

Town of Hamburg
Planning Board Meeting
February 3, 2021
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 6:15 P.M. on Wednesday, February 3, 2021 via Webex. Those attending included Chairman William Clark, Vice-Chairman Kaitlin McCormick, Doug Schawel, Al Monaco, Robert Mahoney, Dennis Chapman and Megan Comerford.

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

REGULAR MEETING

Asset Recovery Engineering Associates – Requesting Site Plan Approval of an addition to the existing building at 5590 Maelou Drive

Al Conte, applicant, stated that he would like to keep the existing office and replace the rest of the building. He noted that his business recycles circuit boards. He stated that there would be no outdoor storage of equipment or materials and there would be no dumpster.

Mrs. desJardins stated that the applicant will be requesting a variance from the Board of Zoning Appeals to allow the front yard setback to be reduced to 40'. She further noted many properties on Maelou Drive in this area have received variances for the reduced front yard setback.

Mr. Conte stated that Maelou Drive is a dead-end road and no one has any business being there unless they are going to his location.

In response to a question from Chairman Clark, Mrs. desJardins confirmed that the new building would be no closer to the road than the existing building is.

Chairman Clark made a motion, seconded by Mr. Chapman, to schedule a public hearing to be held on March 3, 2021. Carried.

Engineering Department comments have been filed with the Planning Department.

Bob Bieber – Requesting Site Plan Approval of a 3,200 sq.ft. pole barn at 6465 Railroad Avenue

Mrs. desJardins stated that the applicant did email her color renderings of the project pole barn, but she was not able to open the photos. She further stated that Mr. Bieber owns 6465 Railroad Avenue and 1957 Lakeview Avenue, which are adjacent to one another. She noted that the project engineer was not aware of that fact and thought that the entire property's address was Lakeview Road, which is why the plans show the Lakeview Road address.

Bob Bieber, applicant, stated that he would like to construct the pole barn to store some of his personal belongings (RV, snow plow, trailer, etc.) and get them out of the weather.

Mr. Reilly stated that this property is located in the Southern Hamburg Overlay District, but the building is proposed to be set far back in the rear of the site and will not be visible from the street.

Chairman Clark made a motion, seconded by Mr. Monaco, to schedule a public hearing to be held on February 17, 2021. Carried.

Attorney Sean Hopkins – Requesting Sketch Plan Direction on a proposal to construct a new drive-through restaurant in front of 3464 McKinley Parkway

Attorney Sean Hopkins, representing the applicant, stated that a 5,000 sq.ft. Chick Fil A building is proposed at this location with drive-thru and outdoor dining facilities. He noted that the site is properly zoned.

Timothy Freitag from Bohler Engineering stated that this site is located in a heavily commercialized area between I-90 and the McKinley Mall and there are neighboring uses similar to what is proposed, so this use is in harmony with the C-2 District. He stated that formal detailed engineering drawings, SEQR, elevations and traffic investigation information from SRF Associates will be submitted in the near future.

Mr. Freitag stated that this site is the third Chick Fil A site in the Buffalo and surrounding area markets (there are two(2) in Cheektowaga and there is one in Erie, PA). He noted that the site is within a .6 acre leased parcel that is part of the overall 4-acre Raymour & Flanigan parcel. He stated that there would be shared access and parking agreements in place and the existing access drives to Raymour & Flanigan will be used for access to the Chick Fil A site. He noted that no new curb cuts onto McKinley Parkway or Milestrip Road would be proposed.

Mr. Freitag stated that 205 parking spaces would be shared between Chick Fil A and Raymour & Flanigan.

Mr. Freitag stated that there would be a double drive-thru lane circling the building, which would isolate the drive-thru guests from the dine-in guests and parking facilities. He stated that Chick Fil A's program allows team members to enhance the ordering and meal delivery experience for guests with face-to-face interactions with Chick Fil A team members and patrons within the drive-thru.

Mr. Freitag stated that the proposed site plan would add approximately 2,500 sq.ft. of green space to the shopping center. He further stated that the project would provide improved pedestrian connectivity to the right-of-way and this shopping center.

In response to a question from Mr. Mahoney, Mr. Freitag stated that the access to McKinley Parkway is existing and is located on the northeastern corner of the Raymour & Flanigan property. He further stated that the distance from that curb cut to the intersection of McKinley Parkway and Milestrip Road is approximately 300 feet.

In response to a question from Chairman Clark, Mr. Freitag stated that green space would be added around the perimeter of the drive-thru, as well as between the drive-thru and the building.

In response to a question from Mrs. Comerford, Mr. Freitag stated that the shared connectivity to the neighboring shopping centers is proposed to remain as they are today. Mrs. Comerford stated that that would create a complexity and noted that it was a busy cut through spot when Toys R Us occupied this site.

Mrs. Comerford asked Mr. Freitag if there is anything on the site plan to discourage people from turning left onto Milestrip Road from this site, noting that people cannot turn left out of the Starbucks on the opposite side of Milestrip Road. Mr. Freitag responded that the access drive to Milestrip Road is a full movement access and is proposed to remain that way. Mrs. Comerford noted that she is concerned about people making lefts onto Milestrip Road, especially on Saturdays and Sundays.

In response to a question from Mrs. desJardins, Mr. Freitag stated that Chick Fil A is not open on Sundays.

Chairman Clark stated that if Starbucks cannot turn left across the street, it will probably be difficult for Chick Fil A patrons to turn left as well and perhaps a similar traffic control there would be appropriate.

Mr. Freitag stated that SRF Associates will review the differences in patterns between the Starbucks and the Chuck Fil A. He further stated that the New York State Department of Transportation (NYSDOT) will also be reviewing the project.

Attorney Hopkins stated that Chick Fil A would be a tenant rather than an owner, so Chick Fil A does not have the ability to modify aspects of this site that are off the lease parcel.

Attorney Hopkins stated that he cannot think of a better site for this use in terms of the distance from the actual Chick Fil A to the existing curb cuts and the fact that the applicant is not proposing any new curb cuts.

Ms. McCormick stated that there are a number of bus stops at that intersection and close to it. She noted that the Chick Fil A might be an attractive use for people who want to grab food and go. She asked if a safe crossing across the drive-thru or a safe pedestrian path from the sidewalks could be factored in to the plan. Attorney Hopkins indicated that that will be investigated.

Chairman Clark stated that if those safe crossings are added, the Town must make sure they remain. He referenced speed bumps that were required near the Popeye's restaurant that have been removed.

Ms. McCormick stated that she feels it is important that the property owner have appropriate areas for snow storage on the site that are clear from any potential stacking, parking and pedestrian access.

In response to a question from Mr. Mahoney, Mr. Freitag stated that the restaurant would have approximately 120 seats for indoor dining and 24 seats outside on the patio.

In response to a question from Mrs. Comerford, Mr. Freitag stated that the two (2) Chick Fil A restaurants in Cheektowaga have generally the same number of seats and are generally the same size as the one proposed in Hamburg. He noted, however, that the drive-thru at this location has the capacity for approximately 35 vehicles and the sites in Cheektowaga have between 20 and 24 stacking spaces.

In response to a question from Mr. Reilly, Attorney Hopkins stated that there are two (2) parcels on the Raymour & Flanigan site and no new parcels are proposed to be created.

Mrs. desJardins stated that per the Town's previous parking regulations, this project would require 48 parking spaces.

In response to a question from Mrs. Comerford, Mr. Freitag stated that there would be dine in guests, the order ahead component where one can pick up and the drive-thru guests. He noted that the drive-thru lanes are isolated from the dine-in and order pick-up guests. He further stated that there would be designated parking spaces and a separate entrance to the building for the order ahead guests.

Mr. Freitag stated that Chick Fil A has a grand opening strategy team that would mobilize when the grand opening is scheduled. He noted that this team would work with the Town and the local Sheriff's office to provide additional support as needed for grand opening volumes.

Mr. Freitag stated that with dining rooms being closed due to Covid-19, drive-thrus are seeing a larger volume than what is anticipated.

Mrs. Comerford stated that one of the Chick Fil A locations in Cheektowaga has been busy since it opened.

In response to a question from Mrs. Comerford, Mr. Freitag stated that the applicant hopes to commence construction on this project in the Spring of 2022 and have a grand opening in the Fall 2022.

Mrs. Comerford stated that she believes that holding a grand opening in the Fall could be a problem because the Bills Stadium is right around the corner and the Sheriff's office will have concerns about the traffic flow in this area. She noted that this would be the case especially if the Bills continue playing games on Saturdays.

Mr. Schawel noted that Chick Fil A restaurants are closed on Sundays.

Attorney Hopkins stated that the Bills only played on Saturdays recently because they were playoff games and noted that the NFL generally does not schedule football games on Saturdays.

In response to a question from Chairman Clark, Mr. Reilly stated that the Town encourages connected parking lots because it is good access management.

In response to a question from Ms. McCormick, Mr. Reilly stated that he believes that Chick Fil A has its own figures regarding drive-thru lanes and stacking numbers.

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

Engineering Department comments have been filed with the Planning Department.

DPD Holdings, LLC – Requesting Site Plan Approval of a proposal to utilize the existing building at 6220 McKinley Parkway as a commercial office

Mrs. desJardins confirmed that a use variance was granted by the Board of Zoning Appeals to allow this use. She further stated that no changes to the outside of the building are proposed.

Attorney Kevin Rautenstrauch, representing the applicant, stated that Apex LLC plans to use this building as office space. He noted that Apex LLC is a commodities trader for farm supplies and approximately 15-20 people would occupy the building between 8:30 AM and 5:30 PM.

Attorney Rautenstrauch stated that there would be no outside storage of any materials and there would be no customer interaction at this site.

Mrs. desJardins stated that she received an email from Linda Dansa, 4486 Valleyview Avenue, who indicated that she is pleased with the proposed use of the building but has a concern about the existing exterior building lights shining straight out towards her property. She further stated that Ms. Dansa requests that those exterior lights be shielded and/or pointed down.

In response to a question from Chairman Clark, Attorney Rautenstrauch stated that the applicant will visit the site with the current owner to see what can be remedied or adjusted.

In response to a question from Ms. McCormick, Attorney Rautenstrauch stated that the existing sign on Newton Road would be removed and the existing sign on the corner of Newton Road and McKinley Parkway would probably be modified.

Mr. Schawel stated that he is familiar with what Apex LLC does and he cannot see their business having any negative effect on the surrounding neighborhood.

Chairman Clark made a motion, seconded by Mr. Mahoney, to schedule a public hearing to be held on February 17, 2021. Carried.

REGULAR MEETING

David Manko – Requesting Preliminary Plat Approval of a 67-lot subdivision to be located on the west side of Parker Road

Attorney Sean Hopkins, representing the applicant, stated that a Preliminary Plat application and a Full Environmental Assessment Form with supporting documentation were submitted to the Planning Department. He stated that the SEQR Coordinated Review was sent to Involved and Interested Agencies on January 11, 2021. He noted that the Highway Superintendent did indicate to the Planning Department that his department has no concerns regarding the proposed layout of the subdivision.

Attorney Hopkins stated that Chris Wood, project engineer, has confirmed that there is adequate downstream sanitary sewer capacity. He further noted that the applicant has received a New York State Office of Parks, Recreation and Historic Preservation No Impact determination letter that was issued on October 9, 2020.

Attorney Hopkins stated that a copy of the memo from the Hamburg Conservation Advisory Board (CAB) issued on December 19, 2020 expressing concerns about the lack of green space, displacement of wildlife, etc. was received by the applicant. He noted that the applicant did previously provide the Planning Board with a clustered layout, and if Board members were open to re-evaluating their decision to not approve it, the applicant would welcome that discussion.

Ms. McCormick stated that the CAB has consistently expressed concern about non point-source pollutants and their proximity to the waterways and the increased potential for flow of fertilizers, pesticides, etc. She asked if Attorney Hopkins or Mr. Wood would comment on how to preserve and protect the composition of what is in that flow off the site, rather than just the volume.

Attorney Hopkins stated that the current New York Department of Environmental Conservation (NYSDEC) storm water manual requires developers to implement not only storm water quantity but also storm water quality to deal with the very issue Ms. McCormick referred to.

Mr. Wood stated that developers have to provide water quality and green infrastructure methods in order to satisfy the NYSDEC requirements. He further stated that two (2) storm water management areas are proposed in connection with this subdivision and each one would have a bio-retention component, which would satisfy the water quality and green infrastructure requirements.

Ms. McCormick asked Mr. Wood to provide a written response to the CAB's concern about impacts downstream to freshwater fish, spawning areas in Rush Creek, etc.

In response to a question from Chairman Clark, Attorney Hopkins stated that the two (2) roadway connections to Parker Road would be public roads.

Mr. Reilly noted that the developer must set aside 10% of the site for active recreation, passive recreation or green space.

Attorney Hopkins asked Board members if they wanted to take another look at the previously proposed clustered layout in light of the memo received from the CAB. He stated that he believes that the clustered layout would address some of the CAB's concerns about this proposal.

Ms. McCormick stated that the clustered layout does not address the CAB's concerns regarding the stress and hardship on Rush Creek of the storm water that is dumped into it and contaminants from cosmetic spraying of yards finding their way into water systems.

Attorney Hopkins stated that one of the advantages of clustering is the reduction in impervious surface resulting in less runoff.

Chairman Clark stated that just because the CAB submitted a memo does not mean that the Board members who voted against the clustered layout would change their minds based on that memo.

In response from a comment from Mrs. desJardins, Mr. Wood stated that the northerly access point to Parker Road lines up with Marilyn Drive. He further stated that because more than 30 lots are proposed, the New York State Fire Code requires that two (2) points of access be provided and they must be somewhat remote from each other, which is why the southerly access point is proposed.

Mrs. Comerford stated that she would like the CAB memo, as well as some of the other information that Mr. Hopkins has referenced that the applicant has put together.

Mr. Wood stated that he would submit the wetland delineation report for Board members' review.

Chairman Clark asked if it would be possible to locate the two (2) storm water management areas along Parker Road. Mr. Wood responded that there is a high point in the middle of the site and the natural drainage pattern is to the northwest and southwest. He noted that Parker Road is the higher part of the property, so it would not be practical to try and get the water to go to a higher spot and then back to the creek. He further stated that the storm water management areas are located on the part of the site that makes the most sense given the topography.

Mr. Wood noted that the proposed lots on Parker Road are wider than any of the adjacent existing lots on both the east and west sides of the road.

Chairman Clark made a motion, seconded by Mrs. Comerford, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Bobcat of Buffalo – Requesting Sketch Plan Direction on a proposal to construct a building addition at 4780 South Park Avenue

Chris Wood, project engineer, stated that the applicant proposes a 5,600 sq.ft. addition to the existing building. He stated that Bobcat of Buffalo sells construction equipment. He noted that there would be a display area that would front on South Park Avenue and a fenced-in area in the rear of the site that would consist of a stone area and a blacktop area. He stated that the stone surface is proposed because of the type of equipment Bobcat of Buffalo has and the desire to not tear up any blacktop or millings.

Mr. Wood stated that a fully engineered set of plans has been submitted, which includes site grading, storm, utilities and landscaping. He noted that black and white building elevations and a color rendering of the building were also submitted. He stated that the existing façade would be redone.

In response to a question from Ms. McCormick, Mr. Reilly stated that the outdoor area should be screened from South Park Avenue with fencing and landscaping.

Mr. Wood stated that the outdoor display of new equipment would be in the front of the site and the outdoor storage would be behind the six-foot chain link fence. He stated that the applicant would put screening in the chain link fence so that the stored equipment would not be visible.

Chairman Clark made a motion, seconded by Mr. Chapman, to schedule a public hearing to be held on February 17, 2021. Carried.

Engineering Department comments have been filed with the Planning Department.

Glenn Wetzl – Requesting rezoning of vacant land located on the south side of Big Tree Road, east of 4255 McKinley Parkway from C-1 to R-3

Attorney Sean Hopkins, representing the applicant, stated that the site is 42 acres in size and 156 apartment units are proposed. He stated that 20.1 acres of the site would be designated as permanent open space to ensure that it remains undeveloped on a permanent basis.

Attorney Hopkins stated that an emergency access drive from the apartments to Wilson Drive is not required by the New York State Fire Code because less than 200 units are proposed. He stated that therefore the applicant is not proposing any public or emergency access roadway connection to Wilson Drive. He further stated that the applicant would be comfortable with a condition of the rezoning that no roadway connection will be allowed to Wilson Road from the apartment development.

Attorney Hopkins stated that the applicant is requesting that the 16.4 acres that are zoned C-1 be down zoned to R-3 and approximately six (6) acres that are zoned R-1 be rezoned to R-3. He noted that the remainder of the site would remain zoned R-1.

Attorney Hopkins stated that Chris Wood, project engineer, has submitted a downstream sewer capacity analysis to the NYSDEC.

Attorney Hopkins stated that a wetland delineation report has been submitted to the Planning Board. He noted that one of the key benefits of the updated layout is that the wetland impacts would be dramatically reduced (1/3 acre).

Attorney Hopkins stated that every homeowner on Wilson Drive whose property is adjacent to this parcel can be assured that the land behind his or her home will be permanent deeded open space.

In response to a question from Mr. Reilly, Attorney Hopkins stated that a traffic analysis was not done, but trip generation information was submitted to the New York State Department of Transportation for comments.

Chairman Clark made a motion, seconded by Mrs. Comerford, to table this project. Carried.

DATO Development, LLC – Requesting rezoning of 5502 Southwestern Boulevard and portions of 5486 and 5472 Southwestern Boulevard from C-1 to PUD

Attorney Sean Hopkins, representing the applicant, stated that if the proposed rezoning is approved, the parcels to be rezoned would then be consistent with the remainder of the 16.3 acre site. He noted that 182 multi-family units are proposed.

Attorney Hopkins stated that he provided a Traffic Impact Study (TIS) to the NYSDOT and was informed that the NYSDOT hopes to have comments back to the applicant on the TIS by the end of February.

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

OTHER BUSINESS

Mrs. desJardins stated that the Town Board may ask the Planning Board to revisit the request by the property owner on Lakecrest Drive to infringe upon the conservation easement on her property.

Regarding the January 20, 2021 minutes, Ms. McCormick stated that Mr. Mahoney's rationale was included in whether he thought a Negative or Positive Declaration was appropriate for the Dollar General project, but the minutes did not reflect what Mr. Mahoney's decision was.

Ms. McCormick made a motion, seconded by Mr. Chapman, to approve the January 20, 2021 minutes if amended to reflect the change she mentioned.

Regarding the January 20, 2021 minutes, Mrs. Comerford stated that her name was spelled wrong.

Ms. McCormick made a motion, seconded by Mr. Chapman and amended by Ms. McCormick and seconded by Mr. Chapman, to approve the minutes of January 20, 2020 if amended to reflect the above mentioned changes. Carried.

Mr. Schawel made a motion, seconded by Mrs. Comerford, to adjourn the meeting. The meeting was adjourned at 8:20 P.M.

Respectfully submitted,
Megan Comerford, Secretary
February 12, 2020