

Town of Hamburg  
Planning Board Meeting  
July 21, 2021  
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M. on Wednesday, July 21, 2021 in Room 7B of Hamburg Town Hall. Those attending included Chairman William Clark, Vice-Chairman Kaitlin McCormick, Doug Schawel, Bob Mahoney, Megan Comerford and Dennis Chapman.

Others in attendance included Town Planner Andrew Reilly, Town Engineer Camie Jarrell and Planning Board Attorney Jennifer Puglisi.

Excused: Al Monaco

**REGULAR MEETING**

**Stevens & Pierce – Requesting a Change in Use of the building located at 6592 Gowanda State Road to a bridal shop**

Chairman Clark advised the applicant that at its last meeting, the Board was not comfortable with waiving the installation of sidewalks.

Mr. Reilly stated that there is no way to install sidewalks along Stevens Road because trees and a fire hydrant would have to be removed/relocated. He recommended that sidewalks not be required.

Mr. Mahoney stated that there is no reason to require sidewalks along Stevens Road.

Mr. Schawel stated that Stevens Road consists of residential properties and there are no sidewalks there now.

Karin Best, applicant, stated that the existing parking lot exits onto Steven Road and is approximately midway between the sidewalk on Gowanda State Road and the building. She noted that there is a large amount of property on the east side of the building towards Gowanda State Road that she does not own because of the very wide Gowanda State Road right-of-way.

Ms. McCormick stated that she thinks a sidewalk should be installed from the existing sidewalk on Gowanda State Road to the applicant's parking lot. She asked Ms. Best if there is any location on the east side of the parking lot to install a sidewalk from Gowanda State Road.

Ms. Best stated that Ms. McCormick's idea does not make much sense and would be very costly.

Ms. McCormick responded that the Planning Board cannot weigh in on the cost to the applicant.

Ms. Best stated that clients call and make appointments and would not just walk in off the street.

Ms. McCormick advised Ms. Best that the Planning Board's desire is to put sidewalks in but many applicants do not want to install them because they do not connect to anything. She stated that at some point the Planning Board must start trying to connect them in some way.

Ms. McCormick asked if the existing sidewalk can be connected in some way to the applicant's parking lot, whether it be a pathway, etc.

Ms. Best indicated that she was not in favor of doing what Ms. McCormick suggested.

It was determined that the applicant does not own most of the property between the sidewalk on Gowanda State Road and her parking lot because it is part of the Gowanda State Road right-of-way.

In response to a question from Ms. McCormick, Ms. Best stated that she maintains the property east of the parking lot that she does not own.

Mrs. Comerford stated that it makes sense to the Planning Board to require sidewalks in this area traffic in terms of accessibility, character of the community, etc. because there are restaurants and businesses that do have some foot traffic. She stated that the parking lot should somehow be connected to the sidewalk so that people who do choose to walk have a way to walk up to the applicant's business.

Ms. Jarrell noted that the property to the east of the applicant's building is part of the New York State right-of-way and would require a New York State Department of Transportation permit.

Mr. Reilly stated that typically a project like this would be eligible for a Site Plan Waiver because it is simply a re-occupation of a building. He noted, however, that the extension of the parking lot required a variance and therefore a Site Plan Waiver was not allowed.

Ms. McCormick made the following motion, seconded by Mr. Chapman:

"The Planning Board has determined that the proposed Change in Use at this site is a Type II Action under SEQRA and therefore no SEQRA determination is necessary. The Planning Board, based on its review of the project in accordance with Article XLIV Site Plan Approval and the C-1 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 address the Planning Board's comments hereby grants Conditional Site Plan Approval for Stevens & Pierce bridal shop project to be located at 6592 Gowanda State Road with the following conditions:

1. Any new lighting shall be shielded and dark-sky compliant.
2. The construction of sidewalks is waived as there are sidewalks on Gowanda State Road and Stevens Road is a small rural residential street.
3. The applicant shall file a survey showing right-of-way on Gowanda State Road that demonstrates that the right-of-way extends past the sidewalks toward the parking lot. "

Carried.

Engineering Department comments have been filed with the Planning Department.

### **LOE Trailers – Requesting Planning Board approval of a revised Site Plan (original Site Plan granted on 9/16/20**

It was determined that no one was in attendance to represent the applicant.

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

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

Attorney Sean Hopkins, representing the applicant, stated that he is working on the responses to the prepared draft Part III of the Environmental Assessment (EAF) Part III compiled by the sub-committee. He noted that he hopes to have the submission for the Board's next meeting.

Attorney Hopkins stated that the proposal is for a cluster subdivision. He noted that the requested riparian buffer plan has been prepared by Jody Celeste from Earth Dimensions applies to the ditch that bisects this site, as well as the contiguous Wetzl site. He stated that the riparian buffer plan is based on the cluster subdivision plan.

Attorney Hopkins stated that he is still waiting for comments from Ed Rutkowski from the New York State Department of Transportation (NYSDOT).

Ms. McCormick stated that the submitted riparian buffer looks more like a tree planting plan and suggested that a representative from Earth Dimension attend the Board's next meeting. She stated that a riparian buffer plan usually has multiple zones that include other things besides a strip of trees. She stated that her request was for something that is more robust than just plantings and trees.

Attorney Hopkins asked Ms. McCormick to email him with her suggestions about the riparian buffer and he would forward that email to Earth Dimensions.

Ms. McCormick stated that the applicant has not submitted the requested information regarding the Part III of the EAF and that perhaps the Board should move forward with a SEQR determination in the interim.

Attorney Hopkins responded that given the numerous iterations the project has been through and the nature of the review, the applicant would like the opportunity to complete the requested submission.

Attorney Hopkins stated that he was committed to having the requested information at the Board's next meeting.

Mr. Reilly stated that because the Planning Board previously rejected the cluster development, the application before the Board at this time is a regular subdivision and the environmental review the Planning Board is doing is based on the regular subdivision.

Ms. McCormick stated that the subcommittee reviewed primarily the regular subdivision but also noted those cases where clustered impacts would be different that has been identified so that at some point, should things change, that documentation and review will already have been completed comparing the two.

Attorney Hopkins asked if, given that the applicant is currently advocating for the clustered layout and the Preliminary Plat application and most recently submitted EAF reflect the traditional layout, those documents should be amended.

Mr. Reilly asked Board members if they are ready to change the previous decision to not authorize the use of cluster.

Ms. McCormick stated that the Board is not in the position to reconsider the use of cluster until it sees the responses to the concerns that were raised. She stated that her opinion is that the information before the Board at this time is not enough to make that decision.

In response to a question from Attorney Hopkins, Chairman Clark stated that it would be a good idea to submit a Part I of the EAF based on the clustered layout.

Attorney Hopkins stated that he would submit an amended Part I of the EAF based on the alternative cluster layout for informational purposes.

Ms. McCormick stated that the riparian buffer plan submitted is based on the wrong layout for the Wetzl project.

Attorney Hopkins stated that he does have the table prepared by the subcommittee with the categories of information requested by the Planning Board.

Chairman Clark made a motion, seconded by Mr. Mahoney, 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 project is at the same juncture as the previous project. He noted that he was supplied with drafts of Part II and Part III of the EAF and he will be finalizing the comprehensive submission addressing those categories of impacts the Board has determined to be potentially large.

Attorney Hopkins stated that based on input from the NYSDOT the two (2) previously proposed curb cuts have been consolidated into one (1), which caused the number of proposed units to be reduced by six (6). He noted that an updated submission was made to the NYSDOT and he is awaiting comments.

Chairman Clark stated that the more he thinks about making a recommendation to the Town Board on the proposed rezoning, the harder it is for him to support a rezoning for apartments. He noted that there is a lot of concern about the demand for apartments.

Attorney Hopkins asked Chairman Clark to keep his mind open during the review process. He noted that the property is commercially zoned and there is no demand for commercially zoned property at this time. He stated that the property has been marketed for over twenty years and no one to date has developed it.

Attorney Hopkins stated that the residential portion of this project was removed based on input from nearby neighbors.

Attorney Hopkins stated that the applicant does have a market study that clearly demonstrates that there is demand for these types of units. He offered to provide a summary of that market study for the Board.

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

**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**

Mr. Reilly stated that the Town Board amended the conditional rezoning of the Hamburg Business Park, of which this property is a part, to remove the restriction of a car wash. He noted that the project is now in conformance with the Findings Statement originally issued by the Town Board. He further stated that the Town Board removed the restriction with the understanding that the Planning Board will look closely at the aesthetics of the site.

Attorney Sean Hopkins, representing the applicant, stated that the Engineering Department has indicated that it has no further concerns about the project, sanitary sewer approval was received from Erie County Division of Sewerage Management and approval of the backflow prevention device was received from the Erie County Water Authority.

Attorney Hopkins noted that no new curb cuts onto Southwestern Boulevard are proposed. In response to a question from Ms. McCormick, Attorney Hopkins stated that the parcel that would be created for this project and the remaining parcel would still have adequate road frontage and meet the requirements of the zoning district.

Attorney Hopkins stated that based upon input from the Conservation Advisory Board, the landscaping plan was amended to substitute trees on the Town's approved tree list for some of the proposed species.

Mr. Reilly asked for a decibel rating.

Joe Spino, applicant, stated that if someone is standing within five (5) feet of a vacuum turbine, the decibel level would be 85. He noted that the only noise that comes out of the tunnel would be the sound of the dryers.

Attorney Hopkins agreed to resubmit the landscaping plan with the revised revision date.

Chairman Clark made a motion, seconded by Mrs. Comerford, to authorize the planning consultants to draft resolutions for SEQR, Special Use Permit, Minor Subdivision and Site Plan Approval. Carried.

Engineering Department comments have been filed with the Planning Department.

**Bob Johnson - Requesting Site Plan Approval of a proposal to construct a brewery/restaurant on vacant land adjacent to 4046 Lake Shore Road**

Mr. Reilly stated that if the applicant plans to propose a retail building on this site in addition to the brewery/restaurant, a Special Use Permit would be required.

Chairman Clark asked if the brewery would give off any smell. It was determined that there probably would not be a problem in that regard.

Bob Johnson, applicant, stated that there would not be any smell emanating from the brewery because the equipment is encased.

Attorney Sean Hopkins, representing the applicant, stated that full engineering plans have been provided to the Planning Department.

Ms. McCormick stated that she is concerned about authorizing a retail space without knowing what use would go in the building.

Mr. Johnson stated that he has no idea at this time would the retail building would be used for. Board members discussed the proposed retail building and whether it should be shown on the Site Plan at this time.

It was determined that the applicant must present this project to the Shoreline Revitalization Committee and its next meeting is August 19, 2021.

It was determined that the retail building will be removed from the Site Plan.

Chairman Clark made a motion, seconded by Mr. Schawel, to schedule a public hearing to be held on the requested Site Plan on August 4, 2021. Carried.

It was determined that the proposed curb cut will require approval from the NYSDOT.

Mr. Reilly asked for some level of traffic information such as sight distances, etc.

Mr. Johnson stated that he would like to add an outdoor recreation space for patrons waiting to be seated. He agreed to add that area to the Site Plan for Board members to review.

Attorney Hopkins stated that the EAF and the plan will be amended based upon the changes discussed at this meeting.

Attorney Hopkins submitted colored building renderings for Board members' review.

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

Engineering Department comments have been filed with the Planning Department.

**OTHER BUSINESS**

Mr. Reilly stated that Tractor Supply on Southwestern Boulevard proposes to add a greenhouse and drive-through area in the paved area on the northeast side of the building.

Board members agreed that a Site Plan Waiver is appropriate in this instance as long as the Supervising Code Enforcement Official, Town Engineer, Planning Board Chairman and the planning department are comfortable issuing it. Board members agreed that if the project involves a loading zone, they will be comfortable with the waiver.

Mr. Reilly stated that Mr. Moe Gilezeau, the owner of property at 3383 Big Tree Road, which houses his business, would like to construct a garage to house his personal vehicle. It was determined that the property is zoned commercial.

Board members agreed that the applicant should provide a rendering of what the garage would look like at its next meeting.

Ms. McCormick stated that she would like the Traffic Safety Advisory Board (TSAB) should review the Starbucks and Moe's project on Camp Road.

Ms. McCormick made a motion, seconded by Mr. Chapman, that based upon documentation and observations reported by the Planning Board and others that the Starbucks on Camp Road adjacent to the proposed Moe's is backing up onto Camp Road and request that the TSAB review the existing drive-through and flow patterns for issues there. Carried.

Mr. Schawel made a motion, seconded by Ms. McCormick, to adjourn the meeting. The meeting was adjourned at 8:40 P.M.

Respectfully submitted,  
Megan Comerford, Secretary

August 3, 2021