the property owner to the north of 4900 Lakeshore Road. She further stated that the only person who would park in the garage would be an employee who would be there all day. She noted that there are no parking spaces shown in front of the garage.

It was determined that there are three (3) parking spaces available in the garage, bringing the total number of available spaces to 17.

Chairman Clark stated that the Board will not consider any parking spaces that are not on the applicants' property.

Mr. Reilly asked the applicants to provide in writing the exact number of parking spaces available and where they are located.

In response to a question from Ms. Doman-Pazch, Chairman Clark stated that the Planning Board must consider all of the uses in the building when looking at whether enough parking spaces are proposed.

Ms. McCormick asked the applicants to label on the Site Plan where the garage on the north side of the building is and the number of parking spaces available in it. She further asked the applicants to show the access route to that garage.

In response to a question from Mr. Chapman, Ms. Doman Pazch stated that there would be three (3) permanent offices, open co-working spaces and rentable conference rooms. She stated that at any given time she does not anticipate more than a handful of people in the space.

In response to a question from Mr. Chapman, Ms. Doman-Pazch stated that the maximum number of people she thinks would be in the co-working space at one time would be ten (10).

It was determined that none of the Planning Board members has ever been to a co-working space.

In response to a question from Mr. Chapman, Ms. Doman-Pazch stated that all memberships are flexible and are custom crafted to the member. She further stated that some of the memberships are 24/7/365, but not all of them are.

In response to a question from Mr. Chapman, Ms. Doman-Pazch stated that if the number of memberships gets to a certain point, she would look to expand to a second location. She stated that she does not plan to overcrowd the space. She noted that she will know who is at the space, why they are there and who is planning to go there.

Ms. McCormick stated that the co-working space is a very good idea, and she likes the idea of adding the coffee shop to the building as well. She noted that the concern the Board has is how the space will work with the flow of parking. She stated that the Board must consider what the numbers will be when the pandemic is over and the businesses can operate at full capacity.

Chairman Clark stated that the Board must decide what number of parking spaces it would be comfortable with. He stated that there could be ten (10) people in the co-working space, six (6) people in the salon when it is at full capacity and four (4) people in the coffee shop.

In response to a question from Ms. McCormick, Ms. Buncy stated that during the week there is virtually no one sitting at the tables. She noted that during the mornings there might be two (2) people who sit at a table for 30 minutes. She stated that during the course of a day they average 60 customers.

In response to a question from Chairman Clark, Ms. Buncy stated that the average number of people waiting in line would be two (2) or three (3). She further stated that the staff would be using Uber, etc. to get to the coffee shop. She noted that on the weekends there might be two (2) groups of people dining in with two (2) or three (3) people in each group.

Ms. McCormick stated that she had made the following assumptions:

- Off peak, the salon would have two (2) staff and two (2) customers, the coffee shop would have one (1) staff and two (2) customers and the co-working space would have one (1) staff and three (3) customers.
- At peak, the co-working space would have one staff and ten (10) customers.

Ms. McCormick stated that based on the above, the number of parking spaces needed would be 20-22 in the worst-case scenario.

Mrs. Comerford stated that she would like comments from the Fire Department about the ability to get a fire truck or ambulance to the building. Mrs. desJardins stated that she notified the fire department previously.

In response to a question from Mr. Mahoney, Ms. Doman-Pazch stated that standard bike racks are planned for any customers to use. She noted that the bike racks would not take up any parking spots.

Ms. McCormick asked the applicants how they plan to advertise the flow of the parking lot and the fact that extra parking spaces would be available off-site.

It was determined that the applicant have no plans at this time to apply for Industrial Development Agency funds.

In response to a question from Ms. McCormick, Mrs. desJardins stated that the Traffic Safety Advisory Board will be reviewing this project at its August 13, 2020 meeting.

Ms. 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 Lindsay Buncy and Marie Doman-Pazch to add a coffee shop and a co-working space at 4900 Lakeshore Road. The Public Hearing will be held on August 5, 2020 via Webex and can be viewed on the Township of Hamburg, NY Facebook page. Comments are welcome.”

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

The following email was sent to the Planning Department from Sean Doyle, Executive Director of the Hamburg Industrial Development Agency regarding this proposal:

“Good evening. I am Sean Doyle, Executive Director of Hamburg Development Companies. My organization operates several economic development programs all aiming to boost employment, economic opportunity and commercial tax revenue for the Town of Hamburg. I am interested in offering comment on the idea of co-working space as it can certainly lead to a positive impact on our built and economic environment in the Town. In addition, I have comments regarding this particular development and concerns raised in previous planning sessions. Co-Working space provides entry-level businesses and entrepreneurs access to flexible office space and fosters collaboration among like minded individuals. These supports increase the success rate of these fledgling companies. In addition, co-Working space allows more businesses to start up by lowering the barriers to market entry. Such as financial requirements or security deposits for permanent leases or financing for built space. In addition, this flexible environment creates more equity among startup business operators. Furthermore, with the overall increase of telecommuting and remote work, there is an increased need for temporary office or

meeting space for special projects, presentations and interviews. There is no local provider of such services. Consumers must seek space in Buffalo or Springville. Last, this type of space arrangement sets the foundation for business growth. As these businesses grow, the increased employees and / or production levels require permanent office or production space in the form of traditional leased or owned commercial real estate.

Regarding this particular development, I believe this developer has the knowledge and experience to successfully develop and implement a plan to operate in this particular location. They have established creative strategies like incentives for ride sharing, influencing bicycling in the seaway corridor as a means of transport and establishing arrangements with neighboring businesses for overflow parking if needed. These creative strategies should be welcomed and utilized more often. These strategies alleviate requirements for parking lots which are an eyesore, cause heat gain in communities and impact our lakes and rivers with storm water runoff.

I respectfully encourage the Planning Board to adopt this project use for the site due to the current and future economic opportunity it provides.”

Chairman Clark made a motion, seconded by Mr. Mahoney, to adjourn this public hearing to the Board’s August 19, 2020 meeting. Carried.

It was determined that the Planning Department would prepare resolutions for the Board’s next meeting.

Public Hearing – 7:00 P.M., James Cleary – Requesting Site Plan Approval of a proposal to create a wedding/event center at 6653 Taylor Road

Chairman Clark stated that a SEQR Negative Declaration was issued by the Planning Board in July affirming that the project would not have an adverse impact on the environment. He noted that the applicant then obtained a use variance from the Board of Zoning Appeals to operate the wedding/events center in the R-A District.

Chairman Clark stated that although concern has been raised about the active lease between two (2) parties on this property, the Planning Board will not weigh in on different components of the lease or place requirements on the proposed project tailored to that lease. He noted, however, that the Planning Board will not approve a Site Plan that cuts off access to an existing use on the property.

Chairman Clark stated that the comments that have been received relative to access to the tennis facility will be considered when the Board reviews the Site Plan. He stated that concerns have been raised about cars possibly parking on Taylor Road, and he does not think the Board would be comfortable with any plan that encourages parking on Taylor Road.

Ms. McCormick stated that Board members had received, read and appreciated the comments that have been received from the Hamburg Racquet Club and an adjacent property owner.

James Cleary, applicant, stated that he has been made aware of the issue regarding the discrepancy between the adjacent property owner’s survey and the Willow Bend survey. He stated that he advised the property owner that when he (Mr. Cleary) owns the Willow Bend property, he would be happy to give the property owner the small amount of property that is in dispute. He noted that he cannot give the property owner the land until he owns it.

Chairman Clark advised Mr. Cleary that he (Mr. Cleary) can advise the Planning Board when a final resolution is arrived at relative to the survey dispute. Mr. Cleary responded that he cannot resolve that problem until he owns the Willow Bend property.

Chairman Clark stated that if the project is approved, a condition of approval could be that the applicant give the adjacent property owner the disputed property.

Attorney Sean Hopkins, representing the applicant, stated that Mr. and Mrs. Evenden, who are the adjacent property owners in question and who reside at 6655 Taylor Road, have raised a concern regarding a discrepancy in the two (2) surveys. He noted that the Willow Bend survey shows the Evenden's garage much closer to the shared property line than the Evenden's survey does. He stated that the property in question is of no value to the applicant, and the applicant has no objection to a condition of approval being that if the applicant acquires the Willow Bend property the disputed property will be conveyed to the Evendens at no cost. He further noted that the Evendens have been very good to deal with and there is no adversarial aspect to the relationship between them and the applicant.

In response to a question from Chairman Clark, Attorney Hopkins stated that the Site Plan prepared by Chris Wood is based upon the survey that was done on the Willow Bend property.

A question was raised via Facebook regarding whether access is shown on the Site Plan to the Hamburg Racquet Club.

It was determined that the Site Plan presented by Attorney Hopkins was not the most recent Site Plan submitted to the Planning Department. Mrs. desJardins stated that she has in her office a Site Plan showing the walkway from the proposed new parking lot to the entrance of the Hamburg Racquet Club.

Chairman Clark stated that the Planning Board will not approve this project if access to the Hamburg Racquet Club is not provided.

In response to a question from Ms. McCormick, Mr. Cleary stated that the members of the Racquet Club will be able to use the parking lot as they wish, noting that it is part of the lease. He stated that the Racquet Club members will be able to park much closer to the tennis bubble than they do now.

A question was raised via Facebook regarding whether any drainage from the new parking lot would cause flooding at the Racquet Club.

Attorney Hopkins stated that Chris Wood, project engineer, has prepared fully engineered plans that demonstrate compliance with storm water quality and quantity requirements. He noted that Ms. Jarrell reviewed those plans and issued an email confirming that the plan has met all technical requirements. He noted that the conditions for the Racquet Club will be improved over what is there today.

Ms. Jarrell confirmed the above, noting that there would be drainage in and around the parking lot to take it all away to the storm water management area. She further noted that nothing will be draining towards the tennis bubble.

In response to a question from Mrs. Comerford, Attorney Hopkins stated that the maximum occupancy would be 250 individuals for any particular event, and 99 parking spaces are proposed. He stated that other than perhaps a catering vehicle, there would not be any large vehicles parking on the site.

In response to a question from Mrs. Comerford, Mr. Cleary stated that he does not know where Mr. Wood placed the dumpster on the site. He noted that most facilities like this do not have a dumpster. He noted that the only reason a dumpster is on the Site Plan is because the Planning Board asked him to supply one on site.

It was determined that the dumpster would be located in the northeast corner of the new parking lot.

Mrs. Comerford stated that she is concerned about the building holding 250 guests and only 99 parking spaces being provided, some of which may be used by the Racquet Club members.

In response to a question from Mrs. Comerford, Attorney Hopkins stated that the applicant is very comfortable with the number of parking spaces provided. He noted that the tennis bubble is down during the summer, so the peak demand for the facility and the bubble will not overlap much.

Attorney Hopkins stated that the traffic analysis that was prepared was updated to show that Uber, Lyft, etc. vehicles would be exiting after dropping guests off at the facility.

In response to a question from Mr. Mahoney, Attorney Hopkins stated that a lighting plan has been submitted that shows that four (4) light standards are proposed in the parking lot, as well as two (2) light standards closer to the events center and two (2) light standards along the internal driveway, including one (1) up close to the intersection with Taylor Road. He noted that they are separated along the driveway a considerable distance, but they are close enough to provide illumination for safety.

Attorney Hopkins stated that all lighting fixtures would be dark-sky compliant, and no lighting illumination will spill on to adjoining properties.

In response to a question from Ms. McCormick, Mr. Cleary stated that construction would probably begin in mid-winter and the project could take nine (9) months to complete. He stated that the original parking will not be touched until the spring, so the Racquet Club members will still have access to the bubble, and the bubble will come down by May 31.

Chairman Clark asked Mr. Cleary if there could be a time that could be agreed upon where the parking lot construction could start and not interfere with the Racquet Club business. Mr. Cleary responded that there is plenty of parking on the existing round-a-bout for the Racquet Club members. He confirmed that the Racquet Club members would be able to park on that round-a-bout while the new parking lot is being constructed and then use the new parking lot when the round-a-bout is removed.

Mr. Reilly advised Board members that how the applicant provides access to the tennis bubble during construction is not something the Planning Board can control.

Ms. 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 James Cleary to construct a wedding/events venue at 6653 Taylor Road. The Public Hearing will be held on August 5, 2020 via Webex and can be viewed on the Township of Hamburg, NY Facebook page. Comments are welcome.”

Chairman Clark declared the public hearing open. Comments were received via the Facebook page as follows

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- Carole Gillette stated “I hope the traffic study is using actual numbers hall can hold and not use of Uber or Lyft.”
- Mary Hays stated “Does Mr. Cleary’s current Site Plan show access to the Hamburg Racquet Club?”
- Wendy Hoak Evenden stated “We appreciate the offer. We are in support of the project.”
- Mary Hays stated “The Site Plan shows no access.”
- Mary Hays stated “We have not seen any indication of a walkway.”

- Mary Hays stated “Does that go over the drainage ditch between the parking lot and the bubble?”
- Mary Hays stated “Will we get flooding from the parking lot onto the tennis courts?”
- Mary Hays stated “The current walkway will be demolished with the wedding venue construction.”
- Mary Hays stated “How will potential flooding be addressed between the parking lot and the Hamburg Racquet Club?”
- Carole Gillette stated “Will parking spaces be determined by actual hall capacity?”
- Mary Hays stated “During construction, how will access be guaranteed?”
- Carole Gillette stated “Won’t it need at least 250 spaces then?”
- Mary Hays stated “It looks as though the current landscaping will impact out access to moving equipment in and out of the Hamburg Racquet Club maintenance area.”
- Wendy Hoak Evenden stated “Dumpsters would attract animals. It would be better as Mr. Cleary originally said for caterer to take out the trash.”
- Suzanne Krycia stated “What was the final determination on the dumpsters?”
- Carole Gillette stated “Need more parking spaces or this will be a traffic safety hazard.”
- Carole Gillette stated “Not worried about tennis center needs for parking. The parking for the wedding venue is not sufficient.”
- Mary Hays stated “The Hamburg Racquet Club is operational no earlier than September 7 and must be taken down no later than May 31st.”
- Suzanne Krycia stated “What about during construction?”
- Mary Hays stated “Our current walkway is within three (3) feet of the current building. During demolition, that walkway will be inaccessible.”
- Mary Hays stated “Bubble takedown occurred two (2) weeks ago only due to the safety issues associated with the virus.”
- Mary Hays stated “We were not allowed by Governor Cuomo’s pause order to take it down sooner.”
- Mary Hays stated “We do not play tennis after May 31st or before September 7th even when the bubble is down. We are concerned about being able to walk to the tennis bubble during demolition.”

Chairman Clark made a motion, seconded by Mr. Schawel, to adjourn this public hearing to the Board’s August 19, 2020 meeting. Carried.

Michael Stachera – Requesting an Open Development Area per New York State Town Law Section 280-A (4) to be located at 3601 South Creek Road

Michael Stachera, applicant, stated that he has discovered that the soft costs of this project are likely to exceed his capacity to handle and therefore will make the project impractical. He stated that he plans to continue his project in a different manner by working within the parameters of the R-A zoning.

OTHER BUSINESS

Mrs. desJardins stated that Glenn Wetzl will be appearing at the Board's August 19, 2020 meeting to request that the sidewalk that is to be constructed from the entrance to the new subdivision on Boston State Road to the corner of McKinley Parkway not be put in.

Mrs. desJardins stated that the engineer for the Well Now project on Southwestern Boulevard that was recently approved has asked if the three (3) large trees in front of the building can be taken down and replaced with the same type of tree to allow for better visibility of the building. Board members concurred that they do not like the idea of taking those trees down. Mrs. desJardins stated that she would notify the project engineer.

Mrs. desJardins stated that a gentleman would like to occupy 3800 Lakeshore Road, which is the old UAW building. She stated that Roger Gibson, Supervising Code Enforcement Official, has indicated that a Site Plan Waiver is appropriate because this is a minor change in use, the gentleman does not intend to change the outside of the building and the use is permitted in that District. Board members concurred that a Site Plan Waiver is appropriate.

Chairman Clark made a motion, seconded by Mr. Schawel, to approve the July 15, 2020 minutes. Carried.

Chairman Clark made a motion, seconded by Mr. Chapman, to adjourn the meeting. The meeting was adjourned at 9:15 P.M.

Respectfully submitted,
Kaitlin McCormick, Secretary
August 12, 2020