

Town of Hamburg
Planning Board Meeting

March 3, 2021

Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 6:15 P.M. on Wednesday, March 3, 2021 in Room 7B of Hamburg Town Hall. Those attending included Chairman William Clark and Doug Schawel.

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

Others in attendance in Room 7B included Town Planner Andrew Reilly and Town Engineer Camie Jarrell.

WORK SESSION

Broadway Group - Requesting Site Plan Approval of a new Dollar General store to be located on vacant land east of 4050 Southwestern Boulevard

Attorney Joe Calimero, representing the applicant, stated that the proposal is to construct a 10,640 sq.ft. Dollar General store on an approximately two (2) acre site. He noted that the area to be developed would be approximately one (1) acre and the site is properly zoned.

Attorney Calimeri stated that 30 parking spots are proposed and there would be between eight (8) and ten (10) employees. He further stated that public water is available to the site and there would probably be a septic system, although the developer does not have approval of one yet.

Attorney Calimeri stated that 0.277 acres of federal wetlands have been identified on the property and the developer has been in contact with the U.S. Army Corps of Engineers (USACE) to obtain a jurisdictional determination, which will be forthcoming when the weather clears.

Attorney Calimeri stated that the developer intends to preserve as much existing vegetation on the site as possible.

Attorney Calimeri stated that the proposal meets all Town Code requirements regarding setbacks. He noted that the building would be 79 feet from the rear property line, which is a much greater distance than what is required. He noted that there are residential properties behind this vacant site and in addition to the building being 79 feet from the rear property line, a privacy fence is proposed along the northwest property line. He further stated that the existing vegetation in the northeastern part of the site would remain to serve as a natural buffer.

Attorney Calimeri stated that all lighting will be contained on site and hours of operation would not exceed 10:00 P.M. He further stated that 30 - 40 vehicle trips are anticipated during peak hours. He noted that the layout of the site provides for means of ingress and egress for delivery vehicles, which will access the property during the day.

In response to a question from Chairman Clark, Attorney Calimeri stated that the developer has been in contact with the New York State Department of Transportation (NYSDOT) and the plan is for a curbcut onto Southwestern Boulevard, which would not pose any issues.

In response to a question from Mr. Mahoney, Tara Mathias from the Broadway Group stated that the developer had a wetland scientist (Don Wilson) map out the wetlands on the site and the report was submitted to the USACE last year. She stated that if the wetlands are deemed to be jurisdictional, they will be Federal wetlands and are not connected to any water bodies that the wetland scientist can tell. She noted that she is expecting them to be considered non-jurisdictional wetlands.

Chairman Clark made a motion, seconded by Mr. Monaco, to begin the Coordinated SEQR Review to establish the Planning Board as Lead Agency and table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Briercliff Drive Townhomes - Requesting Sketch Plan Direction on a proposal to construct 98 townhomes on vacant land next to Briercliff Drive

Attorney Sean Hopkins, representing the applicant, stated that the proposal is to construct for sale two-story townhomes on an approximately nine-acre site between the single family homes on Briercliff Drive and the railroad tracks. He stated that the buildings generally would contain four (4) units and they would have attached garages.

Attorney Hopkins stated that the property is part of the original Briewood PUD, which has a long and lengthy history. He noted that this property was originally intended to be developed as attached units, as well as units for lease.

Attorney Hopkins stated that two (2) private drive connections onto Briercliff Drive are located where they were always designed to be. He noted that the onsite infrastructure would be private and extensive landscaping would be provided behind the homes on Briercliff Drive.

Attorney Hopkins stated that the plan is to maintain a lot of green space. He further noted that the rear of the townhomes would back up to the rear of the single family homes on Briercliff Drive.

Chairman Clark stated that one of the biggest issues the developer would have to address is the need for substantial buffering of the existing homes on Briercliff Drive from this development.

Attorney Hopkins stated that the two (2) private roadway connections would be 60 feet wide, so there would be ample room on both sides of the private road to provide green space and screening.

In response to a question from Chairman Clark, Attorney Hopkins stated that there would definitely be enough room to provide a fence on both sides of the private roads. Chris Wood, project engineer, stated that there would only be enough room beside the private roads for a two (2) or three (3) foot high berm.

In response to a question from Chairman Clark Mr. Wood stated that there would be enough room behind the existing properties on Briercliff Drive for a berm.

In response to a question from Mrs. Comerford, Mr. Wood stated that the driveways would be 30 feet long in front of the attached one-car garages.

It was determined that the roads in this development would be private and therefore school buses would probably not access the development. It was further determined that the private roadways in the development would be constructed to comply with Appendix D of the New York State Fire Code, which would mean that they would be able to accommodate a fire truck and school buses, but it is assumed that school districts do not allow their buses to pick up children on private roads.

Attorney Hopkins stated that this type of product generally has a low number of school age children.

Attorney Hopkins stated that 50 feet of green space is proposed along the railroad right-of-way. He further stated that the developer is flexible regarding where and how much green space would be provided.

Mr. Reilly stated that there are nearly 40 years of documents on this overall PUD development and he believes this proposal is in accordance with the original PUD and its intention for this vacant property.

Mr. Reilly stated that almost every project in Brierwood has involved updating studies and reports that are extremely outdated. He stated that based on those updated studies and reports, the Planning Board can issue a Negative Declaration indicating that the updated studies and reports are not a problem or it can issue a Positive Declaration and request a Supplemental Impact Statement.

Mrs. desJardins stated that she sent a letter to all property owners within 100 feet of this site making them aware of this proposal.

Mr. Wood advised the Planning Board if anyone asks for a copy of the proposed plan, the Planning Department is authorized to forward that to the individual.

Attorney Hopkins stated that any information that is presented to the Planning Board regarding this proposed project may be shared with anyone who requests it.

In response to a question from Ms. McCormick, Mr. Reilly and Mrs. desJardins indicated that there is no way to provide all of the prior Environmental Impact Statements regarding this PUD to Board members because the information is too voluminous.

Mr. Reilly noted that the original PUD specified uses for different areas of the overall project but not particular layouts.

Attorney Hopkins stated that he acknowledges that there will be a new environmental review, but he feels it is premature to discuss whether this project warrants the issuance of a Positive Declaration.

In response to a question from Mrs. Comerford, Attorney Hopkins stated that the thresholds regarding increased demand on sewer and water, traffic, etc. were discussed and described in connection with the original review process that took place a long time ago. He noted that the overall density of this project is consistent with the original thresholds but sewer capacity will have to be checked and the project will have to comply with the current storm water design management requirements, rather than the ones that were much less stringent years ago. He further stated that traffic will have to also be investigated.

In response to a question from Mrs. Comerford, Attorney Hopkins stated that he will look in to whether off-street parking spaces would be provided.

In response to a question from Chairman Clark, Mr. Wood stated that there cannot be a connection from this development to Cloverbank Road because it would be too close to the railroad crossing.

In response to a question from Mrs. Comerford, Attorney Hopkins stated that it would be the responsibility of the purchaser of the home to know that there would not be school buses accessing this development's private road. He further stated that the Homeowners' Association for this development could disclose that fact as part of the documentation, although it would not be a legal requirement.

Chairman Clark made a motion, seconded by Mr. Mahoney, to begin the SEQR Coordinated Review for this project and table the project. Carried.

Engineering Department comments have been filed with the Planning Department.

ATM Restyle - Requesting Site Plan Approval of proposed addition to the existing building at 4923 Camp Road

Chris Kurtz, applicant, stated that the proposed addition would be used to store the items inside the building that are currently being store outside behind the building. He noted that he really needs more indoor storage space.

Mr. Kurtz stated that he plans to reside the existing building when he puts the addition on so that the whole building looks the same. He agreed to provide Board members with a rendering of what the building would look like.

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

Blasdell Soil & Stone - Requesting Planning Board review of a proposal to construct a 2,400 sq.ft. pole barn on vacant land, east side of Electric Avenue, 350 feet north of McGurk Avenue in the Village of Blasdell

Mrs. desJardins explained that the Hamburg Planning Board/Planning Department has been tasked with the planning reviews for the Village of Blasdell. She noted that the applicant received a use variance from the Blasdell Zoning Board of Appeals to use this property for a commercial use (it is zoned residential). She stated that the Village of Blasdell Code book does not offer specific guidance for review other than the bulk regulations, which this project complies with. She further stated that there is no public hearing in the Village of Blasdell review process for Site Plan Approval.

Mr. Chapman stated that he is familiar with this site and there are no residences in this area.

In response to a question from Chairman Clark, Daniel Martinez, applicant, stated that he has no plans to install landscaping but would if he had to. He stated that he plans to slowly develop the site.

In response to a question from Chairman Clark, Mr. Martinez stated that the building would be a pole barn with three (3) garage doors, a man door and a window. He noted that it would have traditional metal siding like most pole barns have.

In response to a question from Mr. Mahoney, the applicant stated that this would not be a public garage and that he would simply be working on trucks and equipment that are already at his business nearby. He stated that currently he is working on the trucks and equipment outside and wants to be able to work inside.

It was determined that the Planning Department will set up a meeting between the Village of Blasdell and Chairman Clark to learn what the Village's expectations are regarding Site Plan Approval reviews.

The applicant agreed to submit to the Board a picture of what the building would look like.

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

REGULAR MEETING**Public Hearing - 7:00 P.M., 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 received an area variance from the Zoning Board of Appeals on March 2, 2021 for his reduced front yard setback.

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 Asset Recovery Engineering Associates to construct an addition to the existing building at 5590 Maelou Drive. The Public Hearing will be held on March 3, 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. Chapman, to table this project and authorize the planning consultants to prepare draft resolutions and table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing - 7:00 P.M., 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 Coordinated SEQR Review was conducted, the 30-day comment period has expired and none of the Involved or Interested Agencies expressed any concerns with the Planning Board acting as Lead Agency.

Attorney Hopkins stated that based on the discussion held on February 17, 2021 regarding the cumulative impacts of this project combined with the Wetzl rezoning project on adjacent property, the applicant has ordered a Traffic Impact Study (TIS), which will consider the impacts from both projects.

Attorney Hopkins stated that all of the proposed lots conform to the Town's size requirements and the infrastructure on site includes two (2) public roadway connections, as well as public sewer and water. He noted that a No Impact letter was received from the NYS Office of Parks, Recreation and Historic Preservation.

Attorney Hopkins stated that the project engineer has completed a downstream sanitary sewer capacity analysis to evaluate downstream sanitary sewer capacity during wet weather conditions (a rain event of more than 1/2 inch over a 24-hour period) and it has been approved by the Erie County Division of Sewerage Management.

Attorney Hopkins stated that 0.06 acres of wetlands would be impacted. He noted that although it requires a permit from USACE, because it is less than 0.1 acres, no mitigation is required.

Attorney Hopkins stated that the storm water management system will be designed to handle a 100-year storm event and will not increase the rate of runoff after development compared to the existing conditions today.

Mr. Reilly noted that the Planning Board will be Lead Agency for the Wetzl rezoning project as well as this project, so it will review the potential cumulative impacts of the two (2) projects together and there will be separate SEQR decisions.

Attorney Hopkins stated that the downstream sanitary sewer analysis performed for the Wetzl project takes into account the cumulative impacts of both projects.

Ms. McCormick stated that the cumulative impacts on community character and non-point source issues and overall grading in that area should also be reviewed.

Ms. McCormick stated that although the lots meet the minimum lot size requirement and are zoned R-1, zoning and community character are not the same thing and despite the correct zoning, the land use is changing.

Mr. Reilly stated that he feels that the proposed frontage lots on Parker Road should be different and should blend in with the character of the neighborhood.

Attorney Hopkins stated that the proposed frontage lots are wider than the existing residential lots in that area.

Ms. McCormick stated that Parker Road was originally a road with farms on either side and it is questionable whether the road was adequately designed for the subdivisions that have been built over the years.

Mr. Reilly stated that the Planning Board must decide whether land should be set aside for passive recreation or if the developer would pay the fee per lot in lieu of land.

It was determined that the developer's plan is to pay the fees in lieu of land.

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 67-lot subdivision proposal by David Manko to be located on the west side of Parker Road, south of Big Tree Road. The Public Hearing will be held on March 3, 2021 at 7:00 p.m. in Room 7B of Hamburg Town Hall."

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

- The owner of 4423 Parker Road asked if a traffic light is planned at the corner of Big Tree Road and Parker Road. He asked if a sidewalk is planned along Parker Road.

It was determined that if sidewalks are required along Parker Road, they would only be installed in the area of the developer's property. It was further determined that NYSDOT will determine whether a traffic light is warranted at the intersection of Big Tree Road and Parker Road.

- A resident of Parker Road asked if the subdivision roadway would connect to the adjacent apartment project that is currently being proposed. He stated that a water main broke recently in Lakeview and the homes in the Parker Road area lost water pressure as a result. He stated that he is worried about putting in so many additional homes and apartments in this area.
- Karen Able, 4388 Parker Road, stated that the previously proposed cluster plan for this site included a gated second access to Parker Road. She asked if that roadway would also be gated in connection to the current R-1 layout.

It was determined that the currently proposed R-1 layout would include two (2) public roadway access points to Parker Road. There would be no gated access.

Please note: At this point in the recording, some of the names and/or addresses of people who spoke were unintelligible.

- Jack Foley, 4746 John Michael Way, stated that he is concerned about the effectiveness of the proposed retention pond, noting that it would be behind his home.

It was determined that the water from this site is not allowed to go on to other people's properties.

- The owner of 4422 Parker Road asked if this subdivision and the adjacent apartment project could be shown together for the benefit of the neighbors.
- A resident of Parker Road stated that the nearby residents wish there would be no new lots on Parker Road. She stated that the two (2) projects that are currently proposed next to each other are very troubling to her. She stated that she is worried about the increase in traffic that would be generated.
- Whitney Zielinski made the following comments via Facebook: "I'm concerned about the drainage culvert that travels beneath Parker Road" and "Can you speak to the effects of the drainage on the Manko development? The current culture does not seem to control current snow melt and heavy rains as it is."
- Kim Ba made the following comment via Facebook: "and the water that will come down to Tamaka Drive" and "Hopefully the apartments will exit on to Big Tree not Parker."

It was determined that the project engineer will submit a diagram indicating that the culvert that goes under Parker Road is upstream of this project site and therefore the water from this subdivision would not go into that culvert and would not back up into it.

Chairman Clark stated that the public hearing would be kept open until the Board's next meeting.

Chairman Clark stated that members of the public who commented on the project when it was proposed as a cluster subdivision should resubmit any of those comments that also apply to the proposed R-1 layout.

Mrs. desJardins stated that the documents relating to the previously proposed cluster layout and the current R-1 layout are located in the same Planning Department file, so all of the previously received comments are still in that file.

In response to a question from Attorney Hopkins, Chairman Clark stated that a motion was previously made and seconded to not allow the cluster layout. He stated that if a majority of Board members indicated that they would like to change their minds on that decision, the Board would do that. He noted, however, that he was not going to ask Board members that question at this point.

Attorney Hopkins stated that because Parker Road residents prefer the cluster layout and asked if it is worthwhile, given that the public hearing will not be closed until the next meeting, for the applicant to present both layouts and revisit them.

Chris Wood, project engineer, noted that under the cluster layout the frontage lots on Parker Road would be eliminated and one (1) of the entrances would be gated.

Chairman Clark stated that when the vote on the cluster layout was made, the Planning Board members understood what residents wanted. He noted that five (5) members did not think the cluster layout should be given further consideration.

Mr. Chapman stated that it appears that no one is interested in changing his or her mind on the issue.

Ms. McCormick stated that she would be interested in knowing if there is a way to eliminate or mitigate the proposed lots along Parker Road while maintaining the existing R-1 layout.

Attorney Hopkins asked if the Planning Board would be willing to entertain a layout whereby the Parker Road frontage lots would be eliminated and some of the interior lots' dimensions would be reduced in order to still provide 67 building lots.

Mrs. desJardins noted that in that case area variances would be required.

In response to a question from Ms. McCormick, Attorney Hopkins stated that eliminating the Parker Road frontage lots and keeping all other lot dimensions the same is not an option because of the infrastructure costs to the developer.

Ms. McCormick stated that she feels that all of the lots should conform to the R-1 requirements.

It was determined that a majority of the Planning Board members feel that all of the lots should conform to the R-1 requirements.

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 stated that on March 2, 2021 the Zoning Board of Appeals issued a Negative Declaration.

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

“The Planning Board, based on the issuance of a SEQR Negative Declaration by the Zoning Board of Appeals, reviewed the project in accordance with Article XLIV, Site Plan Approval, of the Town of Hamburg Zoning Code, having received and considered input from Town department, committees and advisory boards, having completed the required public hearing and having the applicant amend the drawings based on the Planning Board's comments, hereby grants Conditional Site Plan Approval for DPD Holdings, LLC to utilize the existing building at 6220 McKinley Parkway as a commercial office with the following conditions:

- Any lighting shall be shielded and dark-sky compliant as discussed at the public hearing and shown on the plans.
- Approval is based on the use approved by the Zoning Board of Appeals and no other uses at this site.
- Construction of sidewalks is waived.”

Carried.

Bobcat of Buffalo - Requesting Site Plan Approval of a building addition at 4780 South Park Avenue

Chris Wood from Carmina Wood Morris, project engineer, stated that a landscaping plan was submitted with additional trees shown. He further noted that a lighting plan was also submitted.

Board members discussed the landscaping plan and whether additional trees will be required.

Mr. Wood stated that there are at least 100 trees on the site, it is heavily wooded and no trees would be removed as a result of the building addition.

It was determined that the site has approximately 600 feet of road frontage, which would require 20 new trees per Town Code.

Chairman Clark asked Board members if the six (6) new trees proposed on the site are sufficient given that the site is heavily wooded in certain areas. He noted that if the applicant receives credit for the existing trees on the property, it would seem that the applicant has met the criteria for new trees even if its entire perimeter is measured because of the wooded areas.

Ms. McCormick stated that she does not believe that the law assumes that the lot is being cleared, but she interprets the law to mean that appropriate screening is required along the front of a property. She stated that an exception should be made in certain cases and much of this site is currently wooded.

In response to a question from Ms. McCormick, Mr. Wood stated that the property is heavily wooded along the north and east sides of this property.

In response to a question from Ms. McCormick, Mr. Schawel stated that in the past the Planning Board has concentrated new trees along the front of properties, but each property is different.

Chairman Clark stated that based on past practice regarding the previously proposed LOE Trailer project, he would not ask for trees along the front but rather bushes or flowers perhaps. He stated that he believes that the trees that are currently proposed are in the right location, but the question is whether the number of proposed trees is enough.

Mr. Chapman stated that this business would be one that people would go to in order to buy or rent a piece of equipment. He noted that he does not see a problem with planting trees along the front of the property.

A representative of Bobcat of Buffalo stated that the business does do a lot of drive-by sales of compact tractors and zero-turn lawn mowers. He further stated that adding trees to the front of the site could impede traffic attempting to ingress and egress the site.

Chairman Clark stated that at the Board's last meeting, the planning consultants were authorized to draft resolutions and the applicant was not told at that time to add trees to the front of the site. He noted that two (2) weeks ago, it did not seem that a majority of the Board wanted trees in the front of the site.

Ms. McCormick stated that she is comfortable with the placement of the proposed new trees. She further stated that based on the landscaping plan, it appears that 50 plantings are proposed in front of the proposed storage area.

In response to a question from Ms. McCormick, Mrs. desJardins stated that no comments were received from the Conservation Advisory Board.

Chairman Clark polled the Board regarding the number of placement of new trees as follows:

Mr. Monaco stated that in his opinion the six (6) proposed trees along with the existing trees are sufficient and the location of the proposed trees is acceptable.

Mr. Chapman stated that in his opinion the six (6) proposed trees along with the existing trees would not be enough and it is not for him to decide how many new trees should be proposed. He noted that the applicant should propose a plan for new trees and it will either be approved or it will not be approved. He stated that the new trees should be planted along the road frontage of the site.

Ms. McCormick stated that she did not have a strong feeling on where the new trees should be placed but feels that how the applicant has packaged the placement of new trees could be acceptable. She noted that if additional trees were required, the appropriate number would be 20, but she would not know how to best place them to fit with the existing foliage on the site and to provide adequate canopy space.

Mrs. Comerford stated that she agreed with Mr. Chapman and noted that she could not decide whether the proposed location of the new trees is a reasonable spot for the trees to survive.

Mr. Mahoney and Mr. Schawel both stated that they agree with Mr. Monaco.

Chairman Clark stated that the law regarding the requirement for numbers and placement of new trees gives the Planning Board of a lot of discretion. He noted that the lot is already very wooded and the existing wooded areas can be counted towards the total number of trees on the site. He stated that in his opinion the number of proposed new trees and their placement is sufficient.

Chairman Clark made the following motion regarding SEQR, seconded by Mr. Schawel:

“WHEREAS, the Town of Hamburg received a Site Plan application from Bobcat of Buffalo requesting Site Plan Approval of a building addition at 4780 South Park Avenue; and

WHEREAS, the proposed action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Planning Board has held a public hearing, received input from the Town’s Advisory Boards and the applicant has revised the drawings based on Planning Board input; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (SEQRA) of the Environmental Conservation Law, the Hamburg Planning Board has reviewed Part 1 of the EAF, completed Part 2 and Part 3 of the EAF and reviewed the criteria for determining significance in accordance with Section 617.7 of SEQRA.

NOW, THEREFORE BE IT RESOLVED, the Hamburg Planning Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with social and economic considerations, and therefore issues a SEQRA Negative Declaration in accordance with Section 617.7 of the SEQRA regulations; and

BE IT FURTHER RESOLVED THAT, the Planning Board Chairman is authorized to sign the Environmental Assessment Form (EAF), which will act as the Negative Declaration.” Carried.

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

The Planning Board, based on the issuance of a SEQR Negative Declaration, review of the project in accordance with Article XLIV (Site Plan Approval) and the C-2 Zoning district requirements of the Town of Hamburg’s Zoning Code, having received and considered input from Town departments, committees and advisory boards, having completed the required public hearing and having the applicant amend the drawings based on the Planning Board’s comments, hereby grants Conditional Site Plan approval for the Bobcat of Buffalo project to be located at 4780 South Park Avenue with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated March 1, 2021.
2. The final landscape plan will be approved by the Planning Department as submitted in the most recent landscaping drawing.
3. Lighting shall be shielded and dark sky compliant as shown on the plans
4. Outdoor storage shall only occur in areas denoted on the plan.

5. Unloading of equipment shall only take place behind the fencing as indicated on the drawing.
6. The construction of sidewalks is waived.”

Carried.

It was determined that there are sidewalks in this area of South Park Avenue.

Engineering Department comments have been filed with the Planning Department.

DATO Development - 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 this request involves the rezoning of approximately two (2) acres of the 16-acre site from C-1 to PUD for 182 apartment units for lease. He stated that the remainder of the site is properly zoned.

Attorney Hopkins stated that none of the commercial uses allowed in the C-1 zoning classification would be feasible given the configuration and size of these particular parcels. He stated that a Traffic Impact Study was prepared and has been submitted to NYSDOT for review.

Attorney Hopkins asked the Board to consider recommending that the Town Board schedule a public hearing to receive input.

Ms. McCormick stated that given the fact that these are small lots, she is supportive of their rezoning.

In response to a question from Mr. Chapman, Attorney Hopkins stated that these small lots were not included in the original PUD because DATO Development did not own them at that time.

Mr Schawel stated that the Planning Board should forward a positive recommendation on this rezoning request to the Town Board.

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

“Due to the relatively small area relative to the well-reviewed larger development that was previously approved for rezoning associated with this site and due to the fact that there were previous full Environmental Impact Statements done for this site, the Planning Board believes that the proposal is consistent with the approved larger development and past rezoning. Further, the proposal is consistent with other development along this busy thoroughfare, which includes multiple planned communities and developments. Given the small incremental difference with the expanded rezoning request, placement of storm water facilities on much of these parcels and robust analysis previously done, the Planning Board recommends rezoning of this area to PUD.”

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 Sean Hopkins, representing the applicant, stated that a Traffic Impact Study has been ordered for both this project and the subdivision proposed by David Manko.

Attorney Hopkins stated that the applicant is not proposing any public, private or emergency access roadway connection from the multi-family component to Wilson Drive.

Attorney Hopkins stated that the applicant proposes to deed restrict approximately half of this site as permanent open space to permanently prohibit any future development.

It was determined that the Town Board is considering allowing the Planning Board to become the SEQR Lead Agency for this project and scheduling a public hearing to be held on March 22, 2021.

Chairman Clark stated that the Town Board will hold the required public hearing, and subsequently the Planning Board will issue a SEQR determination and forward a recommendation to the Town Board on the rezoning request. He noted that the input received at the March 22, 2021 public hearing will be important for the Planning Board to hear.

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

JSEK Hamburg LLC - Requesting a Special Use Permit and Site Plan Approval of a new car wash facility on vacant land, northeast of 4484 Southwestern Boulevard

Attorney Sean Hopkins, representing the applicant, stated that a car wash project was previously proposed by this applicant at 4535 Southwestern Boulevard that required a rezoning from C-1 to C-2. He stated that the Planning Board did not look favorably on that request rezoning and cited concerns such as spot zoning, traffic concerns, etc. He stated that based on that, the applicant found this site, which appears to be more appropriate.

Attorney Hopkins stated that the site is properly zoned C-2 and the existing driveway on Southwestern Boulevard only allows right turns out onto Southwestern Boulevard. He noted that a separate driveway connection is proposed along the shared property line with Tractor Supply to Riley Boulevard.

It was determined that because this site is part of a larger parcel, a minor subdivision will be required.

Attorney Hopkins stated that a Traffic Impact Study has been performed, which does not show any degradation of level of service. He noted that 37 stacking spaces are proposed for the +/- 4,000 sq.ft. car wash facility.

Mr. Chapman complimented the applicant on finding a site that is zoned correctly.

Attorney Hopkins stated that when the applicant proposed the rezoning for the previous car wash, this site was not available for purchase.

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

Chairman Clark made a motion, seconded by Mrs. Comerford, to initiate the SEQR Coordinated Review for this project. Carried.

OTHER BUSINESS

Mr. Schawel made a motion, seconded by Ms. McCormick, to approve the February 17, 2021 minutes. Carried.

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

Respectfully submitted,

Megan Comerford, Secretary

March 9, 2020