

Town of Hamburg  
Planning Board Meeting  
March 17, 2021  
Minutes

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

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

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 and Town Planner Sarah desJardins.

**WORK SESSION**

**Switzer Precision Crafted Metal - Requesting Site Plan Approval of 17,022 sq.ft. and 1,159 sq.ft. building additions to the existing building at 4020 Jeffrey Boulevard**

Jim Gannon from Scheid Architectural, representing the applicant, stated that the proposal is to construct a facility consolidation. He noted that the property is approximately three (3) acres in size, the existing building was constructed in 1994 and was part of the former Ravenwood North Industrial Park. He further stated that no variances are required.

Mr. Gannon stated that improvements to the site access and site parking are planned as part of the project. He noted that 33 new parking spaces are proposed and fire apparatus access on the east and west side of the building would be improved.

Mr. Gannon stated that the new building, including the existing footprint, would be fully protected with sprinklers. He further stated that two (2) new bio-filters are planned for the east and west sides of the property that would address storm water quality. He noted that storm water quantity would be maintained by an under pavement storm tech chamber to take care of the onsite retention.

Mr. Gannon stated that a small area of wetland was delineated in the northwest corner of the site and was submitted to the U.S. Army Corps of Engineers (USACE) with the recommendation that it will not be jurisdictional. He stated that the applicant is waiting for the USACE to visit the site and make the final determination.

Chairman Clark made a motion, seconded by Mr. Mahoney, to schedule a public hearing to be held on April 7, 2021. Carried.

Engineering Department comments have been filed with the Planning Department.

**Apollo Concrete Coatings - Requesting Sketch Plan Direction on a proposal to construct a 6,791 sq.ft. office/warehouse building on vacant land located on the south side of Riley Boulevard, north of Southwestern Boulevard**

Daryl Martin, architect, representing the applicant, stated that the applicant wishes to construct a warehouse where he can receive product and then distribute it from there. He noted that this would be the company's main office.

Mr. Martin stated that he does not know if the existing retention system for the Hamburg Business Park was designed for the entire site or not. Ms. Jarrell stated that the site is under an acre in size, so it does not fall under the heavier storm water requirements for detention.

Mr. Martin stated that the hours of operation would be between 7:00 AM and 5:00 PM. He noted that the applicant would store product at this location and approximately once every two (2) months a 26-foot truck would deliver the product.

It was determined that nothing that would be delivered to this site would require a Hazardous Materials Handling Permit.

It was further determined that this site is part of the Hamburg Business Park, which was created approximately 15 years ago and a Generic Environmental Impact Statement was prepared at that time. In addition, there would be 14 employees at this state that would arrive at 7:00 AM, leave in company trucks and return between 4:30 PM and 5:00 PM.

Mr. Martin stated that a variance will be pursued for a few of the proposed parking spaces because they are slightly closer than the required 35 feet to the front property line.

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

Engineering Department comments have been filed with the Planning Department.

## **REGULAR MEETING**

### **Public Hearing - 7:00 P.M., 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.

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 request by ATM Restyle to construct an addition to the existing building at 4923 Camp Road. The Public Hearing will be held on March 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. Schawel:

"The Planning Board, having determined that the proposed project is a Type II Action under SEQR, and based on review of the project in accordance with Article XLIV Site Plan Approval of the Town of Hamburg Zoning Code, having received and considered input from Town departments, committees and advisory boards, having completed the required public hearing and having the applicant submit drawings and pictures based on the Planning Board's comments, hereby grants Conditional Site Plan Approval for ATM Restyle to construct an addition to the existing

building at 4923 Camp Road with the following conditions:

1. Any new lighting shall be shielded and dark-sky compliant.
2. Construction of new sidewalks is waived because there are existing sidewalks.”

Carried.

Engineering Department comments have been filed with the Planning Department.

**Public Hearing - 7:00 P.M., JSEK Hamburg LLC - Requesting a Special Use Permit and Site Plan Approval of a new car wash facility to be located on vacant land northeast of 4484 Southwestern Boulevard**

Attorney Sean Hopkins, representing the applicant, showed Board members a colored rendering of the proposed building.

Attorney Hopkins stated that this site is considerably more expensive than the previous site on Southwestern Boulevard on which he proposed a rezoning for a car wash facility, which demonstrates that the applicant has made a good faith commitment to try and improve the previously proposed layout based on input received from the Planning Board.

Attorney Hopkins stated that the building would be approximately 4,000 sq.ft. in size with a single tunnel car wash and 37 stacking spaces.

Attorney Hopkins stated that the key benefit of this site versus the previous site is in terms of existing movements onto Southwestern Boulevard because it is already limited to right-out only. He stated that another benefit of this site is that the applicant would install a driveway connection out the back to Riley Boulevard so that there would be two (2) means of access.

Attorney Hopkins stated that the project would need Site Plan Approval, a Special Use Permit and Minor Subdivision Approval.

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 request by JSEK Hamburg LLC to construct a new car wash facility on vacant land northeast of 4484 Southwestern Boulevard. The Public Hearing will be held on March 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:

- Mr. Chapman stated that one of his complaints about the previous car wash project proposed by the applicant was that there are too many car washes in this area. He stated that since then an additional car wash facility has been approved on Camp Road. He stated that his objection intensified because of that additionally approved project and he does not want Hamburg to be known as the Town with car washes.
- A resident on Facebook stated the following: “Do we need another car wash? Since Tyler is opening one in the Town, and there is already one across the street and there is

one similar to this type of wash at St. Francis.”

Attorney Hopkins stated that it is very clear based on case law that zoning cannot be utilized to regulate competition and the Planning Board cannot decide whether the market has enough car washes. He further stated that the Tyler Schmitz car wash facility that was recently approved on Camp Road is a different product type.

Mr. Chapman stated that he is not telling the applicant what he can and cannot do, but he is looking at the overall community and does not think that all of these car washes fit in with what he thinks this Town should be down the road. He stated that it is the character of the Town that he is concerned about.

Chairman Clark declared the public hearing closed.

Ms. McCormick asked the applicant to research which proposed plantings are native and which are not on the planting plan.

Chairman Clark made a motion, seconded by Mr. Chapman, to keep the public hearing open and table this project. Carried.

**Continuation of 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 the applicant has given up on any discussion of a possible cluster subdivision based on the input received from the Planning Board on March 3, 2021.

Attorney Hopkins stated that two (2) of the lots would be utilized for storm water management purposes and all infrastructure would be public.

Attorney Hopkins stated that the requested plan showing this subdivision and the proposed Wetzl project on adjacent property will be submitted to the Planning Board before April 7, 2021.

Chairman Clark stated that emails were received from Peggy Alves and Jay Patronik that will be made part of the public hearing.

Attorney Hopkins stated that a Traffic Impact Study (TIS) is being prepared to review the cumulative impacts of both this project and the Wetzl project on adjacent property together.

Chairman Clark read the following comments received by the Planning Department via email on March 1, 2021:

“I am a resident at 4369 Parker Rd. These two "side-by-side" proposed developments are very troublesome. Since the development of Parker Ridge, Parker Commons, and Manor Lane, the effect on traffic on Parker & 20A has been horrific. It's difficult pulling out of my driveway, or on to 20A. Last fall during the "cluster" debate, a Petition was signed by a radius of residents. Mr. Manko agreed to all points. (Attached). I urge the board to reconsider the Petition request again, and further, consider reducing the HIGH density of the Parker proposal. The 4255 McKinley proposal should be tabled entirely. Studies that are conducted for traffic, water, drainage, conservation, etc. that may result in a "no impact" are a far cry from reality. In any Plan, open space preservation and visual character should be considered. These two developments do not improve the quality of the community.

Sincerely, Peggy Alves”

Mr. Jay Patronik, 4904 Marilyn Drive, stated the following:

The natural landscape and the natural community character of the area are important. The land is a farm field now with woods around it and larger lots on Parker Road. The existing lots on Parker Road in this area are approximately twice the size of the proposed lots on Parker Road. This proposed subdivision does not enhance the area's community character and refusing to approve the proposed cluster layout is the wrong way to go. Berms with plantings on the subdivision's extremities would help provide some sort of relief to the community. A cluster layout could provide those berms and plantings that are desired. The Planning Board should re-evaluate its decision regarding the proposed cluster layout. The reason for the cluster layout is to maintain the community character. The Planning Board should either issue a Positive Declaration under SEQR for community character concerns or re-evaluate the community character issue and approve the cluster layout.

Peggy Alves stated that many of the people on Parker Road do not understand why the cluster layout was not approved.

Chairman Clark stated that under Hamburg's current Town law, if it is close between whether a traditional layout or a cluster layout is better, the Planning Board must go with the traditional layout. He stated that Board members spent a lot of time discussing the cluster layout and trying to find ways for it to conform to Town law, which dictates that the cluster layout must provide a benefit to the Town as a whole. He noted that a vast majority of Planning Board members found that it would not have provided a benefit to the Town as a whole. He stated that a buffer would benefit the neighbors where the buffer would be located, but that is not enough by itself to approve a cluster layout.

Mrs. Alves stated that many residents signed the petition in favor of the cluster layout.

In response to a question from Mrs. Alves, Attorney Hopkins stated that a gate cannot be placed across a public road. He confirmed that one of the access points would be gated in the cluster layout.

Mr. Patronik stated that there is a cluster subdivision to the south of this site that was approved by the Planning Board at the time. He stated that that cluster subdivision's approval was based on the same characteristics as this subdivision has and was deemed to have a benefit to the Town just as this would. He stated that he does not understand how this cluster layout would not benefit the Town but the cluster subdivision to the south does.

Chairman Clark noted that the cluster subdivision south of this site was approved by a different group of Planning Board members.

Mr. Patronik stated that this cluster layout would benefit the Town because it would benefit the community that lives around the subdivision.

Chairman Clark stated that when the Planning Board voted on the cluster layout, there were five (5) members who did not offer a second to the motion to approve the cluster layout. He stated that if those five (5) members indicate to him that they are thinking about changing their minds, he will entertain the discussion about the cluster layout again. He noted that this has not happened and he does not expect that to happen.

Mr. Patronik asked the five (5) Board members to reconsider their decision and provide a second to the original motion to entertain the cluster layout.

Ms. McCormick stated that the initial plan that was presented for the cluster subdivision did not include the minimum required open space and then had to be revised. She stated that there were numerous comments, questions and concerns made at the time as the Board worked to get the minimum requirement on open space regarding the storm water pond, how the space

was aligned and whether the placement of a berm and some of the areas that were just mowed green space that were adjacent to the storm water pond constituted the appropriate green space to make that a meaningful subdivision.

Ms. McCormick stated that another challenge in comparing the cluster layout vs the traditional layout is the fact that they are very similar with the cluster being a bit more squashed regarding the utilities, roads and driveway access. She stated that the project engineer was asked to provide data as to why the cluster was advantageous at the time and some information was provided, but there were lingering questions. She noted that based on the fact that there were strong similarities between the two (2) layouts, it was not an easy decision and was not one that was made lightly. She stated that there were a lot of facts that were considered.

Ms. McCormick stated that she has been on the other side of the table not supporting a project in front of the Planning Board and understands the residents' position. She stated that Board members are trying to make the best decision possible and understand that they cannot always make everyone happy.

Chairman Clark declared the public hearing closed.

Mr. Reilly stated that a SEQR determination is the next step in the review process.

In response to a question from Ms. McCormick, Mr. Reilly stated that alternatives and mitigations are only looked at if an Environmental Impact Statement (EIS) is prepared.

Attorney Hopkins stated that he agrees with Mr. Reilly in terms of alternatives being triggered by the issuance of a Positive Declaration and preparation of a draft EIS and although he is reluctant to bring up the subject again, it would not be necessary to do that if the Planning Board revisited clustering. He stated that if the Planning Board wanted to look at clustering again in a non-binding way, the applicant would still be willing to do that.

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

Engineering Department comments have been filed with the Planning Department.

**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**

Daniel Martinez, applicant, stated that the walls will be grey with a black roof.

Ms. McCormick read the following from Mrs. desJardins, which was a summary of her conversation with Janet Plaar from the Village of Blasdell:

The Village of Blasdell prefers that landscaping be installed if the building is to be located close to the road, so in this case no landscaping would be required. Additionally, the Village likes to see what the building would look like and if there is an existing stone driveway, it can remain, but if a new driveway is planned it must be asphalt or concrete.

Mr. Martinez stated that there is an existing blacktop millings and stone entrance on the site. He noted that it has not been used in a few years so there is some grass growing through it, but he will address that when he starts using it again. He noted that he will be putting new stone down now but he may pave it in the future.

In response to a question from Chairman Clark, Mr. Martinez stated that if the Planning Board recommended that he pave the driveway, it would set him back financially.

In response to a question from Ms. McCormick, Ms. Jarrell stated that a layer of the millings should be removed and fresh stone should then be put down. She stated that that would make for a good entrance. She further stated that asphalt is not absolutely necessary, but fresh compacted stone would be appropriate.

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

“The Planning Board recommends that Blasdell Soil & Stone be permitted to construct a 2,400 sq.ft. building on vacant land, east side of Electric Avenue in the Village of Blasdell in accordance with the drawings and plans submitted on February 18, 2021 with the condition that the top layer of asphalt millings be removed and replaced with stone.” Carried.

**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**

Chairman Clark made the following motion, seconded by Mrs. Comerford:

“The Planning Board, having determined that the proposed project is a Type II Action under SEQR, and based on review of the project in accordance with Article XLIV Site Plan Approval of the Town of Hamburg 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 Asset Recovery Engineering Associates to construct an addition to the existing building at 5590 Maelou with the following conditions:

1. Any new lighting shall be shielded and dark-sky compliant.
2. Construction of new sidewalks is waived.”

Carried.

Engineering Department comments have been filed with the Planning Department.

**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 Calimeri, as well as Tara Mathias from the Broadway Group, appeared on behalf of the applicant. Attorney Calimeri stated that a wetland delineation was submitted to the Board. He further stated that all setback requirements have been exceeded.

In response to a question from Ms. McCormick, Attorney Calimeri stated that access management requires two (2) parties to be in concert with one another. He stated that approximately 40 feet of unimproved property between this site and the Bert’s Bikes site exists that the owner of the Bert’s Bikes property would have to develop in order to share access with the Dollar General.

Ms. Mathias stated that the New York State Department of Transportation (NYSDOT) has indicated that the distance between the curb cut for Bert’s Bikes and the proposed curb cut for this project are sufficient enough that it would not require any kind of shared access. She noted that NYSDOT indicates it will provide independent access for the Dollar General site and therefore there should not be any access management issues. She further stated that the number of ve-

icles turning in and out of the store is not a significant number and therefore it would have a limited impact on traffic operations.

Mr. Reilly stated that he would like to see the Bert's Bikes site and the Dollar General site parking lots connected internally.

Attorney Calimeri stated that the applicant is not opposed to access management, but there would have to be a major contribution on behalf of the other property owner to improve the 40 feet of grassed unpaved area that exists adjacent to the shared property line.

Attorney Calimeri stated that another of the applicant's concerns regarding shared parking lot access would be the possibility that sometime in the future Bert's Bikes vacates that property and a user comes in that is not compatible with Dollar General.

Ms. McCormick asked Ms. Mathias to provide an aerial map showing the Bert's Bikes parking lot, the property lines and where the area is that the parking lots could be connected.

In response to a question from Mrs. Comerford, Ms. Mathias stated that typically, based on the ITE generation trip models for this type of establishment, approximately 30 trips in the peak evening hour and 15-20 trips in the morning peak hour would be expected. She noted that this would be an insignificant amount of traffic. She further stated that a significant amount of stacking space is proposed that goes from the driveway back to the dumpster area and there would be approximately 140 feet of space in front of the building for stacking as well.

In response to a question from Mrs. Comerford, Ms. Mathias stated that she does not know how many Dollar General stores are located near a college campus, but this site is located in a commercially zoned area and this project is one that is allowed by right. She noted that whether or not a Dollar General store is located near a college campus is not relevant to the conversation.

Ms. Mathias stated that most likely the college students are already visiting the fast food restaurants and other businesses in the area, which is a heavily commercialized zone.

In response to a question from Mrs. Comerford, Ms. Mathias stated that she does not have specific information regarding the estimated time it would take to make a left hand turn out of this site.

Board members discussed whether a Traffic Impact Study (TIS) will be required.

Attorney Calimeri stated that usually a TIS is requested when it is estimated that a project will generate 100 or more trips during peak hour. He noted that this site is in a heavily commercialized area.

Board members agreed that the Planning Board has requested a TIS for most projects proposed on Southwestern Boulevard. They further agreed that a TIS will be requested for this project as well.

In response to a question from Ms. McCormick, Attorney Calimeri stated that this site was cleared in the 1980s and there is no endangered species or wildlife present. He agreed to make sure that the species proposed are native plants.

In response to a question from Ms. McCormick, Attorney Calimeri confirmed that Dollar General has no intention of renting out parking spaces on Bills game days.

In response to a question from Mr. Mahoney, Attorney Calimeri stated that if the Planning Board requests that a bike rack be added to the plans, it will be.

It was determined that there are sidewalks along the front of this site on Southwestern Boulevard.

Chairman Clark made a motion, seconded by Mrs. Comerford, to schedule a public hearing to be held on April 7, 2021. Carried.

Engineering Department comments have been filed with the Planning Department.

**Odor Stop - Requesting Site Plan Approval of a 15,373 sq.ft. building to be constructed on vacant land located at 5139 Southwestern Boulevard**

Rob Pidanick from Nussbaumer & Clarke, representing the applicant, stated that the proposal is to construct an office/warehouse building on 0.8 acres. He noted that five (5) parking spaces are proposed in front of the building and eight (8) behind the building.

Mr. Pidanick stated that landscaping has been added to the plan around the building along the north and west sides of the building. He noted that the building would be located approximately 70 feet from the right-of-way.

Mr. Pidanick stated that he believes that there would be less than ten trips per day of delivery vehicles. He noted that most of the applicant's product would be brought to this location and distributed out of this site. He further stated that there would be no retail business.

In response to a question from Ms. McCormick, Mr. Pidanick stated that the landscape architect has not assigned a species to the foundation plantings yet.

In response to a question from Chairman Clark, Mr. Pidanick stated that he does feel there is an opportunity for some plantings adjacent to the sidewalk.

Board members agreed that a SEQR Coordinated Review would be initiated.

Chairman Clark made a motion, seconded by Mr. Mahoney, to authorize a SEQR Coordinated Review and schedule a public hearing to be held on April 7, 2021. Carried.

Engineering Department comments have been filed with the Planning Department.

**OTHER BUSINESS**

Mr. Reilly stated that Roger Gibson, Supervising Code Enforcement Official, has some concerns about the approval granted by the Planning Board to Michel Schulz for a towing and impoundment area on Southwestern Boulevard. He noted that Mr. Gibson believes that the Planning Board erred in approving this project because the approved drawing does not show whether the fenced-in area for vehicles will be paved, stoned, etc. He stated that Mr. Gibson is concerned that Mr. Schultz only wants to store vehicles at this site and not run his business out of it.

Chairman Clark stated that the Planning Board assumed the storage area would be paved and that the applicant would move his business to this location.

Ms. Jarrell stated that stoned fenced-in areas have been acceptable to the Engineering Department.

It was determined that Mr. Schultz will return to the Planning Board for further review if Mr. Gibson deems that necessary.

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

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

Respectfully submitted,  
Megan Comerford, Secretary

March 31, 2021