

Town of Hamburg
Planning Board Meeting
September 2, 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, September 2, 2020 in Room 7B of Hamburg Town Hall and via Webex. Those attending via Webex included Robert Mahoney, Dennis Chapman, Megan Comerford and Kaitlin McCormick. Chairman William Clark attended in person.

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

Excused: Al Monaco and Doug Schawel

WORK SESSION

Carol Lease – Requesting Preliminary Approval of a two-lot subdivision to be located at 4347 Beetow Drive

Rob Pidanick from Nussbaumer & Clarke, representing the applicant, stated that the applicant's existing property on Beetow Drive has 175 feet of frontage. He stated that she wishes to subdivide the property so that the new lot would have 76 feet of road frontage instead of the required 90 feet. He noted that a variance was granted by the Zoning Board of Appeals on September 1, 2020 to allow the reduced lot width.

Mr. Pidanick stated that the applicant plans to construct a new home on the new lot. He further stated that the existing garage and shed located on the property would be demolished.

Chairman Clark asked Mr. Pidanick to provide a building layout and orientation of the proposed home. Mr. Pidanick responded that the plan is to orient the new home towards the street, just like the homes on either side are.

Mr. Pidanick stated that the new home would have its own driveway, utilities and property address.

Chairman Clark made a motion, seconded by Mrs. Comerford, to schedule a public hearing to be held on September 16, 2020. As the vote on the motion was four (4) ayes and one (1) nay, the motion carried.

REGULAR MEETING

Brandon Williams – Requesting Site Plan Approval of a trailer sales and service business at 4245 McKinley Parkway

Chris Wood, project engineer, stated that the building would remain as is with the exception of the addition of some overhead doors on the rear of the building and some cosmetic upgrades. He stated that the trailers would occupy existing parking spaces, and no additional black top is proposed. He noted that a vinyl split rail fence is proposed around the perimeter of the property with gates.

Mr. Wood stated that an updated Site Plan was submitted showing the existing trees on the site.

In response to a question from Chairman Clark, Mr. Wood stated that the trailers to be sold are landscape type trailers as opposed to camping trailers.

In response to a question from Mr. Mahoney, Mr. Wood stated that there would be trailer repair, a showroom and offices inside the building. He noted that this business does not get many drive-up customers.

In response to a question from Chairman Clark, Mr. Wood stated that visibility from the road is important to the applicant and much of the existing landscaping was installed when Perkins occupied the building. He further stated that trying to screen the building further from McKinley Parkway would hinder the site.

Ms. McCormick asked for an example of the proposed perimeter fencing.

Mr. Wood stated that the applicant would be agreeable to installing some low shrubs along McKinley Parkway in the area of the proposed monument sign.

In response to a question from Mr. Mahoney, Mr. Wood stated that the turning radii of the exits are in excess of 30 feet. He further stated that the distance from the driveway to the signal is approximately 200 feet.

Mr. Wood stated that trailers would probably be brought to the site from Big Tree Road.

Chairman Clark made a motion, seconded by Mr. Mahoney, to schedule a public hearing to be held on September 16, 2020. Carried.

Engineering Department comments have been filed with the Planning Department.

Glenn Wetzl – Requesting approval of a revised Subdivision Plan for the Cottages Subdivision on Boston State Road

Chris Wood, project engineer, stated that the applicant is requesting that the sidewalk planned along Boston State Road from the subdivision entrance to McKinley Parkway be eliminated. He noted that the nearest sidewalk west of this area is approximately 1,000 feet away. He further stated that if installed, the sidewalk crossing in front of the existing residence at 6377 Boston State Road would be extremely close to that home's windows. He stated that the owner of 6377 Boston State Road has previously submitted a letter to the Planning Board asking that the sidewalk not be installed.

Mr. Wood stated that if residents of the subdivision wish to walk to the Village, they can use the emergency access driveway that aligns with Grandview Avenue.

Chairman Clark stated that a walkway around the emergency gated access might be more appropriate than the sidewalk along Boston State Road for someone wishing to walk from the subdivision to the Village.

Attorney Puglisi stated that the Town Code does not reference whether a public hearing is required for a revision of an approved subdivision. She noted that generally the next step is to determine if this is a significant change of the initial approval to require a public hearing, and whether what is being considered was controversial in the previous public hearing. She stated that sidewalks were never mentioned in the previously held public hearing.

Mr. Mahoney stated that he did not think a public hearing is necessary.

Mrs. Comerford, Mr. Chapman and Chairman Clark indicated that they felt a public hearing should be held.

Chairman Clark made a motion, seconded by Mr. Chapman, to schedule a public hearing to be held on September 16, 2020 to discuss the sidewalk issue only. As there were four (4) ayes and one (1) abstention (Ms. McCormick), the motion carried.

David Manko – Requesting Planning Board review of a proposed cluster subdivision to be located on the west side of Parker Road

Chairman Clark stated that an email was received by the Planning Department asking if the proper procedures will be followed in this time of Covid. He stated that the answer to that question is yes, noting that any changes the Planning Board has relative to the Open Meetings Law have to do with the way Planning Board members access the meeting and with giving the public different opportunities to give its point of view besides coming to a meeting at Town Hall.

Chairman Clark stated that an email was received by the Planning Department asking how experienced this builder is with building subdivision and noting that the writer was not able to find anything online that would be comparable. Chairman Clark stated that the above emailer also indicated that he or she lives in the J & M Subdivision nearby and feels that that building was in over his head, and he or she feels that the builder of this proposed subdivision may be in the same boat. Chairman Clark stated that the emailer indicated that he or she is concerned about the environmental impact of this subdivision at his house with a lot of water runoff on Parker Road.

Chairman Clark stated that he would let the applicant answer the above questions.

Chairman Clark stated that the developer cannot allow more water to leave the property that currently runs off the property. He noted that the Town Engineer will review the applicant's drainage plan and give the Planning Board an opinion regarding whether she believes the drainage plan meets that standard.

Mr. Reilly noted that the Planning Board will conduct an arduous Coordinated SEQR Review of this project to make sure it does not adversely impact the environment.

Chairman Clark stated that Board members were provided with pictures of four (4) different designs for homes for the proposed subdivision.

Chairman Clark stated that the factors the Planning Board can consider when reviewing a subdivision are quite limited. He stated that most of what they can consider is done through the SEQR process.

Chairman Clark stated that the Planning Board cannot deny a project because it does not want a particular person to build it.

Chairman Clark stated that an email was received by the Planning Board asking what, in every day terms, is the difference between and potential impact of a cluster vs regular subdivision. He noted that a cluster subdivision has lots that are smaller than they usually would be, and the idea is that this should benefit the Town in some way. He stated that a regular subdivision has lots that meet the requirements for lot size, setbacks, etc.

Mr. Reilly stated that cluster subdivisions and regular subdivision have the same number of lots.

Chairman Clark noted that the above emailer asked if it is possible to have the plans emailed for review, and if not is an appointment needed to view them in the Planning Department. He stated that whether plans can be emailed to a member of the public is the decision of the firm that prepared those plans because they are considered public information but not public property.

Mr. Reilly stated that, with the firm's permission, plans can also be posted on the Town's website.

Chairman Clark stated that if someone wants to see plans in the Planning Department, making an appointment is preferred.

Chairman Clark stated that the above emailer asked if the property has been sold yet. He noted that most of the time there is a contingent contract of sale, and if the project is approved the property is sold to the developer.

Chairman Clark stated that a public hearing will be held on this proposal, and prior to the Board determining whether a Cluster subdivision will be allowed, an informal information session will be held where the public can ask questions about the Cluster subdivision.

Mr. Reilly stated that the Planning Board must first decide whether the proposed Cluster subdivision will be permitted or if the regular subdivision is preferred.

Chris Wood from Carmina Wood Morris, project engineer, stated that an updated Cluster plan was emailed to the Planning Department for circulation to Board members. He noted that he and the applicant spoke to some of the neighbors who attended the Board's last meeting, and one of their concerns was the southerly access point to the subdivision on Parker Road. He stated that the applicant agreed to make that an emergency gated access road.

Mr. Wood stated that one of the benefits of a Cluster subdivision is the reduction in infrastructure, impervious area from the roadways and runoff. He stated that there would be 67 lots whether it is a Cluster subdivision or a regular subdivision.

Mr. Wood agreed to provide to the Planning Board a table showing how much area of impervious area associated with the roads there would be with both types of subdivision, as well as information regarding any other changes that would then filter through to the storm water structures.

It was noted that correspondence was received from the Building Department indicating that there have been problems in the past with Cluster subdivisions and setbacks, etc.

Mr. Wood stated that the smallest lot proposed in the Cluster subdivision is 10,500 sq.ft. He noted that the Cluster regulations allow lots as small as 5,000 sq.ft. and the minimum lot allowed in a regular R-1 subdivision is 15,000 sq.ft. He further stated that 27 of the proposed lots in the Cluster subdivision exceed the 10,500 sq.ft. minimum lot size.

In response to a question from Ms. McCormick, Mr. Wood stated that all of the proposed lots along Parker Road, as well as two (2) internal lots, meet the 15,000 sq.ft. R-1 minimum size allowed.

In response to a question from Mrs. Comerford, Mr. Wood stated that 11.6 acres, or 32.9% of the property, would remain open space. He further stated that the retention pond would take up approximately 1.5 acres of that 11.6 acres.

In response to a question from Mrs. Comerford, Mr. Wood stated that the permanent open space would be enhanced with plantings and potentially a walking trail for the residents. He noted that this would be more than what would be required in a regular subdivision. He further stated that a berm is proposed to screen Big Tree Road from the residents of the subdivision.

Mr. Reilly stated that the Town Code requires that at least 50% of the site be left as open space.

In response to a question from Mrs. Comerford, Mr. Wood stated that there is less than 1/10 of an acre of federal wetlands on lot # 24 that will be impacted under a Nationwide Permit without mitigation. He noted that the wetland on that lot is .077 acres in size.

Mr. Wood asked if an area variance can be pursued if the applicant does not propose to keep 50% of the site as open space. Mr. Reilly responded that he would research that question.

Mr. Wood stated that if a regular subdivision is built, there would be zero open space and less impervious area with the same 67 lots.

It was determined that an information session would be scheduled at the September 16, 2020 meeting.

Chairman Clark stated that the following concerns were raised by the Building Department regarding the proposed Cluster subdivision:

- The concept plan does not show drainage easements. The easements will further reduce the yard area that the homeowners will have available for pools, sheds, etc. The Building Department has had many homeowners upset that plans for their backyard pools don't fit on their lots.
- The concept plan proposes 7.5' minimum side yards (15' total) and minimum distance between buildings of 15'. This is very difficult to manage and will likely create a need for variances as the builder must provide a spot survey showing the adjoining foundation to show compliance with the 15' between building requirement. In many instances, there is no room for error in setting the basement foundations to maintain such tight minimum requirements.
- The concept plan shows a reduction in the minimum front yard setback from 35' to 30'. This shortens the driveways and causes vehicles or trailers to obstruct the public sidewalk.

- The concept plan shows a reduction in the minimum rear yard from 30' to 25'. This, combined with the drainage easements that are not shown at this time, further causes problems for the homeowner who desires a swimming pool or tool shed.

Mr. Wood stated that he can address the above comments from the Building Department.

Chairman Clark asked members of the public if anyone wished to give a general comment. The following people spoke:

- Tim Cook, 4388 Parker Road, asked if a traffic study has been performed, since Parker Road seems quite busy and the developer is proposing to add 67 houses and potentially two (2) cars per home.

Mr. Reilly stated that a traffic study will probably be requested once the Planning Board decides whether to allow the use of cluster.

- Jack Foley, 4726 John Michael Way, stated that this project would be in his backyard. He stated that when he purchased his property he was told that there is a 20' buffer between the rear of his property and the farmer's land that can never be developed. He asked if that is true.

Mr. Reilly agreed to research Mr. Foley's question.

Chairman Clark advised Mr. Foley that if a cluster subdivision is allowed, the open space provided by the developer would be behind his (Mr. Foley's) property.

Mr. Wood advised Mr. Foley that if a cluster subdivision is allowed, there would be 350 feet from the rear of his (Mr. Foley's) property and the nearest sub lot in the new subdivision.

- Mr. Foley asked if there would be a traffic light installed at the intersection of Big Tree Road and Parker Road.

Mr. Reilly stated that the New York State Department of Transportation (NYSDOT) decides whether a new traffic light is warranted.

Chairman Clark stated that the traffic generated by the regular R-1 subdivision would be the same as the traffic generated by the cluster subdivision, since there would be 67 lots in both.

It was determined that subdivisions with more than 30 lots must have more than one (1) access point.

- Peggy Alves, 4369 Parker Road, asked if the proposed emergency access to the subdivision would be gated.

Chairman Clark stated that the NYSDOT, when reviewing the traffic study that will be performed for this subdivision, is going to conclude that the traffic impact of this new subdivision is not significant.

Ms. McCormick stated that there should be no speculation about what NYSDOT's comments will be relative to the traffic expected to be generated from this new subdivision.

Mr. Wood stated that the developer plans to install a berm behind some of the homes on Parker Road.

- Laura Podkulski, 4332 McKinley Parkway, asks who owns the road that would be used to access the trailer sales and service business. She stated that she believes that the people from this new subdivision will cut through the old Walmart parking lot to get to Tops on McKinley Parkway.

Mr. Wood stated that he that road probably reverted to a Town road after the NYSDOT abandoned it.

- Tim Cook, 4388 Parker Road, asked how 67 was arrived at for the number of homes the developer can build. He asked if the developer could reduce the number of lots in order to get the required 50% open space.

Chairman Clark explained that the number of lots was arrived at by the applicant submitting a regular R-1 subdivision.

Mr. Wood stated that the only way to provide the required 50% of open space, the developer would have to either reduce the number of lots or reduce the size of the currently proposed lots.

Chairman Clark stated that in order to approve the use of cluster, the Planning Board would have to assert that the layout benefits the Town. He asked if any members of the public felt that this cluster layout does benefit the Town. No member of the public responded.

Chairman Clark made a motion, seconded by Mr. Mahoney, to schedule a public information session that will be noticed in the paper as a public information session to be held on September 16, 2020. Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mrs. desJardins asked Board members to review the identification sign for the Pellicano Vineyards site on Boston State Road. She noted that the Town Code does not address signage for commercial uses in the R-A District. Board members agreed that the sign is acceptable.

Mrs. desJardins stated that Mr. Bill Ciarvino at Howard Road and South Park Avenue wishes to construct a 360 sq.ft. addition to an existing pole barn. Shes stated that Mr. Ciarvino lives on this property and is using the pole barn to store personal belongings, but the property is zoned Commercial and therefore the addition requires Site Plan Approval or a Site Plan Waiver.

In response to a question from Mr. Chapman, Mrs. desJardins stated that the South Park Avenue Overlay District, which affected the location of the existing pole barn, does not exist anymore and therefore is not relevant to this addition.

It was determined that the addition would bring the building closer to South Park Avenue.

Mr. Reilly stated that if a Site Plan Waiver is granted, it should be noted in the file that this is for a non-commercial use and if someone in the future purchases this property and wants to use the pole barn for commercial purposes, he or she would need Site Plan Approval from the Planning Board.

Board members agreed that a Site Plan Waiver is warranted for this addition with the condition that no trees are removed, the addition must match the existing pole barn, and if a commercial business is ever proposed for the building, Site Plan Approval will be required.

Ms. McCormick made a motion, seconded by Mrs. Comerford, to approve the August 19, 2020 minutes. Carried.

Ms. McCormick made a motion, seconded by Mrs. Comerford, to adjourn the meeting. The meeting was adjourned at 8:15 P.M.

Respectfully submitted,
Kaitlin McCormick, Secretary
September 11, 2020