

Town of Hamburg
Planning Board Meeting
October 1, 2014
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M., on Wednesday, October 1, 2014 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, David Bellissimo, Stephen McCabe, Doug Schawel, Peter Reszka and William Clark.

Others in attendance included Planning Board Attorney Ryan McCann, Andrew Reilly, Town Planner and Richard Lardo, Assistant Municipal Engineer.

Excused: Augie Geraci

REGULAR MEETING

Public Hearing - Paul Wodzinski (north side of Lakeview Road)

Mr. McCabe read the public hearing notice as follows:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a six-lot subdivision proposed by Paul Wodzinski to be located on the north side of Lakeview Road. The public hearing will be held on October 1, 2014 at 7:00 P.M. in Room 7B of Hamburg Town Hall."

Chairman O'Connell declared the public hearing open. No one spoke.

Chairman O'Connell declared the public hearing closed.

Mr. Reszka stated that a condition of approval should be that the wetlands be clearly identified by signage at the rear of the lots so that the new owners are aware of their existence.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to authorize the Planning Department to prepare an approval resolution for the Board's next meeting. Carried.

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

Engineering Department comments have been filed with the Planning Department.

The Woods at Bayview (South Park Avenue)

Larry Best, applicant, appeared on behalf of the proposed project. He presented a revised layout based on the Planning Board's input at its last meeting. He noted that the revised plan consists of three (3) apartment buildings, all of which would be three (3) stories. He stated that the buildings would not be taller than the maximum height allowed of 35 feet.

Mr. Reilly stated that correspondence was received from Erie County Department of Environment & Planning indicating that the applicants should discuss the design and location of the proposed access onto Bayview Road, as well as the sanitary sewer design, with Erie County early on in the project planning process.

Mr. Best noted that in the previous layout, the proposed porches for the apartment units on the west side of the site were located directly adjacent to the buffer area, and the new layout removes that problem.

A member of the audience stated that some of the trees that look healthy at the top are dead at the bottom. Mr. Reilly stated that the applicant can be required to install some low plantings to remedy that situation.

The above member of the audience asked Mr. Best where the snow would be stored. Mr. Best responded that he will concern himself with that issue when the problem arises. The member of the audience noted that it might be the neighbors' problem if Mr. Best does not solve it.

Mr. Reilly stated that the Site Plan will include information about where snow will be stored, as well as whether and where dumpsters will be installed.

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

Engineering Department comments have been filed with the Planning Department.

Glenn Wetzl rezoning – Route 391 and McKinley Parkway

Attorney Sean Hopkins, representing the applicant, reminded Board members that the originally proposed layout included 66 lots and included access to McKinley Parkway. He noted that after receiving input from the Planning Board and surrounding neighbors, the access point was moved to Newton Road, and the number of lots has been reduced to 46.

Attorney Hopkins stated that the currently proposed layout includes a 75-foot permanent green space buffer along McKinley Parkway except for the area where the gated emergency access is proposed. He further stated that the applicant has made an effort to design around the existing vegetation and wetlands on the site.

Attorney Hopkins stated that the layout also includes preserving green space on the corner of Route 391 and McKinley Parkway, as well as on the corner of McKinley Parkway and Newton Road. He noted that additional plantings and a split-rail fence with masonry columns are also proposed on those corners.

Attorney Hopkins stated that almost 15 acres of green space would be preserved. He noted that all of that permanent open space would be deeded to the Homeowners' Association, which would be responsible for its maintenance. He further stated that the Homeowners' Association would also be responsible for the insurance requirements for the green space, and a wide range of activities would be prohibited, such as clearing, snowmobiling, ATV riding, etc.

Chairman O'Connell stated that he is pleased to see the number of lots reduced, but still would like to see the lot sizes enlarged. Attorney Hopkins responded that if lot sizes are increased, the amount of permanent open space would be reduced.

Chairman O'Connell expressed concern about the development only having one (1) entrance for 46 units. Attorney Hopkins responded that a traffic impact study will be performed to study the impact of one (1) entrance.

Mr. Bellissimo stated that his major concern would be the residents of Newton Road whose home is opposite the proposed entrance/exit to the development and the headlights they would have to deal with. Attorney Hopkins responded that the applicant would be agreeable to working with the Newton Road resident to plant some sort of buffer on their property to alleviate the problem of the headlights from the development.

Mr. Reilly stated that the applicant will be required to show the Planning Board the existing view shed enjoyed by the residents and how that would be affected by the construction of this development.

Attorney Hopkins stated that the applicant recognizes the previous and ongoing drainage problems the Johnsons have experienced on Boston State Road from this property and others, and he will address those problems. He further noted that conceptual renderings of the proposed homes will be submitted at a future date.

Attorney Hopkins stated that the applicant understands that the neighbors would rather not see this property developed, and at the least they would rather see it developed as an R-A subdivision. He noted that because of the lot area and road frontage requirements of the R-A District, the only way someone could ever consider developing this site in an economically feasible way would be simply frontage lots. He further stated that if this site were developed as an R-1 subdivision, 90 lots would be allowed.

Mr. Reilly stated that PRD zoning is preferred because the property can only be developed per the layout that is approved in conjunction with the PRD zoning.

Richard Morris, 4548 Newton Road, stated that he would not want a buffer erected on his property to keep the headlights out of his house because he does not want to lose his view. He further stated that he does not believe that the three (3) proposed single family homes on Newton Road would be part of the patio home development. He stated that he is concerned about the traffic that would be generated by this development.

A member of the audience asked what the average taxes would be for the patio homes.

Mr. Reilly stated that the Town would have to know whether the patio homes would be considered condominiums or not.

A member of the audience who lives on Newton Road stated that only having one (1) entrance/exit to the development would penalize the new owners of the patio homes because they would only have one (1) option for entering or leaving the development. She stated that it would also penalize the current residents of Newton Road. She stated that she would prefer to also see an entrance on McKinley Parkway because that way the vehicles would have more options regarding which way to travel.

Caitlin McCormick, 302 East Main Street, asked when a detailed landscaping plan would be provided.

Mr. Reszka suggested that the applicant consider providing a right-in/right-out only access to McKinley Parkway, in addition to the Newton Road access. He noted that this would relieve some of the burden on the Newton Road residents.

Rollins Low, 4576 Newton Road, stated that many of the homes on Newton Road experience drainage and flooding problems, and he believes that the construction of this development will make them worse.

Mr. Reilly stated that the SEQR process must be initiated by the Town Board as soon in the review process as possible. He noted that the Town Board does not need a recommendation from the Planning Board to start the SEQR process.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to recommend that the Town Board initiate the SEQR process in order to obtain comments from the Involved Agencies. As the vote on the motion was three (3) ayes (Mr. Bellissimo, Mr. Reszka and Mr. Schawel) and three (3) nays (Mr. McCabe, Mr. Clark and Chairman O'Connell), the motion failed.

Mr. Reilly stated that he will update the Town Board in a memo relaying the fact that the Planning Board is not comfortable recommending that that Board initiate the SEQR process. He noted that it will then be the decision of the Town Board members whether to initiate that process or not.

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

Engineering Department comments have been filed with the Planning Department.

Planning Board review of proposed revisions to the Town Code

Regarding the proposed new Overlay District that would encompass the southern rural part of Hamburg, Mr. McCabe asked why the language regarding commercial activity having to be concentrated in existing commercial areas was being removed. Mr. Reilly stated that this is because there are no commercial zoning areas in this part of Hamburg.

It was determined that the language referred to by Mr. McCabe will not be removed from the new southern Overlay District.

It was the consensus of the Board that the current Overlay requirement that the bulk regulations requiring standard road frontage lots be increased for proposed standard road frontage lots will be retained in the new southern Overlay District.

It was determined that the requirement in the existing Overlay Districts that utilities be placed underground will be removed because it has never been enforced, and it is up to the utility company whether underground or above ground utilities are required.

It was determined that the requirement that major subdivisions cannot be constructed on soils that do not perc will be retained in the southern Overlay District.

It was determined that the regulation in the existing Southeastern Overlay District that restricts sewer extensions will be retained, even though the Town no longer owns the sewers.

Regarding the Guidelines and Objectives for Environmental Preservation, Mr. Reszka stated that the statement "vegetation shall be preserved to the greatest extent possible" should be revised to read "vegetation shall be preserved to the greatest extent possible as directed by the Planning Board." Board members agreed.

Regarding environmental review and identifying habitats, Mr. Reszka stated that this is already covered by the SEQR review process and is redundant. Mr. Reilly responded that this requirement means that this information must be shown on the drawings.

Regarding the subdivision regulations regarding the prohibition of clear-cutting of trees for subdivision, Mr. Reszka stated that language should be inserted indicating that trees not to be disturbed must be marked before construction begins. Board members agreed that this language will be added.

Regarding architectural standards for site plans, Mr. Reszka stated that rooftop equipment must be screened. Board members agreed.

Board members agreed that Attorney McCann will review the verbiage at the end of each Overlay District list of requirements that states that the Planning Board can waive or modify any of the requirements of the Overlay District, as long as the intent of the Overlay District is met.

Board members discussed what would constitute "adequate pedestrian and bicycle access" in conjunction with requirements for all applications.

Mr. Reilly stated that he will make the changes recommended by the Planning Board, and these Code revisions will be discussed again at the Board's next meeting.

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 8:00 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board

Date: October 7, 2014