

Town of Hamburg
Planning Board Meeting
January 19, 2011
Minutes

The Town of Hamburg Planning Board met in regular session on Wednesday, January 19, 2011 at 7:00 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Gerard Koenig, Stephen McCabe, Karen Rogers, Brendan Lovullo and David Bellissimo.

Excused: Sasha Yerkovich

Others in attendance included Sarah desJardins, Andrew Reilly and Richard Lardo, Principal Engineer.

Chairman Reszka asked for a moment of silence in honor of Sasha Yerkovich's stepfather, who recently passed away.

Public Hearing – Club 897 Two-Lot Subdivision (3796 Lakeshore Road)

Mr. McCabe read the following public hearing notice:

“Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a two-lot subdivision known as Club 897 Two-Lot Subdivision to be located at 3796 Lakeshore Road on January 19, 2011 in Room 7 B of Hamburg Town Hall at 7:00 P.M. “

Attorney Paul Cieslik, representing the applicant, stated that the applicant would like to sell the larger of the two (2) buildings on the property and noted that a reciprocal easement agreement has been prepared that would allow access for both parties to both Lakeshore Road and Hoover Road. He stated that the property would be divided roughly in half and that the two (2) parties would share the existing parking lot.

Attorney Cieslik stated that the reciprocal easement agreement will be recorded and is subject to the appropriate municipal authorities' approval.

In response to a question from Mr. McCabe, Attorney Cieslik stated that there will be no physical separation of the two properties.

In response to a question from Mr. Bellissimo, Attorney Cieslik stated that if the UAW and the owner of the new lot ever have events on the same day, there would be ample parking for both.

Mr. Reilly stated that, depending on the new use that is proposed for the newly created lot, the new owner may have to request Site Plan Approval from the Planning Board.

Mr. Lardo asked Attorney Cieslik what the plan is for the utilities on the site. Attorney Cieslik responded that he is under the impression that the utilities are separate and that the sewer and water lines go directly from each building to the street. Mr. Lardo stated that he has documentation that indicates that the building to the north of the UAW property shares the sewer with the building the UAW intends to retain. He further

stated that there should be a maintenance agreement in place with the owner of the property to the north of this site before proceeding.

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

1. Bob Reynolds, 4301 Rushford Drive, stated that he is the former Vice-President of UAW Local 897 and noted that the parking will be shared with the owner of the newly created lot. He further stated that there is a large amount of green space on the site that could be used for parking, if it is needed in the future by the owner of the new lot. He noted that he believes that splitting this property will be good for the local economy.

Chairman Reszka declared the public hearing closed.

Mr. Bellissimo made a motion, seconded by Mr. Koenig, to issue a Negative Declaration and grant Preliminary Approval for the Club 897 minor subdivision subject to the following conditions:

1. Approval is contingent upon the Engineering Department letter dated January 19, 2011.
2. The filing of a Map Cover is waived.
3. The installation of sidewalks is waived.

Carried.

Engineering Department comments have been filed with the Planning Department.

Yovienne Subdivision

Mr. Reilly reminded the Board that the proposal is for a cluster development and as such the applicant has submitted an As of Right plan, as well as a proposed cluster layout.

Dave Johnson from Nussbaumer & Clarke, representing the applicant, stated that the As of Right plan conforms to all of the RA requirements and includes 49 lots.

Mrs. desJardins stated that the applicant's cluster layout has been revised to include the Castle Ridge cul-de-sac located to the west of this property, as well as the existing natural gas line that runs through the site.

Mr. Johnson stated that the applicant acknowledges the fact that the gas line would have to be re-routed around the proposed development areas. Mr. Reilly stated that before the Board grants Preliminary Approval to the cluster development, the applicant would have to produce something in writing from the gas company indicating that the gas line will be re-routed.

Mr. Reilly stated that this property is located in the Southeastern Overlay District, which strongly encourages the use of cluster development in order to preserve open space. He further noted that this site is adjacent to the "Vail Road Woods", which the Town's Open Space/Recreation Plan indicates is an area that is important to the Town and that should be preserved.

Mr. Reilly stated that if the Board approves the use of cluster, it should be convinced that the layout proposed by the applicant reflects what the Board wants to achieve with the use of cluster.

Board members discussed whether or not the applicant should be required to connect to the existing cul-de-sac to the west of this property.

Mr. Reilly stated that 69.5 acres of this site is being offered as passive/active recreation land to be dedicated to the Town of Hamburg and that within the proposed subdivision the applicant proposes to leave 39 acres of land undeveloped that would be owned by the Homeowners' Association.

Mr. McCabe stated that the applicant has done a good job of meeting the intent of the use of cluster and added that he would like to see some green space along Taylor Road to shield the entrance to the development.

It was determined that the proposed ponds would be owned by the Homeowners' Association.

Mr. Dave Radwin, 6594 Taylor Road, stated that his home is adjacent to this property. He further stated that he is concerned about what the view will be of this subdivision from his back yard. He stated that he is also concerned about the existing wetlands on the site, the crops in the area, wildlife in the area and increased traffic on Taylor Road.

Mr. Reilly stated that if the Town decides to take ownership of the 69.5 acres of recreation land, access would have to be provided for the public.

Mrs. Rogers stated that she would like to see what the difference in elevation would be between Mr. Radwin's property and the proposed homes in the subdivision.

Mr. Bellissimo made a motion, seconded by Mrs. Rogers, to authorize the use of cluster not to exceed 49 lots. Carried.

Mr. Bellissimo made a motion, seconded by Mr. McCabe, to table this proposal. Carried. Engineering Department comments have been filed with the Planning Department.

EduKids

Mr. Reilly stated that a SEQR Coordinated Review has been authorized by the Town Board and the paperwork will be sent out within a few days. He further stated that the proposed plan has been revised based on direction from the Planning Board at its previous meeting. He noted that the entrance to Lakeshore Road has been eliminated, the proposed building has been positioned parallel to Lakeshore Road and the entrance to Cloverbank Road has been located further away from Lakeshore Road.

Attorney Corey Auerbach from Damon Morey appeared on behalf of the applicant, noting that the applicant attempted to address many of the concerns raised at the Board's previous meeting. He showed Board members an elevation of what the building would look like, noting that it is the same building EduKids has built in Elma, Clarence and Lancaster.

Attorney Auerbach stated the portion of the site that requires the rezoning from R-2 to N-

C is the proposed play area, as the rest of the project is proposed in the portion of the site that is already zoned N-C.

Attorney Auerbach stated that this plan conforms to many of the goals of the Route 5 Overlay District, such as to improve the quality of development and aesthetics along Route 5, improve business conditions, enhance economic development, create a sense of identity and redefine the character of the commercial areas.

In response to a question from Mr. Bellissimo, Attorney Auerbach stated that sidewalks are proposed along Route 5 and Cloverbank Road.

Mr. Reilly stated that the Route 5 Overlay District allows parking in the front yard at the discretion of the Planning Board.

Mr. Donald Weiss, member of the audience, asked what the minimum distance from a State highway for an entrance is. He stated that he is concerned that sidewalks are not proposed along Orchard Avenue for the children walking from the nearby school. He further stated that he would like to see the Planning Board place a condition on its rezoning recommendation that a curb cut on Orchard Avenue not be allowed. He stated that many area residents do not want to see the building located closer to Route 5.

Mr. McCabe made a motion, seconded by Mr. Lovullo, to forward a positive recommendation to the Town Board regarding this rezoning request from R-2 to N-C for the following reasons:

1. The proposal is in keeping with the objectives of the Route 5 Overlay District.
2. The proposal represents an adaptive re-use of an abandoned and deteriorating commercial space.
3. The proposal would be an improvement to the neighborhood.

Engineering Department comments have been filed with the Planning Department.

Glenn Wetzl Development

Chairman Reszka stated that the applicant asked to be tabled.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to table this proposal. Carried.

Rosewood Hotel

Mr. Reilly stated that the applicant is requesting that the Planning Board authorize the Planning Department to initiate the SEQR Coordinated Review of this project so that the Department of Environmental Conservation (DEC) can become involved, as the project involves disturbing part of the 100-foot adjacent area of a New York State wetland on the property.

John Bennett, architect, representing the applicant, stated that the applicant hopes to receive DEC permission to mitigate the wetland disturbance on site.

Regarding hotel patrons' access to the hotel, Mr. Bennett stated that vehicles would

drive around the center parking area designated for the existing bank in front and then continue beside the bank's drive-thru lane to enter the parking area for the hotel. He noted that a landscaped median would direct hotel traffic around the bank.

Mr. Bennett stated that the hotel building would be four stories tall, 70 hotel rooms are planned and 74 parking spaces are proposed to be dedicated to the hotel.

Donald Wilson from Wilson Environmental Technologies stated that a wetland delineation was performed and the proposed plan has been modified to impact .69 acres of the 100-foot adjacent area. He further stated that the applicant proposes to mitigate the impacts to the adjacent area by enhancing the existing DEC wetlands on the site. He noted that the applicant proposes to plant shrubs and trees and remove invasive species (phragmites) as a replacement for the adjacent area. He stated that officials from the DEC have indicated that this plan would be entertained by that department.

Board members discussed the proposed traffic flow for the bank and the hotel patrons. Concern was expressed that vehicles attempting to get to the hotel would drive the wrong way through the existing drive-thru lane on the northern side of the bank.

Mr. Reilly stated that the hotel is restricted to 35 feet in height. He further stated that he is less concerned with the height of the building than he is with what the building would look like, given the fact that it would rise up behind the existing bank.

Mr. Reilly stated that the Camp Road Overlay District does not allow pole signs and pylon signs. He further noted that signs must be ground-mounted and are not to exceed 12 feet in height.

Mr. McCabe stated that he will be very interested to see what the Conservation Advisory Board's comments are regarding this project and noted that the whole notion of having a buffer around the wetlands is to avoid having runoff going directly into the wetland itself. He further stated that the proposed parking lot directly abuts the wetland area.

Mr. Donald Weiss, member of the audience, stated that he believes that the Town of Hamburg has its own wetland buffer law that is separate from the State's laws. Mr. Reilly responded that the Town has a wetlands ordinance that gives direction, rather than regulating wetlands and noted that the Town's wetland ordinance states that for DEC wetlands avoidance is preferred.

Mr. McCabe made a motion, seconded by Mrs. Rogers, that the Planning Board seek Lead Agency Status and initiate the SEQR Coordinated Review process. Carried.

Mr. Koenig made a motion, seconded by Mrs. Rogers, to approve the minutes of January 5, 2010. As there were five (5) ayes and one (1) abstention (Mr. Lovullo), the motion carried.

OTHER BUSINESS

Mrs. desJardins stated that the Planning Department received correspondence from Attorney James Boglioli from Benderson Development requesting that a portion of the

minutes regarding the Benderson project at Seven Corners from January 5, 2011 be revised, as well as the motion that was made to approve the project.

She gave each Board member the revisions Attorney Boglioli would like made to the minutes and asked the members to review them and be prepared to discuss the proposed changes at the Board's next meeting (February 2, 2011).

It was determined that the Board could rescind the motion to approve the Seven Corners project and a new approval motion could be put forth.

Mrs. Rogers stated that she was under the impression from the Board's previous meeting that the members do not want to see piles of dirt left on the Benderson site once initial construction work is completed. She suggested that the new resolution include the requirement that there be no storage on the site of dirt, gravel, etc. after the Tops expansion and related construction is complete.

Mrs. Rogers stated that she spoke with Mrs. Mary Philbin regarding the Autumnview facility, which is directly behind Mrs. Philbin's home. She stated that when the Board approved the Autumnview facility, it asked the applicant to consider planting a particular type of tree that had been recommended by the Planning Department. She noted that that particular type of tree was not planted and Mrs. Philbin is very disappointed that she was not contacted with that information. Mrs. Rogers stated that perhaps the Planning Board should be more specific when wording conditions of approval so that this sort of situation does not arise in the future.

Mr. Lovullo made a motion, seconded by Mrs. Rogers, to adjourn the meeting. Carried. The meeting was adjourned at 8:45 PM.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board