

Town of Hamburg  
Planning Board Meeting  
January 20, 2016  
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, January 20, 2016 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O’Connell, David Bellissimo, Augie Geraci, Doug Schawel, William Clark, Bob Mahoney and Al Monaco.

Others in attendance included Attorney Ryan McCann, Town Planners Andrew Reilly and Sarah desJardins and Assistant Municipal Engineer Richard Lardo.

### **WORK SESSION**

#### **Oscar Williams – Requesting Site Plan Approval of a Change in Use of property located at 4187 Lakeshore Road from a vacant service station to an ice cream shop**

Mrs. desJardins stated that the applicant owns this property, years ago there was a gas station on it and it has been vacant for several years. She noted that the applicant would like to open an ice cream store in the existing building and is requesting a Change of Use from the Planning Board.

Oscar Williams, applicant, stated that the gas station has been closed for 13 years, and he would like to make this a viable property again. He stated that he plans to only use 200 square feet of the building for a take-out ice cream store, and he has a patio on the side of the building for customers. He noted that he plans to seal and stripe the existing blacktop, as well.

In response to a question from Chairman O’Connell, Mr. Williams stated that there is green space on the property, and it has been well maintained. He further responded that he would like to have 18 parking spaces for his customers. He noted that the parking area has been there for 75 years.

Mr. Williams stated that the traffic flow as it is works very well on the property.

Mr. Bellissimo stated that he does not believe that parking spot # 6, as well as the second handicap parking space, would work.

Mr. Reilly noted that there are no designated parking spaces on the property now, but rather it is a large paved area. He further stated that the Town Code requires that parking be at least 35 feet from all property lines, but the pavement already exists on this property right up to the property lines.

Mr. Reilly stated that the applicant’s sketch plan will be sent to the New York State Department of Transportation (NYSDOT) for its review and also to the Traffic Safety Advisory Board (TSAB) for its input.

It was determined that the Zoning Board of Appeals cannot grant a variance for parking closer than ten (10) feet from the property line.

Mr. Williams and Board members discussed the existing ingress and egress on Lakeshore Road and what makes the most sense moving forward with the new project. It was agreed that the Board will await comments from the NYSDOT and the TSAB.

Mr. Reilly advised the applicant that he will have to submit a site plan prepared by an engineer for subsequent Planning Board meetings.

In response to a question from Chairman O'Connell, Mr. Williams stated that he will use the remainder of the building for storage.

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

Engineering Department comments have been filed with the Planning Department.

## **REGULAR MEETING**

Chairman O'Connell thanked the Town Board for appointing him Chairman of the Planning Board. He stated that he is appointing William Clark as Secretary and David Bellissimo as Vice-Chairman.

### **James Cleary dba B & S Mini Storage (5255 Southwestern Boulevard) – Requesting rezoning from R-2 to M-2 to construct additional mini-storage buildings**

In response to a question from Chairman O'Connell, Mr. James Cleary, applicant, stated that no new entrance from Abel Road is proposed for the new buildings. He further stated that he has correspondence from almost resident in the Country Woods Subdivision who backs up to this property, and he will provide this correspondence to the Town Board. He further noted that the buildings would be eight (8) feet tall.

Mr. Cleary showed Board members the proposed landscaping plan for the property. He noted that once the new buildings are constructed, people driving on Abel in either direction would not even see them. He stated that he does not intend to change the existing signage.

Mr. Bellissimo made a motion, seconded by Mr. Geraci, to forward a positive recommendation to the Town Board regarding this rezoning request for the following reasons:

1. The rezoning is consistent with the Town's Comprehensive Plan.
2. The proposed plan will not negatively affect the surrounding neighborhood.

Carried.

Engineering Department comments have been filed with the Planning Department.

### **Michael Schmidt (5139 Southwestern Boulevard) – Requesting Site Plan Approval of two (2) new self-storage buildings totaling 13,900 sq.ft.**

Mr. Bellissimo made a motion, seconded by Chairman O'Connell, to schedule a public hearing on this project to be held on February 3, 2016. Carried.

Engineering Department comments have been filed with the Planning Department.

**Michael Jablonski – Requesting a Special Use Permit and Site Plan Approval to erect a wind energy conversion system on property located at 3134 Old Lakeview Road**

Mr. Reilly stated that although two (2) wind turbines are shown on the submitted plan, the Planning Board can only approve one (1) because the Town Code only allows one (1) wind turbine per lot. He noted that if one (1) wind turbine is approved, the applicant would have to request a use variance from the Zoning Board of Appeals (ZBA) for the second wind turbine.

Board members agreed that the applicant must submit the survey of the property with the proposed wind turbines located on it.

Mr. Keith DeGraff with United Wind, representing the applicant, stated that the applicant would like to install two (2) wind turbines on 140-foot tall free-standing lattice towers on his property. He noted that the height of the towers to the tip of the blade would be approximately 153.5 feet. He stated that the applicant owns 30 acres of land, and the turbines are to help offset his energy consumption.

In response to a question from Chairman O'Connell, Mr. DeGraff stated that the wind turbine on the west side of the property is the one the applicant would like the Board to consider at this time.

It was determined that the fact that both proposed wind turbines are too close to the respective property lines cannot be varied by the ZBA. The Town Code states that the only way a wind turbine can be placed too close to a property line is if the applicant provides a legally enforceable agreement that runs with the property for a period of 25 years or the life of the Special Use Permit, whichever is longer, that the adjacent landowner agrees to the elimination of the required setbacks.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to schedule a public hearing on this project to be held on February 3, 2016. Carried.

**OTHER BUSINESS**

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to approve the minutes of January 6, 2016. Carried.

Mr. Schawel made a motion, seconded by Mr. Geraci, to adjourn the meeting. Carried.

The meeting was adjourned at 7:30 P.M.

Respectfully submitted,  
William Clark, Secretary  
Planning Board

Date: January 11, 2016