

Town of Hamburg  
Planning Board Meeting  
October 19, 2011  
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting on Wednesday, October 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, Sasha Yerkovich, David Bellissimo and Karen Rogers.

Others in attendance included Planning Consultant Sarah desJardins and Principal Engineer Richard Lardo.

**Public Hearing – Deer Springs Subdivision, Part Three, Phase Three**

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 the previously approved subdivision known as Deer Springs Subdivision, Part Three, Phase Three to be located on vacant land south of Pincherry Way on October 19, 2011 at 7:00 p.m. in Room 7B of Hamburg Town Hall. The applicant requests Planning Board approval of an amended Preliminary Plat.”

Chairman Reszka stated that the applicant proposes to reduce the number of lots in this phase of the subdivision, which was previously approved by the Planning Board, because they ran into some wetland issues.

Dave DiPaulo, representing Marrano Marc Equity, stated that the original Preliminary Plat that was approved by the Planning Board connected Pincherry Way on both ends, creating a loop. He further stated that the ten (10) lots on the south side of Pincherry Way have been eliminated because that property has been designated as a New York State Department of Environmental Conservation (NYSDEC) wetland. He noted that through a negotiated settlement with the NYSDEC, Marrano Marc Equity will be allowed to develop the lots on the north and west side of Pincherry Way, but not the lots on the south side of the road.

In response to a question from Chairman Reszka, Mr. DiPaulo stated that the entire area of wetland will be attached to the sub lot adjacent to the wetland area on the west (sub lot 132). He further stated that a deed restriction will run with the sub lot restricting any development on the wetland area and ensuring that it will forever be left in its natural state.

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

- Mark Szkutak, who owns a home adjacent to the NYSDEC wetland area, stated that he is very glad to see that Marrano Marc Equity is doing exactly what the NYSDEC required them to do.

Chairman Reszka declared the public hearing closed.

Mr. Lardo stated that the wetland area should be placed in a conservation easement in the name of the Town of Hamburg, in addition to being deed restricted.

Mrs. Yerkovich made a motion, seconded by Mr. Bellissimo, to approve the revised Preliminary Plat for the Deer Springs Subdivision, Part Three, Phase Three per the amended Plat Plan dated October 19, 2011 with the following conditions:

1. A SEQR Negative Declaration was previously issued by the Planning Board for this subdivision. The removal of ten (10) lots does not change that previous Negative Declaration.
2. Approval is contingent upon the Engineering Department comment letter dated October 19, 2011.
3. A conservation easement in the name of the Town of Hamburg will be placed on the wetland area on the south side of Pincherry Way.

Carried.

Engineering Department comments have been filed with the Planning Department.

### **Universal Equipment (3794 Lakeshore Road)**

Mrs. desJardins stated that at its last meeting the Planning Board requested a revised Site Plan indicating where the applicant proposes to display the equipment. She further stated that the Board requested a color rendering of the proposed building. Board members reviewed the above submitted information.

John Schenne, engineer, appearing on behalf of the project, stated that the roof of the proposed building will be blue.

Mr. Michael Kubiscyn, applicant, stated that he is proposing as many windows as is feasible for the new building, noting that one end of the building will be used as the office and the rest of the building will be the shop. He further stated that the building would be made of corrugated metal and would be dark grey in color.

In response to a question from Mrs. Rogers, Mr. Kubiscyn stated that he would like to display up to five (5) pieces of equipment in the spaces indicated on the Site Plan in front of the new building along Route 5. He further stated that he would probably need to keep at least one (1) overhead door open because he does not plan to air condition the building.

In response to a question from Mrs. desJardins, Mr. Schenne stated that no pole lighting is proposed in the parking area and that just wall pack lighting is proposed on the building.

Board members discussed the signage for the property, noting that a nautical theme must be incorporated into the signage. Board members encouraged the applicant to work with the Town Shoreline Revitalization Committee.

Chairman Reszka stated that the blue roof on the new building will help to meet the requirement of the Route 5 Overlay District that a nautical theme be incorporated in the building.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to issue a SEQR Negative Declaration for this project. Carried.

Mrs. Yerkovich made a motion, seconded by Mrs. Rogers, to waive the following requirements of the Route 5 Overlay District:

1. The building setback is to be between 15 and 50 feet; the actual building setback is 134 feet.
2. Windows are to cover at least 35% of the façade facing the roadway; applicant cannot comply with this requirement because of the shop.
3. The requirement of a nautical theme in the building will be waived because it will be addressed in the landscaping and signage.
4. The installation of sidewalks is waived.

Carried.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to grant Conditional Site Plan Approval for this project with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated October 19, 2011.
2. Applicant should work with the Engineering Department and the Shoreline Revitalization Committee regarding the design of the nautical elements of the landscaping and signage.
3. The landscaping plan shall be approved by the Planning Department.

Carried.

Engineering Department comments have been filed with the Planning Department.

### **Council Opticians (6000 South Park Avenue)**

Mrs. desJardins stated that a revised Site Plan had been received, as requested by the Planning Board at its previous meeting. She noted that the east entrance to the site has been eliminated and the fence and grass extended the full length of the east property line. She further stated that a rendering of the proposed new look of the building had also been submitted.

Greg Schneider from Aurora Architectural appeared on behalf of the proposed project, noting that six (6) additional new trees are shown on the Site Plan.

Chairman Reszka stated that the Traffic Safety Advisory Committee (TSAB) has recommended that the new exit onto South Park Avenue be a right-out only and that a diversion island be installed to ensure that no left turns are attempted when exiting the site. He further noted that the TSAB also recommended that signage be installed at the exit onto South Park Avenue indicating that only right turns are allowed.

In response to a question from Chairman Reszka, Mr. Schneider stated that the applicant, Todd Demario, was hoping to be allowed to make left hand turns onto South Park Avenue but that installing the diversion island would not be a problem if left turns are not allowed.

Mr. Schneider stated that the applicant hopes to enhance the existing building with landscaping and noted that the amount of green space on the site would be increased from approximately 21% to 26%. He stated that the additional landscaping would serve to soften the edges of the building.

Mr. Schneider stated that the existing large overhead doors would be replaced with windows and the color scheme of the building would be updated from teal to a royal blue. He further stated that a small addition on the north side of the building is also proposed, which is where the new customer entrance to the facility would be located.

It was determined that the applicant would like signage on the building, as well as on a ground sign along South Park Avenue. Mr. Schneider agreed to provide a rendering of the proposed ground sign at the Board's next meeting.

Mr. Schneider stated that the applicant would like to minimize traffic flow from the existing plaza.

Mr. Schneider stated that one (1) new pole light is proposed, as well as building-mounted lighting.

Mrs. Rogers stated that she would like to see some improvements on the aesthetic quality of the building, noting that she feels it would still look very much like an oil changing facility. She asked if something could be done to the flat roof to improve its look. Mr. Schneider responded that the applicant is working with an existing building and aesthetics can be a bit subjective, noting that the applicant is attempting to soften the north side of the building as much as possible with landscaping, etc.

Mrs. Yerkovich stated that the Planning Board received correspondence from Kurt Allen, Supervising Building Inspector, indicating that he is not pleased with the proposed look of the building. She suggested that Mr. Schneider speak with Mr. Allen to determine what Mr. Allen's objections are.

Mrs. Rogers stated that this property is located in the South Park Overlay District and South Park Avenue is a main artery in the Town of Hamburg.

Mr. McCabe made a motion, seconded by Mr. Koenig, to schedule a public hearing for this project to be held on November 2, 2011. Carried.

**OTHER BUSINESS**

Chairman Reszka introduced a member of the audience, Doug Schawel, who is waiting to be appointed as the newest member of the Planning Board.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to approve the minutes of October 5, 2011. Carried.

Mr. Bellissimo made a motion, seconded by Mrs. Rogers, to adjourn the meeting. The meeting was adjourned at 7:45 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board