

Town of Hamburg
Planning Board Meeting
April 21, 2021
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M. on Wednesday, April 21, 2021 in Room 7B of Hamburg Town Hall. Those attending included Chairman William Clark, Bob Mahoney and Doug Schawel.

Members who attended via Webex included Vice-Chairman Kaitlin McCormick, Megan Comerford 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.

Excused: Al Monaco

REGULAR MEETING

Keplinger Freeman Associates – Requesting a rezoning of a portion of 3497 McKinley Parkway from R-2 to C-1 in order to construct a new wellness center

It was determined that the applicant was not present.

NOTE: Until 7:35 P.M., the meeting was not recorded because of a technical issue. Following is a synopsis of what was discussed.

Board members discussed which concerns should be relayed to the Town Board when a recommendation is issued on this rezoning request. Some Board members expressed concerns about allowing all C-1 permitted uses on this site if it is rezoned. Of particular concern was a drycleaning business.

Mr. Chapman was concerned about the landscaping and screening that should be provided by the applicant if the property is rezoned in order to protect the adjacent residential property.

NOTE: At this point in the meeting, the recording began.

In response to a question from Ms. McCormick, Mr. Reilly stated that when the Code Review Committee reviewed this request, it did not consider a Neighborhood Commercial (NC) zoning.

Chairman Clark stated that the problem with rezoning this property to NC is that there is C-1 zoning adjacent to it, so it would be considered spot zoning. He noted that C-1 is a better zoning for this property than NC would be.

Mrs. desJardins stated that buildings in the NC zone are generally 2,000 sq.ft. or less in size and the proposed building is larger than that.

Mr. Reilly noted that C-1 zoning excludes residential uses.

Chairman Clark noted that approximately 1/4 of the parcel is currently zoned C-1 and the rest is zoned R-2.

Chairman Clark made a motion, seconded by Mr. Chapman, to recommend that the Town Board rezone this property from R-2 to C-1 with the following condition:

- Drycleaning businesses as authorized by Article XIII, Section 280-70 (2) (c) of the Hamburg Town Code shall not be permitted on this property.” Carried.

It was determined that a report from the Planning Board will be forwarded to the Town Board outlining the specific concerns Board members raised regarding the rezoning request.

Public Hearing - 7:00 P.M., Boston State Holdings Co., LLC – Requesting Planning Board approval of a revised Site Plan for the Village at Cedar Valley to be located north of East Pleasant Avenue, west of the Thruway. Original Site Plan Approval was granted on July 15, 2015.

Chairman Clark reminded Board members that this apartment development was approved by the Planning Board in 2015 but the applicant is proposing a different layout and therefore is requesting approval of the revised plan.

Attorney Sean Hopkins, representing the applicant, stated that this is an improvement to the previously approved layout and the same number of units is being proposed.

Attorney Hopkins stated that he reviewed the Negative Declaration that was issued by the Town Board in connection with the rezoning of this property, as well as the single family home project on adjacent property, and found that it was issued as a result of an extensive environmental review.

Attorney Hopkins stated that the applicants, as well as their engineer and architect, have spent much time in the last few years thinking about and designing this improved layout.

In response to a question from Chairman Clark, Rob Pidanick (project engineer) stated that this layout has at least 50% less impervious surface than the previously approved layout.

In response to a question from Mr. Mahoney, Attorney Hopkins state that the previously approved layout included buildings closer to the Thruway than what is currently proposed. He further confirmed that the internal roadway would be private and the plans comply with Appendix D of the New York State Fire Code so that it can easily accommodate safe access for emergency vehicles.

In response to a question from Mrs. Comerford, Attorney Hopkins stated that the units will be for lease.

Board members reviewed the proposed elevations of the buildings.

Mrs. Comerford read the following public hearing notice as follow:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a revised site plan proposal by Boston State Holdings Co., LLC for the Village at Cedar Valley multi-family development to be located north of East Pleasant Avenue, west of the Thruway. The public hearing will be held on April 21, 2021 at 7:00 P.M. in Room 7B of Hamburg Town Hall.”

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

- Paul Karpik, 3370 Cedar Valley Way, stated that he lives directly across Cedar Vally Way from this proposed development and is very frustrated and disappointed that the builder of his home did not communicate to him that there would be an apartment complex across from his home. He stated that his property value will be reduced if the project is construct-

ed. He stated that he is worried about the number of cars that will be travelling up and down Cedar Way and the safety of his son, who likes to play outside. He stated that there is only one (1) access into and out of the large single-family home subdivision he is a part of and wondered why an apartment complex would need two (2). He asked the developer to consider making the northern entrance an emergency only gated access. He stated that the 100 homes in the subdivision encompass a very large area and the applicant is proposing 144 units in a much smaller area. He suggested moving the first entrance to the apartment development closer to the front of the development or changing the second access to emergency only.

Attorney Hopkins stated that from a planning perspective, given the layout of the project, Mr. Karpik's suggestion about an emergency only gated access road would not be smart.

Attorney Hopkins noted that the current applicant (Boston State Holdings Co., LLC) is and was not the builder of the single family homes in the adjacent subdivision. He further stated that the plan has always been for apartments to be on this parcel and for there to be two (2) entrances.

- A member of the audience who resides at 5484 Cooper Ridge asked for clarification as to where the parking spaces are proposed on the site.

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

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

Chairman Clark made a motion, seconded by Mr. Schawel, to authorize the Planning Department to prepare resolutions for the Board's next meeting. Carried.

Engineering Department comments have been filed with the Planning Board.

Public Hearing - 7:00 P.M., Apollo Concrete Coatings - Requesting Site Plan Approval of a 6,791 sq.ft. office/warehouse building on vacant land located on the south side of Riley Boulevard, north of Southwestern Boulevard

In response to a question from Mr. Chapman, Daryl Martin, architect, stated that 1,300 sq.ft. of the building would be office space and the rest would be a warehouse for storage of the business's product.

Board members discussed whether the proposed building would be considered a "warehouse with an office" or an "office with a warehouse". It was noted that warehouses are not permitted in the Hamburg Business Park, in which this parcel is located.

It was further noted that when the Hamburg Town Board rezoned this property for the Hamburg Business Park, "warehouses" were on the list of uses that would not be permitted there.

It was determined that no employees of this business would actually be working in the warehouse and five (5) to six (6) people would be working in the office.

Mrs. Comerford read the following public hearing notice as follow:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a proposal by Apollo Concrete Coatings to construct a 6,791 sq.ft. office/warehouse building on vacant land located on the south side of Riley Boulevard, north side of Southwestern Boulevard. The public hearing will be held on April 21, 2021 at 7:00 P.M. in Room 7B of Hamburg Town Hall."

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

Chairman declared the public hearing closed.

Ms. McCormick asked the applicant to submit the MSDS (Materials Safety Data Sheets) for the Board's review.

Chairman Clark made a motion, seconded by Mr. Schawel, to authorize the Planning Department to prepare approval resolutions for the Board's next meeting. 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, Site Plan Approval and Preliminary Plat Approval (two-lot subdivision) of a new car wash facility to be located on vacant land northeast of 4484 Southwestern Boulevard

Attorney Sean Hopkins, representing the applicant, stated that he recently became aware that in connection with the environmental review of the rezoning for the Hamburg Business Park many years ago, the Hamburg Town Board imposed a condition that commercial car washes would not be permitted. He stated that hopefully the Town Board will approve his request that it eliminate commercial car washes from the list of uses that are not permitted.

Attorney Hopkins stated that the underlying zoning of this site is C-2 and is zoned properly for a commercial car wash.

Attorney Hopkins stated that a minor commercial subdivision is also being requested in order to separate the two-acre parcel to be used as the commercial car wash from the rest of the Hamburg Business Park site.

Attorney Hopkins stated that correspondence was received from the Erie County Department of Public Works indicating that it has no concerns with this project.

Attorney Hopkins stated that the applicant previously proposed this exact layout on a parcel located on Southwestern Boulevard that was zoned C-1, which required a rezoning to C-2. He noted that at that time, the Planning Board had concerns about access to Southwestern Boulevard. He stated that the applicant chose this current location for the commercial car wash because it is zoned correctly and because the existing curb cut onto Southwestern Boulevard is limited to right out only. He further stated that additionally a driveway is proposed to Riley Boulevard.

Mr. Reilly stated that he informed the Town Board about this situation and that the applicant will be requesting that the commercial car wash be permitted. He stated that the Town Board indicated that the request can be discussed at a Town Board Work Session.

Mrs. Comerford read the following public hearing notice as follow:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a proposal 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 April 21, 2021 at 7:00 P.M. in Room 7B of Hamburg Town Hall.”

Chairman Clark declared the public hearing open.

Chairman Clark read the following memo he received from the Conservation Advisory Board (CAB) regarding this project:

“After reviewing the proposed site plan for the Proposed Commercial Car Wash Project 21.052 at Southwestern Boulevard and walking the site on 25 March 2021, the Hamburg Conservation Advisory Board recommends and advises the Town of Hamburg Planning Department, as follows:

1. Proposed commercial car wash is zoned properly.
 2. No wetlands would be impacted.
 3. It appears that the topsoil was removed decades ago, and has produced a bowl where water has collected and allowed for wetland invasive species plants, such as phragmites.
 4. CAB would like to review the landscaping plans and make sure that structures blend in with surrounding businesses (i.e. color, etc.).
- Please read aloud and add this letter into the Town of Hamburg Planning Board minutes.

Sincerely,

Mark Lorquet, Chairman

Town of Hamburg Conservation Advisory Board”

Attorney Hopkins noted that as requested at a previous Planning Board meeting, the proposed landscaping was changed to native plantings from the Town’s approved tree list.

In response to a question from Attorney Hopkins, Chairman Clark stated that the above memo from the CAB was dated March 29, 2021.

Chairman declared the public hearing closed.

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

Engineering Department comments have been filed with the Planning Department.

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

It was determined that this project is in conformance with the Findings of the Ravenwood North Industrial Park.

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

“Whereas, the Town of Hamburg received a Site Plan application from Switzer Precision Crafted Metal located at 4020 Jeffrey Boulevard for the construction of an addition; and

Whereas, the Hamburg Planning Board held the required public hearing; and

Whereas, the project is located in the Ravenwood North Industrial Park, which was the subject of a GEIS and Findings were issued; and

Whereas, the Hamburg Planning Board, in accordance with the New York State Environmental Quality Review Act (SEQR) has reviewed the project against the SEQR Findings issued for the Ravenwood Park and sections of the Findings Form completed by the applicant is attached; and

Whereas, the Hamburg Planning Board, in accordance with SEQR, has determined that the proposed action is in accordance with the SEQR Findings and therefore 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.

Now, Therefore, Be It Resolved, that the Town of Hamburg Planning Board hereby determines that the proposed project is in conformance with the Ravenwood North Industrial Park SEQR Findings and is not anticipated to result in any significant adverse environmental impacts; and

Be It Further Resolved, that the Planning Board Chair is authorized to sign the SEQR Findings Form, which will act as the documentation for conformance to the Findings.” Carried.

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

“The Planning Board, based on its determination that the project is in accordance with the SEQR Findings issued for the Ravenwood North Industrial Park, 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 and having completed the required public hearing hereby grants Conditional Site Plan Approval for Switzer Precision Crafted Metal located at 4020 Jeffrey Boulevard with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated April 16, 2021.
2. The final landscaping plan shall be approved by the Planning Department.
3. Lighting shall be shielded and dark-sky compliant.
4. The construction of sidewalks is waived.”

Carried.

Engineering Department comments have been filed with the Planning Department.

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

Chairman Clark stated that since the Board’s last meeting, Mr. Mahoney reached out to the owner of Bert’s Bikes and put him in touch with the Broadway Group to discuss the possibility of a shared access road between the two (2) properties.

Mr. Reilly stated that the draft approval motion he sent to Board members to review contained a condition indicating that there must be some sort of agreement in place that if/when Bert’s Bikes develops the parcel in between Bert’s Bikes and the Dollar General site a shared access must be constructed. He noted that there must be a note on the Dollar General Site Plan indicating the above.

Attorney Joe Calimeri, representing the Broadway Group, stated that the Broadway Group is open-minded to the idea of shared access but he does not understand how the Planning Board can issue that condition of approval considering the fact that, in addition to the issue of competitors, any time there is a shared access easement with another property there are many legal factors that go into that shared access. He noted, for example, liability insurance, hold harmless agreements, maintenance agreements, etc.

Chairman Clark stated that in his mind, this particular condition of approval would read as follows:

“The Broadway Group will work with the adjacent property owners in an attempt to create a cross access agreement.”

Attorney Calimeri stated that the above condition would be fair.

Mr. Reilly stated that after a project is approved on a State Highway, it is much harder to get cross access agreements. He stated that if it is included in the Planning Board approval, it is much easier to achieve.

Chairman Clark stated that the Planning Board cannot force the two (2) parties to agree to a cross access agreement and noted that if Bert's Bikes was in front of the Board currently for an addition, for example, it might be different.

Attorney Puglisi stated that she spoke with Attorney Calimeri recently and advised him that the Planning Board cannot impose a condition based on a third party and therefore it cannot force a cross access agreement at this time. She noted, however, that the condition of approval could state that when the property in between Bert's Bikes and Dollar General is developed, all parties would have to return to the Planning Board to discuss the cross access.

Mrs. desJardins stated that the Town Engineer does not sign off on the project until all conditions of approval have been met, which would be difficult if a condition is that something must be accomplished in the future.

Mr. Schawel stated that the other side of the Dollar General site is also vacant and noted that that would have to also be considered for cross access.

Chairman Clark added a sentence to the above noted condition of approval regarding future cross access as follows:

"Such attempts will continue if the adjacent property owners return to the Planning Board for any reason before a cross access agreement is finalized."

Attorney Calimeri stated that he had no problems with Chairman Clark's proposed language. He further stated, however, that the issue he has is not with Bert's Bikes but the fact that one cannot force a third party to come to the table. He stated that if, for example, Bert's Bikes demanded that Dollar General provide a \$5,000,000 insurance policy or pay for 95% of the maintenance, Dollar General cannot be held accountable for saying "no" to those conditions.

Chairman Clark stated that if Bert's Bikes came to the Planning Board for approval of a project, the approved plan would show cross access to the Dollar General property.

Attorney Calimeri stated that in the scenario Chairman Clark described, Dollar General would be happy to have that dialog and participate in that process at that time.

Mr. Chapman stated that he is concerned that the Planning Board may be forcing Bert's Bikes into an agreement in the future that it does not want to be part of.

Chairman Clark stated that "adjacent property owner" in the proposed condition of approval would also apply to the other side of the Dollar General site, which is also vacant.

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

"Whereas, the Town of Hamburg received a Site Plan application from the Broadway Group requesting Site Plan Approval of a Dollar General store to be located on vacant land east of 4050 Southwestern Boulevard; and

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

Whereas, the Town Planning Board has received input from the Town's advisory boards and Town staff; and

Whereas, in accordance with Part 617 of the implementing regulations pertaining to Article 8 SEQR of the Environmental Conservation Law, the Hamburg Planning Board has reviewed Part One of the FEAF, completed Part Two and Three of the FEAF and reviewed the criteria for determining significance in accordance with Part 617.7 of SEQR.

Now, Therefore, Be It Resolved the Hamburg Planning Board, in accordance with SEQR, 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 SEQR Negative Declaration in accordance with Section 617.7 of the SEQR regulations; and

Be It Further Resolved, that the Planning Board Chairman is authorized to sign the EAF, which will act as the Negative Declaration.” Carried.

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

“The Planning Board, based on its 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 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 Dollar General project to be located east of 4050 Southwestern Boulevard with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated April 16, 2021.
2. The final landscaping plan will be approved by the Planning Department.
3. Lighting shall be shielded and dark-sky compliant as shown on the plans.
4. No outdoor storage will be allowed.
5. The applicant shall illustrate an area on the site plan for potential cross access connection and attempt to enter into an agreement with the Town to provide this cross access when the adjacent property is fully developed.
6. The construction of sidewalks is waived because sidewalks already exist on this site.
7. The Broadway Group will work with the adjacent property owners in an attempt to create a cross access agreement. Such attempts will continue if the adjacent property owner returns to the Planning Board for any reason before a cross access agreement is finalized.”

Carried.

Engineering Department comments have been filed with the Planning Department.

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

Chairman Clark stated that Mr. Chapman asked to be on the subcommittee that will be reviewing all of the information received so far for both projects so he (Chairman Clark) will not be on the subcommittee.

Ms. McCormick asked that Chris Wood, project engineer, provide a KMZ file of the limit of disturbance and the delineated resource data he has for both projects.

Chairman Clark stated that he believes that Ms. Jarrell wants to make sure that Planning Board members are not going beyond the bounds of what their role is and into the bounds of what her role is.

Ms. Jarrell stated that there has been a lot of discussion about engineering related topics and she wanted to answer questions or concerns that she heard were expressed at the Board's last meeting, which she could not attend. She noted that the email she sent members was to give some clarification on how the engineering design is actually established as far as State standards are concerned.

Ms. McCormick stated that she spoke to Ms. Jarrell about meeting the engineering standards versus the scope of the SEQR analysis and Ms. Jarrell indicated that her comments cover the scope of the engineering requirements but there may be other issues that may have to be evaluated under the SEQR law that are not necessarily the same as those that she is evaluating for the engineering standards.

Ms. Jarrell stated that in her opinion SEQR is designed for discussion. She noted that SEQR provides thresholds and questions so that boards consider the environmental issues and how they are mitigated. She noted that engineering is very straightforward in that either a project meets the design standards or it does not.

Ms. Jarrell stated that in some cases, when a SEQR comment is made on storm water, for example, often the mitigation response is that the project will be designed to State standards. She noted that it is up to the Lead Agency to determine if those are adequate mitigation measures for what the concerns are.

Ms. McCormick stated that she previously asked Mr. Wood to provide the County watershed management plan and she asked Ms. Jarrell to review that. She asked Ms. Jarrell to comment.

Ms. Jarrell stated that the County is doing a large scale storm water/drainage program, which is in the early stages of phase 3 and is supposed to run to 2025. She noted that the County is looking at the overall watershed for Erie County and it may extend into Niagara County as well. She stated that the phase 2 report gets into concerns the County has about everything from loss of wetlands and habitats to how zoning ordinances are set up, etc. She further stated that the program is very high level.

Ms. Jarrell stated that the County's program mentioned above is an interesting resource, if one is interested in this sort of thing and she was trying to see how it would apply to a Planning Board looking at a development. She stated that the Planning Board is not at a point where it can start changing zoning laws and Town Code when it is the middle of reviewing a project.

Attorney Sean Hopkins, representing the applicant, stated that the proposal is for a 67-lot subdivision on land that is properly zoned. He further stated that there are two (2) additional lots that are provided solely for storm water management purposes.

Attorney Hopkins stated that he will provide a summary of the project documentation for both projects to members of the subcommittee. He stated that the applicants have provided numerous very detailed studies addressing a wide assortment of topics including traffic, wetlands, storm water management, downstream sanitary sewer capacity, cultural resources, etc.

Attorney Hopkins stated that from the perspective of both applicants, he thinks it is clear that the project will not result in any potentially significant adverse environmental impacts.

Attorney Hopkins stated that in his opinion SEQRA and the technical standards that apply in government decision making are one and the same. He noted, for example, that regarding storm water management, if the applicant designs a system that complies with the storm water quality and quantity standards including green infrastructure, runoff reduction volume, retaining a 100-year storm event, etc., he is unaware of any case law or any decision from any court or the New York State Department of Conservation that would give any municipality the ability to impose a more stringent standard.

Attorney Hopkins stated that when reviewing the documentation in the Planning Department's files for copying for the subcommittee, he found three (3) separate memos from the CAB on the proposed subdivision and no memos from the CAB on the rezoning request. He noted that the memos are dated April 5, 2021, March 29, 2021 and December 2020. He stated that there is nothing that backs up the subjective comments made in the CAB memos.

Attorney Hopkins stated that he would like to be provided with the meeting minutes when these memo were adopted. He further stated that he would be happy to meet with the CAB in connection with one (1) or both of these projects and would like to respond with objective evidence.

Attorney Hopkins stated that to respond to some of the comments in the CAB memos would be an exercise in futility.

Chairman Clark stated that he thinks that the CAB would be interested in meeting with the applicants. He further stated that he will encourage the CAB to have a publicized meeting in May that interested parties can attend if they so choose.

Mr. Reilly stated that the meeting dates of the advisory boards are required to be advertised on the Town's website.

Mr. Reilly stated that CAB memos should come from the Board itself and not from individuals and there should be minutes associated with them.

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

Attorney Sean Hopkins, representing the applicant, stated that this rezoning request was presented to the Town Board at a public hearing held on March 22, 2021, which was left open. He noted that the Town Board cannot take any action on the rezoning request at this point because the Planning Board is acting as Lead Agency in connection with this project, as well as the proposed subdivision on Parker Road.

Attorney Hopkins stated that the applicant received the jurisdictional determination from the U.S. Army Corps of Engineers dated April 9, 2021, which completely agreed with the results of the

wetland delineation performed by Earth Dimensions. He further stated that the project would impact .04 acres of wetlands and because that is less than an acre in size, it qualifies for a Nationwide Permit without the need to consider mitigation measures.

Attorney Hopkins stated that 20.1 acres of permanent open space is proposed that would be placed in a conservation easement to ensure that there will never be any development on it. He further stated that the applicant is not proposing any type of vehicular access to Wilson Drive.

In response to a question from Ms. McCormick, Attorney Hopkins stated that the applicant is willing to continue the existing snowmobile trail onto this property, but he has not been provided with the preferred routing for it. He further stated that the applicant would not want to disturb wetlands with the snowmobile trail.

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

OTHER BUSINESS

Chairman Clark stated that the developer of The Oaks apartment project on South Park Avenue has requested approval to install the fence that was to be placed along the rear of the properties on Twilight on the southern side of the existing woods that exist behind most of the properties instead.

Mrs. desJardins stated that the project engineer has indicated that the developer would rather not take some of those existing trees down in order to put the fence along the rear property lines of the Twilight properties. She further stated that she received emails from two (2) Twilight residents who fully support the fence being moved further away from their properties so that the existing trees can stay. She noted that the project engineer indicated that the developer will maintain those trees.

Chairman Clark stated that it appears that some of the Twilight homeowners have extended their rear yards into the developer's property, so putting a fence on the property line would have interfered with those enlarged back yards.

Board members agreed that this request will not have to return to the Planning Board for formal review.

Mr. Chapman asked how, if the Broadway Group builds on the site on Southwestern Boulevard, the Planning Board can affect the rezoning of the other site the Broadway Group was looking at on the corner of Southwestern Boulevard and Heltz Road. Chairman Clark responded that the Town Board would have to do that and he hopes that it would be done as part of the Comprehensive Plan update that is going on currently.

Ms. McCormick made a motion, seconded by Mr. Chapman, to approve the April 7, 2021 minutes. Carried.

Mr. Schawel made a motion, seconded by Mr. Mahoney, to adjourn the meeting. The meeting was adjourned at 10:00 P.M.

Respectfully submitted,
Megan Comerford, Secretary

April 28, 2020