

Town of Hamburg  
Planning Board Meeting  
May 19, 2021  
Minutes

The Town of Hamburg Planning Board met for a Work Session at 6:30 P.M., followed by a Regular Meeting at 7:00 P.M. on Wednesday, May 19, 2021 in Room 7B of Hamburg Town Hall. Those attending included Chairman William Clark, Bob Mahoney, Doug Schawel and Megan Comerford.

Members who attended via Webex included Vice-Chairman Kaitlin McCormick, Dennis Chapman and Al Monaco.

Others in attendance in Room 7B included Town Planners Andrew Reilly and Sarah desJardins, Town Engineer Camie Jarrell and Planning Board Attorney Jennifer Puglisi.

**WORK SESSION**

**5272 South Park Avenue LLC – Requesting Sketch Plan Direction on a proposal to demolish the existing 117,000 sq.ft. convent located at 5272 South Park Avenue and construct an age-restricted community for seniors and 17 apartment buildings**

Attorney Sean Hopkins, representing the applicant, stated that part of this project is located where a multi-family project was previously approved along Sowles Road. He stated that the site is approximately 20 acres in size and is zoned R-3.

Attorney Hopkins stated that the site contains the former convent, as well as an attached medical building, and the applicant plans to collaborate with the adjacent Hilbert College with respect to this project.

Attorney Hopkins stated that the proposal is to demolish the existing convent, which has a lot of asbestos in it, and leave the newer attached building. He noted that a 125-unit age restricted senior housing building would be constructed along South Park Avenue and 17 two-story eight-unit apartment buildings are also proposed.

Attorney Hopkins stated that the applicant will reach out to the property owners on the south side of Sowles Road about this project.

Rob Savarino, applicant, stated that the senior housing building would be lower than the existing convent building. He noted that a large amount of mold and asbestos exists in the building and the roof needs to be replaced. He further stated that the width of the convent building would not allow a central loading corridor and therefore it would be demolished. He stated that the historic elements of the building, such as the chapel, would be respected. He further stated that it would contain a mixture of one-and two-bedroom units and a market study was performed that showed a strong demand for senior housing in Hamburg.

Mr. Savarino stated that detached garage bays would be offered to service both the senior housing facility and the apartments. He further stated that the other 5,400 sq.ft. former convent building on the property would be rehabilitated and a mixed use project will be proposed there. He noted that the existing grotto on the property would be restored and would be a part of this project.

Mr. Savarino stated that the former 66,000 sq.ft. medical facility building is in relatively good shape and might be redeveloped into multi-tenant medical with Hilbert College possibly having a role in that in terms of ownership or partnership with other medical providers.

Mr. Savarino stated that Hilbert College sees a symbiotic relationship possibly developing with this project whereby its gym, track, workout facility, library, athletic events, etc. could be made available to the senior housing residents.

Attorney Hopkins stated that several years ago when the applicant was discussing the eventual development of this parcel with the Planning Board, a 90,000 sq.ft. commercial building was being considered and that now has been eliminated.

Mr. Savarino stated that the apartments would not have basements.

In response to a question from Ms. McCormick, Mr. Savarino stated that he plans to work with the New York State Office of Parks, Recreation and Historic Preservation regarding the demolition of the former convent building.

Ms. McCormick stated that she would like to see the applicant tie in a campus theme in terms of landscaping and elements such as appropriate walking paths, community garden, etc.

Mr. Savarino stated that the apartment project would have its own community center.

In response to a question from Ms. McCormick regarding the demolition of the former convent, Mr. Savarino stated that he would file for a demolition permit and has an asbestos study and quotes from demolition contractors.

In response to a question from Mrs. Comerford, Chris Wood, project engineer, stated that approximately 300 parking spaces are proposed.

Mr. Savarino stated that a bus stop exists in front of this site on South Park Avenue.

Chairman Clark stated that he would like to see some focal point features in the area of the South Park Avenue/Sowles Road circle.

In response to a question from Mr. Reilly, Attorney Hopkins stated that there are no state designated historic structures on this site. He further confirmed that the applicant is seeking Site Plan Approval for the entire site with the exception of the existing medical building.

Mrs. Comerford asked Attorney Hopkins to provide the total numbers of bedrooms planned for the project.

In response to a question from Mr. Chapman, Mr. Savarino stated that in the corners of every floor there would be a trash chute that empties into the ground floor and is compacted there. He noted that the property manager would take that out for private collection. He stated that there would be dumpsters associated with the apartment development.

In response to a question from Mr. Chapman regarding the possibility that the refuse would smell, Mr. Savarino stated that there would be ventilation in the refuse room in the senior apartment building and the property would have a manager and an on-site maintenance person whose responsibility is to care for that specific item.

Chairman Clark made a motion, seconded by Mrs. Comerford, to allow the Coordinated Review for this project to begin when Part 1 of the EAF is filed with the Town. Carried.

Engineering Department comments have been filed with the Planning Department.

**Bloom Creative Arts – Requesting Planning Board consideration of a Site Plan Waiver for a project to utilize a vacant building located at 3674 Commerce Parkway for a pre-school**

Mrs. desJardins stated that this project cannot receive a Site Plan Waiver because the Town Code requires that pre-schools require a Special Use Permit. It was also noted that pre-schools are required to have a certain square footage of play area.

Megan Coltoniak, applicant, stated that she is not required by the Office of Children and Family Services(OCSF) to have a certain size play area and it could be as small as 900 sq.ft. She noted that the play area proposed for this project is approximately 1,520 sq.ft. between the building and Commerce Place.

Mr. Mike Cross stated that there is a very large right-of-way located on Commerce Place in the area of this building and the proposed play area would be approximately 25 feet from the actual pavement.

In response to a question from Mr. Chapman, Mr. Cross stated that the play area would be surrounded by a white vinyl four-foot high picket fence.

In response to a question from Mrs. desJardins, Ms. Coltoniak stated she plans to have two (2) integrated classrooms that could hold a maximum of 20 children each and three (3) special classes that would have no more than eight (8) children in each.

In response to a question from Mrs. Comerford, Ms. Coltoniak stated that the age range of the children is primarily between three (3) and five (5) years old and there would be between 18 and 20 staff.

Ms. Coltoniak stated that there is a road on each side of the building, so the buses would turn right from Commerce Place into the second entrance (west side of the building), drop off the children and exit the site via the easternmost curb cut.

Chairman Clark stated that the Town Code requires that nursery schools and daycare centers must provide at least 75 square feet of play area per child under the age of three (3) and 100 square feet of play area per child three (3) years and older. He further stated that the play area cannot be located in a building's front yard.

It was determined that variances may be required for the two (2) above requirements.

Ms. Coltoniak stated that per the State, the maximum number of children allowed in a play area at any given time is 20.

Mr. Cross stated that the play area could be made a bit larger to increase its square footage.

Ms. Coltoniak stated that OCSF regulations state that if children can walk to a playground, a fenced-in area for them to play is not required.

Board members discussed the number of available parking spaces and what the traffic flow would be regarding buses and vans dropping children off.

Mr. Chapman stated that there is no guarantee that the parking spots near this building will be available to the applicant. He noted that he does not believe this is a good location.

Ms. Coltoniak stated that the owner of the property indicated that Howard Hanna, which occupies one of the other two (2) buildings on the site, usually only uses one (1) or two (2) parking spaces at any given time unless there is a meeting there, which would be on a Saturday and her business is closed on Saturdays.

Chairman Clark made a motion, seconded by Mr. Schawel, to schedule a public hearing to be held on June 2, 2021. As the vote on the motion was six (6) ayes and one (1) nay (Mr. Chapman), the motion carried.

Engineering Department comments have been filed with the Planning Department.

**W. Jay Milligan – Requesting a Special Use Permit and Site Plan Approval to allow Founders Holding Co. to use a portion of the building located at 4751 Southwestern Boulevard for its offices and limited fleet work**

Jay Milligan, applicant, stated that “limited fleet work” would involve washing vehicles, oil changes, changing tires, etc. for Founders Holding Company’s smaller vehicle fleet. He noted that all major work is done at the site on Route 5 and in Buffalo. He further stated that his father owned this building for the past 30 years and, with the exception of the last three (3) years, he and his father had monster trucks, large and small buses, demolition derby cars, figure eight cars, etc. because he is in the motorsports business. He stated that light work on vehicles has always been done in this building.

Mr. Milligan stated that the building has been vacant for the last three (3) years. He noted that the building has approximately 6,700 sq.ft. of rental space that he has been trying to rent out for those three (3) years.

In response to a question from Mr. Monaco, Mr. Milligan stated that used oil is stored in 55-gallon drums or tanks.

In response to a question from Chairman Clark, Mrs. desJardins stated that the property is zoned C-1 and the applicant does not propose automotive repair, which is a use that is not allowed in the C-1 zone.

Mr. Milligan stated that the vehicles that would be worked on in the building would be FedEx vehicles and it would not be open to the public.

It was determined that the applicant would provide the Board with information relative to how many vehicles would be on site, how many would be kept outside and what work would be done on them.

Board members discussed the option the applicant has of obtaining a use variance to allow this use.

Mr. Schawel stated that the applicant is not asking to be allowed to operate a business doing automotive work.

It was agreed that Mrs. desJardins and Mr. Milligan would meet with the Building Department regarding whether a use variance or a Site Plan Waiver with conditions is the better course of action.

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., David Homes - Requesting Planning Board approval of modifications to the previously approved Waterford Pines Subdivision regarding front yard setbacks, Waterford Preserve limits and the location of pedestrian paths**

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 David Homes to modify the previously approved Waterford Pines Subdivision regarding front yard setbacks, Waterford Preserve limits and the location of pedestrian paths. The public hearing will be held on May 19, 2021 at 7:00 P.M. in Room 7B of Hamburg Town Hall.”

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

- Bill Tuyn, representing the applicant, explained the changes the applicant is requesting regarding the front yard setbacks, Waterford Preserve limit and pedestrian paths.
- Laura Podkulski stated that the property owners on Lilydale have complained that they are getting water from this subdivision.

Chairman Clark declared the public hearing closed.

Chairman Clark stated that he likes the idea of having the 20-foot setbacks and thinks that if those setbacks were allowed, there might not be the need for some of the requested changes relative to the rear of the properties.

Ms. McCormick stated that she wonders why the existing setbacks were acceptable to the applicant as recently as 2017 and they are not acceptable now. She asked whether five (5) feet is really going to make that much of a difference.

Mr. Tuyn stated that every little bit helps and it is important for the homeowners who want to have some semblance of a back yard. He further stated that five (5) extra feet in the back yard gives the homeowner a bit more privacy if the pedestrian path remains.

Ms. McCormick stated that it appears that the lots in question are too small and perhaps the builder should reduce the number of lots so that those remaining are larger and do not have the problem of not having enough space.

Mr. Tuyn stated that the applicant is simply asking to be allowed to build these homes at the 20-foot setback, which is allowed by Code.

Board members discussed why the front yard setbacks for some of the lots in this subdivision were revised by the Planning Board several years ago.

In response to a question from Chairman Clark, Mr. Tuyn stated that he would prefer to not have to locate the garages further back from the road than the homes.

Chairman Clark stated that the type of home built in this cluster subdivision has been changed a few times and several years ago the residents of Phase I indicated that they were unhappy that the type of home was changing and was not what they were told would be built there.

Mr. Tuyn stated that he likes the idea that there is a variety of home styles in the subdivision and it is not a “cookie cutter” subdivision.

Mr. Reilly stated that the Waterford Preserve cannot be changed.

Mr. Tuyn described that the trail system remains for the perimeter of Phase I, but the applicant would like to remove the trail in the remaining phases along the perimeter of the lots along the southwest boundary, the northwest boundary and the north boundary.

In response to a question from Mrs. Comerford, Mr. Reilly stated that the Planning Board can restrict the size of the homes in a cluster subdivision.

Chairman Clark made a motion, seconded by Mr. Mahoney, to allow David Homes to amend its front yard setbacks from 25 feet to 20 feet. As the vote on the motion was five (5) ayes and two (2) nays (Mr. Chapman and Mr. Monaco), the motion passed.

Chairman Clark made a motion, seconded by Mr. Schawel, to allow the applicant to remove trees in the Waterford Preserve. As the vote on the motion was zero (0) ayes and seven (7) nays, the motion failed.

Chairman Clark made a motion, seconded by Mr. Schawel, to allow the applicant to remove the walking paths along the outside of the area that has not been built yet. As the vote on the motion was zero (0) ayes and seven (7) nays, the motion failed.

Engineering Department comments have been filed with the Planning Department.

### **Public Hearing – 7:00 P.M., Chick-Fil-A - Requesting Site Plan Approval of a new restaurant building to be located in front of 3464 Milestrip Road**

Attorney Sean Hopkins, representing the applicant, stated that subsequent to the Board's last meeting, Mrs. desJardins sent out the SEQR Lead Agency letter with copies of the plans, traffic impact study (TIS), etc. to the Involved and Interested Agencies. Mrs. desJardins confirmed that no responses have been received yet.

Attorney Hopkins stated that the applicant is proposing to lease .62 acres of the 4.1-acre parcel owned by Raymour & Flanigan to construct a 5,000 sq.ft. Chick Fil A building with a drive-thru with 35 on-site stacking spaces.

Attorney Hopkins stated that no new curb cuts are proposed in connection with this project and a TIS was submitted.

In response to a question from Ms. McCormick, Tim Freitag from Bohler Engineering stated that a crosswalk from the main entrance crossing the drive-thru to access the bus stop is proposed. He noted that the crosswalk would be located in an area where the vehicles in the drive-thru lane are typically stopped. He further stated that appropriate pedestrian crossing notices will be provided 20 feet in advance of the crosswalk.

In response to a question from Ms. McCormick, Mr. Freitag stated that the site is a paved parking lot and the green space would be increased as part of this project. He noted that the snow storage area for the facility would be increasing. He further stated that the drive-thru lanes would be plowed to the perimeter green space areas and the rest of the shopping center would be plowed to the perimeter of the building as it is done now.

In response to a question from Chairman Clark, Mr. Freitag stated that there are two (2) Chick Fil A facilities in Cheektowaga (one on Walden Avenue and one on the corner of Transit and Lossen). He noted that the Walden Avenue facility has the capacity to store 24 vehicles and the other facility can stack 20 vehicles.

Mr. Freitag noted that the proposed Chick Fil A in Hamburg would have two (2) drive-thru lanes, which the Walden Avenue facility does not have.

Attorney Hopkins noted that Chick Fil A has found that when a new Chick Fil A store is opened, it decreases the volume of the existing stores.

Mr. Freitag stated that there is overflow for stacking if needed during peak hours because of the large parking area on the site.

In response to a question from Mrs. Comerford, Mr. Freitag stated that Chick Fil A utilizes team members (employees) to help direct traffic on site during the peak hours. He noted that team members would be placed upstream in the drive-thru lanes to keep cars moving forward and if it starts to back up, the team members would direct cars in and around the existing drive aisles in the parking lot.

In response to a question from Mrs. Comerford, Attorney Hopkins stated that there will be a lease in place between Raymour & Flanigan and Chick Fil A. He noted that Raymour & Flanigan is well aware of the project and is looking forward for redevelopment on the site.

Attorney Hopkins stated that this facility would have 75% more stacking that the facility on Lossen in Cheektowaga.

In response to a comment made by Mrs. Comerford, Mr. Clint Madsen from Chick Fil A stated that Chick Fil A has a lot of experience being located near major professional stadiums, noting that there is a Chick Fil A in the Georgia Dome and there are 3,000 locations across the state and Chick Fil A deals with those types of events daily.

Ms. McCormick stated that the Planning Board must make sure that it has a good understanding of the applicant's plan for stacking vehicles.

In response to a question from Mrs. Comerford, Attorney Hopkins stated that Raymour & Flanigan is very aware of this project and there are agreements in the lease for shared parking and overflow. It was further determined that these agreements are necessary because Chick Fil A would not have direct access to the leased area.

Attorney Hopkins agreed to ask Raymour & Flanigan to provide correspondence indicating that it understands that from time to time there may be more demand for stacking. He further stated that Raymour & Flanigan is very supportive of this project.

Mrs. Comerford read the following public hearing notice:

'Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a request by Chick Fil A to construct a new restaurant building in front of 3464 Milestrip Road. The public hearing will be held on May 19, 2021 at 7:00 P.M. in Room 7B of Hamburg Town Hall.'

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

- Via Facebook, Trevor Edkin stated that on behalf of Raymour & Flanigan, they support this plan and use.
- Via email, a member of the public stated that he or she has concerns about the drive-thru stacking and compared this site to the Chick Fil A site on Walden Avenue.
- Via Facebook, a member of the public stated that lights and signs should be low to the ground.
- Linda Sansone, Milford Street, stated that she does all of her shopping in this area and those shopping centers already have a traffic problem. She stated that the intersection of Milestrip Road and McKinley Parkway needs turning lanes and this area is going to become a Transit Road area. She stated that the Lossen Road Chick Fil A has problems seven days a week. She stated that the applicant should find a different and larger spot for this project.

Chairman Clark stated that the public hearing would be left open until the Planning Board meeting on June 16, 2021.

Chairman Clark made a motion, seconded by Mr. Mahoney, to table this project. Carried.  
Engineering Department comments have been filed with the Planning Department.

**Mike Schultz – Requesting Planning Board re-review of a towing and recovery impound area at 5505 Southwestern Boulevard (Site Plan Approval and Special Use Permit granted on 11-18-20)**

Mrs. desJardins stated that Mr. Schultz had asked to be tabled to the Board's next meeting.

Chairman Clark made a motion, seconded by Mrs. Comerford, 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**

Ms. McCormick stated that the sub-committee formulated some notes that were distributed to Planning Board members regarding some of the questions that warrant discussion.

In response to a question from Chairman Clark regarding questions the Planning Board asked the applicant to address at the Board's previous meeting, Attorney Sean Hopkins, representing the applicant, stated that he wants to make one comprehensive submittal and is awaiting the final list of what information the Planning Board is requesting before he responds.

Ms. McCormick stated that the sub-committee reviewed Part II of the EAF (Environmental Assessment Form) for both this project and the rezoning request by Glenn Wetzl. She noted that it flagged some items that it thought were the larger issues and she wanted to bring those up at this meeting. She stated that these issues were considered to be "moderate" or "large".

Mr. Schawel stated for the record that he disagree with most of the issues the sub-committee thinks are potential impacts.

Ms. McCormick reviewed the following impacts listed on the EAF that the sub-committee feels are moderate to large:

- 1e. The proposed action may involve construction that continues for more than one year or in multiple phases.
- 1f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

Ms. McCormick stated that the above impact is one that the Conservation Advisory Board (CAB) has raised as a concern. She stated that the CAB is concerned about disturbing areas that have been previously affected by fertilizers and pesticides.

- 3h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.

Ms. McCormick stated that the above item is considered "moderate to large" because more than one (1) acre of land would be disturbed and a SWPPP would be required.

- 3i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.
- 3j. The proposed action may involve the application of pesticides or herbicides in or around any water body.

- 8c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.
- 8d. The proposed action may irreversibly convert agricultural land to non-agricultural land uses, either more than 2.5 acres if located in an Agricultural District or more than 10 acres if not within an Agricultural District.
- 8e. The proposed action may disrupt or prevent installation of an agricultural land management system.
- 8f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.

Ms. McCormick stated that 8.d and 8.f warrant consideration.

- 10b. The proposed action may occur wholly or partially within, or substantially contiguous to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory.

Ms. McCormick stated that because this site has been cleared by SHPO, the above impact does not necessarily warrant any further follow-up.

Ms. McCormick stated that 10.e is checked “moderate to large” but, because the site has been cleared by SHPO it is not relevant.

Regarding Impact on Open Space and Recreation, Ms. McCormick stated that the sub-committee would like input from the Planning Board as a whole on 11d (“The proposed action may result in loss of an area now used informally by the community as an open space resource”).

- 13a. Projected traffic increase may exceed capacity of existing road network.
- 13e. The proposed action may alter the present pattern of movement of people or goods.
- 14b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.

Ms. McCormick stated that the sub-committee was not given enough information to answer 14c.

Ms. McCormick stated that the sub-committee did not go through 17 (Consistency with Community Plans) or 18 (Consistency with Community Character) because it wants them to be discussed with the entire Planning Board.

Ms. McCormick stated that the impact that concerned her the most was 8d (the conversion of more than ten acres of agricultural land to non-agricultural land).

Chairman Clark stated that often more than ten acres of farmland is converted to another use. He asked how the Board should address and mitigate those impacts and asked if this is something the Board has not been doing that it should be doing.

Mr. Reilly stated that the question is whether this property is still defined as agricultural land by New York State. He noted that if it has not been farmed for a certain time period, it would not be defined as agricultural land.

Attorney Hopkins stated that the land is still being used for agricultural purposes. He noted that the property owner is allowing someone to farm the land and is receiving no financial benefit for it. He further stated that no herbicides or pesticides have been used by the existing agricultural operation in 15 years.

Attorney Hopkins stated that an impact being checked as “moderate” or “large” is not the same as it being potentially significant.

Ms. McCormick asked Mr. Wood to clarify which soil groups are present on the site.

Ms. McCormick stated that her recommendation is that Board members review Part II of the EAF and the responses arrived at by the sub-committee and be prepared to discuss whether they agree with those responses at the next meeting.

In response to a question from Chairman Clark, Mr. Schawel stated that regarding 1e, most projects take more than a year to complete. He noted that he does not think that is a moderate to large impact.

Attorney Hopkins stated that the applicant did obtain a Jurisdictional Determination from the U.S. Army Corps of Engineers that indicates that the .063-acre wetland on the site is non-jurisdictional and the 0.644-acre wetland on the site is also non-jurisdictional. He noted that therefore there would be no impacts to the wetlands that are the subject of the jurisdiction of the U.S. Army Corps of Engineers.

In response to a question from Ms. McCormick, Attorney Hopkins stated that the U.S. Army Corps of Engineers determined that 600 feet of linear ditch is subject to federal jurisdiction.

Mr. Tim Cook, 4388 Parker Road, speaking on behalf of the Parker Road and John Michael Way residents, stated that they would like the Planning Board to reconsider the cluster layout for this subdivision. He stated that the cluster layout has more green space and has a more rural look than the regular layout. He stated that the footprint would be less and would be more appealing to the area and the local residents.

Chairman Clark stated that if the cluster layout is different from what was previously denied, the Planning Board could consider it.

Attorney Hopkins showed Board members an updated conceptual cluster plan that takes into account the project proposed by Mr. Wetzl on adjacent property. He noted that the cluster plan would eliminate the frontage lots on Parker Road in order to preserve the rural character of the area and increase the percentage of open space on the site (15.38 acres or 52.3% of the site). He stated that a trail system and extensive landscaping is proposed in the permanent open space. He noted that the trail would be connected to the Wetzl project and would be accessible to residents in both projects, as well as to the public.

Attorney Hopkins stated that half of the Manko and almost half of the contiguous Wetzl site would be green space and the trail would connect to the adjacent Town-owned land.

Attorney Hopkins stated that a conceptual landscaping plan has been developed for the open space in the subdivision.

Attorney Hopkins stated that the amount of impervious surface would be reduced with the cluster layout (4,100 linear feet of roadway down to 2,800 linear feet, decreasing the amount of impervious surface associated with the building lots, etc.)

Attorney Hopkins stated that the proposed cluster lots are a minimum of 10,500 sq.ft.

Attorney Hopkins stated that none of the open space would be located on the building lots.

Attorney Hopkins stated that the revised cluster layout complies with the requirements for cluster in the Town Code.

Ms. McCormick asked for a written submission of what he had presented at this meeting, as well as a calculation of what the open space percentage would be if the storm water infrastructure is taken out of the equation.

Chairman Clark stated that he believes that the Planning Board should consider this revised cluster layout, noting that the public walking path fits in with what the Comprehensive Plan Update Committee heard from residents regarding what they want more of in Hamburg.

Chairman Clark stated that the revised cluster layout might also alleviate some of the CAB's concerns.

Ms. McCormick stated that she was not in support of the original cluster layout presented previously and she is not very interested in going back to that layout. She stated that the concern that keeps coming is the turbidity and water quality and she would like to see something that adds some sort of riparian landscaping and buffer along the whole length of the regulated waterway in this project and continuing onto the Wetzl site along the tributary.

Ms. McCormick stated that there are some issues that are not addressed by clustering, especially the loss of agricultural land.

In response to a question from Ms. McCormick, Attorney Hopkins stated that the number of lots in the cluster layout is the same as it is in the regular layout.

Attorney Hopkins reminded Board members that the Town Code allows the front yard setback in a cluster subdivision to be 20' and this cluster layout would provide 30'.

Mrs. Comerford stated that she would like to see a lot detail plan for the cluster layout.

Chairman Clark stated that the Planning Board wants to make sure that there is enough space in the rear yards for sheds, pools, etc.

Attorney Hopkins stated that the regular layout would provide 67 building lots and the cluster layout provides 60 building lots.

It was determined that a majority of the Planning Board members is willing to consider the revised cluster layout.

Chairman Clark made a motion, seconded by Mr. Chapman, to table this project. 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 and R-1 to R-3**

Ms. McCormick reviewed the following impacts listed on the EAF that the sub-committee feels are moderate to large:

- 1e The proposed action may involve construction that continues for more than one year or in multiple phases.

Ms. McCormick asked Attorney Hopkins to submit a phasing plan that also shows where stockpiling would take place during construction.

- 1f The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

Ms. McCormick stated that she wanted to make clear to everyone that there is a substantial (25 – 30 acres) area of clearing proposed for this project.

Ms. McCormick asked Mr. Wood to provide the amount of material that would be removed from the wetland area.

- 3d The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.
- 3e The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.
- 3h The proposed action may cause soil erosion, or otherwise create a source of storm-water discharge that may lead to siltation or other degradation of receiving water bodies.
- 3i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.

Ms. McCormick stated that the sub-committee did not have enough information to answer 3j (The proposed action may involve the application of pesticides or herbicides in or around any water body.) She asked for additional information regarding whether pesticides or herbicides would be used on the property.

- 7g The proposed action may substantially interfere with nesting/breeding, foraging or over-wintering habitat for the predominant species that occupy or use the project site.
- 7h The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.
- 10b The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.
- 11a The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
- 13a Projected traffic increase may exceed capacity of existing road network.
- 13e The proposed action may alter the present pattern of movement of people or goods.

Ms. McCormick stated that the sub-committee did not have enough information to answer the questions in section 14 (Impact on Energy). She asked Attorney Hopkins to provide information so that 14c and 14d can be addressed by the sub-committee.

Ms. McCormick stated that the sub-committee did not go through 17 (Consistency with Community Plans) or 18 (Consistency with Community Character) because it wants them to be discussed with the entire Planning Board.

Ms. McCormick stated that the impacts of greatest concern to the sub-committee are the ones related to work within or adjacent to wetlands and waterbodies, as well as the large scale conversion of forested and vegetated land to impervious surface and buildings.

Chairman Clark asked Board members if there are cumulative impacts from this project and the Manko subdivision that should be discussed.

Ms. McCormick responded that the cumulative impacts identified by the sub-committee so far are as follows:

- Erosion and sediment control and the work in the waterbodies
- Traffic analysis
- Downstream sewer capacity
- Consistency with community character and consistency with community plans

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

**The Broadway Group – Planning Board to discuss draft Scoping Document for the Environment Impact Statement for the Dollar General store proposed on vacant land on southwest corner of Southwestern Boulevard and Heltz Road**

Chairman Clark stated that the applicant's draft Scoping Document will be accepted and a public scoping session regarding the submitted draft Scoping Document will be scheduled for June 2, 2021.

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

"Whereas, the Town of Hamburg Planning Board received a Site Plan application from the Broadway Group, LLC for the construction of a Dollar General store and related accessory uses on Southwestern Boulevard and its intersection with Heltz Road; and

Whereas, the Hamburg Planning Board reviewed the application and revisions to the applicant at meetings of August 2020 to January 2021; and

Whereas, in accordance with Part 617 of the Implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law, the Hamburg Planning Board initiated a SEQR Coordinated Review process for this Unlisted Action and established the Planning Board as Lead Agency; and

Whereas, the Hamburg Planning Board, in accordance with the State Environmental Quality Review Act, determined that the proposed approval of a Site Plan and construction of a Dollar General may include the potential for at least one significant adverse environmental impact and therefore issued a Positive Declaration; and

Whereas, the EIS process would start once the applicant submits a draft Scoping Document and such document has been received by the Town.

Now, Therefore, Be It Resolved that the Hamburg Planning Board accepts the draft Scoping Document submitted by the applicant as it meets the minimum requirements of the SEQR law and sets a public Scoping Meeting on the draft Scoping Document at Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York at 6:00 P.M. on June 2, 2021." Carried.

**OTHER BUSINESS**

Chairman Clark stated that he heard that there was an audit of New York State Planning Boards and most of them failed in their notice requirements for posting documents for their meetings. He stated that he would ask Attorney Puglisi to research what the Planning Boards are required to post for their meetings and whether the Hamburg Planning Board is meeting those requirements.

Mrs. Comerford made a motion, seconded by Mrs. Comerford, to amend the May 5, 2021 minutes to update the date to 2021 on the last page and approve the minutes. Carried.

Mr. Schawel made a motion, seconded by Ms. McCormick, to adjourn the meeting. The meeting was adjourned at 10:40 P.M.

Respectfully submitted,  
Megan Comerford, Secretary  
June 7, 2021