

Town of Hamburg
Planning Board Meeting
February 17, 2021
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 6:30 P.M. on Wednesday, February 17, 2021 in Room 7B of Hamburg Town Hall. Those attending included Chairman William Clark, Doug Schawel and Robert Mahoney.

Members who attended via Webex included Vice-Chairman Kaitlin McCormick, Megan Comerford, Al Monaco and Dennis Chapmen, as well as Planning Board Attorney Jennifer Puglisi.

Others in attendance included Town Planners Sarah desJardins and Andrew Reilly, as well as Town Engineer Camie Jarrell.

REGULAR MEETING

Wayne Taneff – Requesting consideration of a Site Plan Waiver for a proposed 720 sq.ft. storage building at 4945 Lake Avenue

Wayne Taneff, applicant, stated that he would like to construct a 24' X 30' steel building behind his existing business. He stated that the building would be seen from the road and would be to the left of the existing building looking from Lake Avenue.

It was determined that this project meets the requirements of the Site Plan Waiver law and all zoning requirements.

Mr. Taneff stated that the color of the new building would blend in with that of the existing building.

Chairman Clark made a motion, seconded by Mr. Mahoney, to waive Site Plan Approval and authorize a Site Plan Waiver for this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Michael Stachera – Requesting Preliminary Plat Approval of a two-lot subdivision to be located at 3601 South Creek Road

It was determined that the applicant had asked that this project not be discussed at this meeting.

Odor Stop – Requesting Sketch Plan Direction on a proposal to construct a new 15,373 sq.ft. building on vacant land located at 5139 Southwestern Boulevard

Rob Pidanick from Nussbaumer & Clarke, project engineer, stated that the applicant plans to construct a 15,000 sq.ft. metal building for a company called Odor Stop that makes air purifiers. He stated that the building would be used for offices and warehousing.

Mr. Pidanick showed Board members a color rendering of the proposed building and noted that there would be four (4) offices in the front, with the remainder being used for warehousing.

In response to a question from Mr. Reilly, Mr. Pidanick stated that an existing curb cut onto Southwestern Boulevard would be utilized by Odor Stop.

Mr. Pidanick stated that the property owner, Mike Schmidt, is in the process of merging the two (2) parcels he owns that incorporate this vacant site and the existing mini-storage buildings and then splitting them so that the mini-storage buildings are all on one parcel and the Odor Stop building is on the other parcel.

Mr. Pidanick stated that he will address the Engineering Department comments on this project.

Mr. Pidanick agreed to submit an explanation of how many employees are planned and that the number of parking spaces is sufficient.

It was determined that sidewalks exist in front of this parcel.

In response to a question from Mrs. McCormick, Mr. Pidanick stated that panel trucks are primarily used by Odor Stop, although there might be a tractor trailer delivery occasionally.

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

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing - 7:00 P.M., Bobcat of Buffalo – Requesting Site Plan Approval of a building addition at 4780 South Park Avenue

Chris Wood, project engineer, stated that the proposed addition would be constructed on the rear of the existing building. He noted that the 11 existing parking spaces on the site would remain for employees and visitors. He stated that a stone display area is planned in the front of the site to display new equipment and a fenced-in area in the rear of the site would be used for storage. He noted that the area for storage would be fenced in and any unloading of vehicles or movement of vehicles for servicing would be done inside that fenced in area.

It was determined that rentals are a secondary function of the business with sales being the main objective, and large repairs would be performed at the Lockport location.

Chairman Clark reviewed an email from Joshua Best, nearby property owner, with the manager of Bobcat of Buffalo as follows:

1. Hours of operation would be between 7 AM and 5 PM Monday through Friday.
2. The types of trucks picking up and delivering equipment would typically be pick-up trucks. Dump trucks would be entering and exiting the site with trailers, but the unloading would be done in the fenced-in area.
3. Machines would not be idling for long periods of time while warming up.
4. Approximately half of the customers who rent equipment pick it up at the site and Bobcat of Buffalo delivers the other half.
6. The only time the business would be running equipment in the yard would be if it is loading a customer with an attachment, unloading or removing snow in the winter months.
7. Very rarely are there trucks with backup alarms. The machines do have backup alarms, but they would not be bothersome compared to the background traffic noise levels. The backup alarms are not that loud.
8. Approximately 15 to 20 pieces of equipment would be displayed in the front of the site and the majority of them would be compact equipment. There may be one or two pieces of heavy equipment displayed as well.

9. The proposed lighting would be dark-sky compliant. Two (2) new 15-foot tall lights are proposed in the front of the property.

10. No repairs would be done inside the building.

11. Equipment would not be driven onto South Park Avenue. The manager will make sure that the stoned area remains stone and is not full of mud.

12. Unloading of large trucks would always be done behind the fence.

13. The manager would do everything in his power to mitigate any excessive wide turns onto South Park Avenue.

It was confirmed that the all of the doors would be shut when repair work is being done and high powered tools would be used. It was further confirmed that 4 – 7 employees are anticipated and there is plenty of room for them to park and still have room for customers to park.

The manager stated that any large tractor trailers would access this site from Camp Road and Southwestern Boulevard. He noted that pickup trucks can manage the traffic circles with ease.

Mrs. Comerford 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 Bobcat of Buffalo to construct a 5,600 sq.ft. addition to the existing building at 4780 South Park Avenue. The Public Hearing will be held on February 17, 2021 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Chairman Clark declared the public hearing open. The following people spoke:

- Joshua Best stated that his concerns were addressed and he feels this will be a nice addition to the community.

Chairman Clark declared the public hearing closed.

Chairman Clark made a motion, seconded by Mr. Schawel, to table this project and authorize the planning consultants to prepare a draft resolution. Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing - 7:00 P.M., Bob Bieber – Requesting Site Plan Approval of a 3,200 sq.ft. pole barn at 6465 Railroad Avenue

Bob Bieber, applicant, showed Board members photos of what the new building would look like.

Board members agreed that the Site Plan should indicate which paint brand colors and material are to be used.

Mrs. Comerford 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 Bob Bieber to construct a 3,200 sq.ft. storage building at 6465 Railroad Avenue. The Public Hearing will be held on February 17, 2021 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Chairman Clark declared the public hearing open. No one spoke.

Chairman Clark declared the public hearing closed.

Chairman Clark made the following motion, seconded by Mr. Chapman:

“In accordance with NYS SEQRL law, the Town of Hamburg Planning Board has reviewed the project proposed by Bob Bieber, which involves the construction of a 3,200 sq.ft. pole barn at

6465 Railroad Avenue. The project meets the criteria established in the SEQR law as a Type II Action and therefore does not require completion of the SEQR process.

The Planning Board hereby grants Site Plan Approval for the Bob Bieber pole barn project with the following conditions:

1. Any lighting on the building will be dark-sky compliant.
2. The Site Plan will identify the colors of the building and roof.”

Carried.

Public Hearing - 7:00 P.M., DPD Holdings, LLC – Requesting Site Plan Approval of a proposal to utilize the existing building at 6220 McKinley Parkway as a commercial office

In response to a question from Chairman Clark, Attorney Kevin Rautenstrauch, representing the applicant, stated that the applicants plan to adjust the existing lights on the building that shine straight out and will put shields on them so that they will shine downwards toward the site.

Chairman Clark stated that the Board of Zoning Appeals will issue a Negative Declaration on March 2, 2021.

Mrs. Comerford 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 DPD Holdings, LLC to utilize the existing building at 6220 McKinley Parkway as commercial office. The Public Hearing will be held on February 17, 2021 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Chairman Clark declared the public hearing open. No one spoke.

Chairman Clark declared the public hearing closed.

Chairman Clark made a motion, seconded by Mr. Schawel, to table this project and authorize the planning consultants to prepare a draft resolution. Carried.

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 Hopkins stated that one of the Erie County Department of Environment & Planning’s comments in response to the Town Board’s request for Lead Agency status was that there should be consideration given to connecting this project with David Manko’s proposed subdivision on adjacent property via the existing stub streets on Wilson Drive. He noted that based on the nearby property owners’ dislike of the idea of using the stub streets and the ability to reduce wetland impacts, no connections to Wilson Drive are being proposed.

Attorney Hopkins stated that the only wetland impact would be 0.04 acres, which qualifies for a Nationwide Permit from the Army Corps of Engineers.

Mr. Reilly stated that there are two (2) projects in front of the Planning Board currently that are adjacent to one another and SEQR requires that cumulative impacts be looked at. He stated that when a recommendation is issued to the Town Board on this rezoning request, it should consider issues of the cumulative impacts on the area of traffic, connectivity of green space, etc.

Ms. McCormick stated that she feels that it will be important to consider the cumulative impacts of storm water, cumulative flows, impacts on Rush Creek and recreational impacts such as the snowmobile trail and thinks it would be a good idea to consider the environmental effects of these projects together.

Attorney Hopkins stated that, while it is appropriate to look at some of the common impacts, tying the projects hand in hand from a land use or environmental perspective is not necessary. He further stated that this site has been designed so that it can accommodate the snowmobile trail in its entirety.

Attorney Hopkins stated that pursuant to Appendix D of the New York State Fire Code, based on the number of proposed units and the fact that they would be sprinklered, no emergency access connection is required to Wilson Drive and the applicant is not proposing one.

Attorney Sean Hopkins, representing the applicant, stated that he submitted a letter to the Planning Board with five (5) proposed rezoning conditions as follows:

1. The applicant shall convey a conservation easement to the Town of Hamburg for the 20.1 acres of permanent open space of the project site to remain zoned R-1 (Single Family Residence District) as depicted on the Concept Site Plan (drawing C-100) prepared by Carmina Wood Morris DPC dated February 4, 2021. A copy of the Concept Site Plan is attached as Exhibit 1. The content of the conservation easement shall be reviewed and approved by the Town Attorney's office prior to recording at the Erie County Clerk's office.
2. A Declaration of Restrictions shall be recorded at the Erie County Clerk's office for the 20.1 acres of permanent open space of the project site to remain zoned R-1 as depicted on the Concept Site Plan (drawing C-100) prepared by Carmina Wood Morris DPC dated February 4, 2021. The Declaration of Restrictions shall include language expressly stating there shall not be any buildings, roadways or driveways constructed within the permanent open space including any roadway or driveway connections to the portions of the project site with frontage on Wilson Drive. The contents of the Declaration of Restrictions shall be reviewed and approved by the Town Attorney's office prior to recording at the Erie County Clerk's office.
3. There shall not be any buildings located on the portion of the project site to be rezoned R-3 (Multi-family District) located within 200 feet of the rear property line of the existing residential lots on Wilson Drive.
4. The project sponsor shall be required to obtain a Nationwide Permit from the United States Army Corp of Engineers for the proposed impact of 0.04 acres of jurisdictional wetlands as depicted on the Concept Site Plan (drawing C-100) prepared by Carmina Wood Morris DPC dated February 4, 2021 prior to impacting the wetland area.
5. The on-site stormwater management to be installed in connection with the residential project shall comply with the stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation (NYSDEC) including the handling of a 100-year storm event. Verification of compliance with this condition shall occur in connection with the future review of a site plan application for the proposed residential project.

Attorney Hopkins stated that the above conditions are consistent with the discussions he has had with the Planning Board over several months.

Board members agreed that it would be a wise idea to consider the environmental impacts of this project and the residential project on the adjacent property together.

Attorney Hopkins stated that the tributary to Rush Creek that runs through this site, as well as the adjacent property on which a subdivision is proposed, is also subject to federal jurisdiction so it is part of the application. He noted that as part of that, the applicant must provide assurances that that tributary's integrity will be maintained.

Mr. Reilly stated that another condition of approval of the rezoning should be that the existing gas well on the site be properly capped.

Attorney Hopkins stated that the applicant would be willing to install sidewalks along Big Tree Road.

Attorney Hopkins stated that both Mr. Wetzl and Mr. Manko will have to design and provide on his particular site a stormwater management system that complies with the applicable standards. He noted that the Town Engineer would look at each proposed system individually and make sure it complies.

Mrs. Comerford stated that the cumulative effect of this project combined with the adjacent proposed subdivision on traffic could be substantial.

Attorney Hopkins stated that the New York State Department of Transportation (NYSDOT) was provided with the Lead Agency Solicitation letter for both projects. He noted that he spoke with Ed Rutkowski from the NYSDOT recently and was informed that he does not have any particular concerns with either project from a traffic perspective.

Board members agreed that the following issues are cumulative in nature relative to this project and the proposed subdivision on adjacent property:

- Traffic
- Community character
- Stormwater
- Community services (school district capacity, fire, emergency, etc.)
- Combined capacity for water and sewer extensions
- Yard spraying

Attorney Hopkins stated that when Chris Wood, project engineer, did the downstream sanitary sewer capacity analysis for this project, he included the numbers for the proposed subdivision.

Attorney Hopkins suggested that perhaps the Planning Board should adopt a resolution asking for Lead Agency status in connection with this rezoning request. He further suggested that the Planning Board forward a recommendation on this request to the Town Board simultaneously so that the Town Board can schedule the required public hearing.

Board members agreed that they would discuss the above with the Town Board at the joint Planning Board/Town Board work session on February 22, 2021 at 5:30 PM.

It was determined that if the Town Board relinquishes Lead Agency status to the Planning Board, it will not legally be able to make a decision on the rezoning request until the Planning Board has issued a SEQR Determination.

Chairman Clark made a motion, seconded by Ms. McCormick, to recommend that the Town Board schedule a public hearing on this rezoning request. Carried.

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

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 67 of the proposed lots would be single family homes and two (2) lots would be for stormwater management purposes. He noted that a traditional R-1 subdivision is proposed with public infrastructure.

Attorney Hopkins stated that the project engineer was asked to address comment # 6 in the memo submitted to the Planning Board by the Conservation Advisory Board (CAB) in December 2020. He noted that Chris Wood, project engineer, provided a very detailed letter

summarizing the manner by which the stormwater management system on this site would comply with the NYSDEC's stringent stormwater quality and quantity standards, including the need to properly handle a 100-year storm event.

Attorney Hopkins stated that the 30-day comment period for SEQR has expired and the comments received from Erie County Department of Environment & Planning were identical to those received for the Wetzl rezoning project. He further noted that the Planning Board received a note from the Town Highway Superintendent indicating that he has no objection to the roadway configuration or public infrastructure as proposed.

Attorney Hopkins requested that the Planning Board schedule a public hearing on the Preliminary Plat application.

Attorney Hopkins stated that Mr. Wood did provide the Planning Department with all of the environmental documentation including the wetland delineation report, a traffic letter prepared by SRF Associates, downstream sanitary sewer capacity analysis, etc.

In response to a question from Mrs. Comerford, Mr. Wood stated that the downstream sanitary sewer capacity analysis was done before he knew about the rezoning request on the adjacent parcel, but the rezoning request analysis does take into account the proposed subdivision. He further stated that the County is reviewing the analysis for the rezoning project, which includes both projects.

Mr. Wood agreed to follow up with the County to see when its review of the analysis will be finished.

It was determined that there would not be more than three (3) bedrooms in the new homes.

In response to a question from Ms. McCormick regarding the availability of potable water, Mr. Wood stated that a hydrant flow test is done, which provides the static and residual pressure and then available flow. He stated that then he applies to that number the average water demand plus the fire flow requirements and sees what the residual pressure is. He noted that the residual pressure must be at least 20 pounds. He noted that these figures must be submitted to both Erie County Water Authority and Erie County Health Department.

In response to a question from Ms. McCormick, Mr. Wood stated that the SPDES (State Pollutant Discharge Elimination System) permit is in place until the final lot is built on and stabilized. He stated that the SWPPP (Stormwater Pollution Prevention Plan) inspections could be going on on this site for years. He noted that the calculations of maximum impervious surface include not only the impervious area of the roads but also the maximum percentage of lot area for each lot and its driveway.

In response to a question from Ms. McCormick regarding number of potential school children that might be added to the school district, Mrs. desJardins stated that several years ago, she was told by a Superintendent of a school district in the area not to continue asking the school districts whether they can handle a certain number of additional children to their schools. She stated that she was told that the school districts are tasked with educating whomever enters the schools and not to make whether they can handle the increased number part of any kind of decision.

Mr. Schawel stated that the number of children a subdivision may or may not add to the school district is a mute point to discuss.

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

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Ms. McCormick made a motion, seconded by Mr. Chapman, to approve the February 3, 2021 minutes. Carried.

Mr. Schawel made a motion, seconded by Ms. McCormick, to adjourn the meeting. The meeting was adjourned at 9:00 P.M.

Respectfully submitted,
Megan Comerford, Secretary
February 26, 2020