

00Town of Hamburg
Planning Board Work Session
October 5, 2011
Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, October 5, 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, David Bellissimo, Sasha Yerkovich and Karen Rogers.

Others in attendance included Andrew Reilly, Sarah desJardins and Attorney Cheryl McFadden- Zak.

Universal Equipment - 3794 Lakeshore Road

Mr. Reilly stated that the revised site plan and requested additional information regarding the proposed project had not been submitted to the Planning Department since the Board's last meeting.

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

Engineering Department comments have been filed with the Planning Department.

Brookview Apartments - Vacant land, south side of Southwestern Boulevard

Mr. Reilly stated that a SEQR Negative Declaration was issued for this project at the Board's last meeting.

Board members discussed draft conditions of approval as follows:

1. A Declaration of Restrictions to permanently protect the existing vegetation within the "Conservation Area" as depicted on the Overall Site Plan prepared by Carmina Wood Morris PC [Drawing No. C-100] shall be recorded in the Erie County Clerk's office immediately subsequent to the Applicant's purchase of the project site. A copy of the draft Declaration of Restrictions is attached to this resolution as Exhibit A. The purpose of the Declaration of Restrictions that permanently protects the southernmost sixty (60) feet of the project site adjacent to the properties on the north side of Summerway Lane is to ensure that this area will be preserved as permanent open space for the benefit of the residents of Summerway Lane. The 15' wide emergency means of vehicular access to be installed by the applicant will cross the "Conservation Area".
2. The applicant and any subsequent owner of the project shall be prohibited from conducting any construction activities within the "Conservation Area" (with the exception of the 15' wide emergency means of vehicular access) and the existing vegetation within the "Conservation Area" shall be permanently preserved for the purpose of providing screening for the benefit of the residents of Summerway Lane. If the applicant or any future owner of the project site wishes to remove any dead or

diseased trees from the "Conservation Area", the applicant or any subsequent owner must first obtain the recommendation of an arborist or licensed Registered Landscape Architect and submit this report with recommendations (which shall include information regarding proposed replacement of dead or diseased trees or vegetation) to the Hamburg Town Board. In connection with its review of a request to remove dead or diseased trees from the Conservation Area, the Hamburg Town Board shall seek the recommendation of the Town's Conservation Advisory Board if the Town Board determines that its input is appropriate.

3. The content of the Declaration of Restrictions shall be reviewed and approved by the Hamburg Town Attorney's Office prior to it being recorded at the Erie County Clerk's Office and a recorded copy of the Declaration of Restrictions, along with the filing receipt, shall be provided to both the Town Attorney's Office and the Planning Board immediately once it has been recorded.
4. There shall not be any future public roadway connection (excluding the gated emergency means of vehicular access) from the southern portion of the project site to the existing stub street off of Summerway Lane ("Sunway Lane"). This permanent restriction shall be included in the Declaration of Restrictions to be recorded at the Erie County Clerk's Office.
5. At no point in the future shall the applicant or any subsequent owner construct a sidewalk, recreational trail, bike path or any other kind of publicly accessible pedestrian or vehicular connection (with the exception of the emergency means of vehicular access) from the project site to the existing subdivision directly south of the project site. This condition will be included in the Declaration of Restrictions.
6. The applicant as well as any subsequent owner of the project site shall be required to provide any contractor who conducts construction activities on the project site with a copy of the recorded Declaration of Restrictions in order to ensure no encroachment occurs in the 60-foot wide "Conservation Area". During construction in the area adjacent to the Conservation Area, the contractor must place "temporary fencing" adjoining the Conservation Area to clearly delineate the areas that must not be disturbed.
7. A gated emergency means of vehicular access shall be constructed by the applicant to connect the project site to Sunway Lane. The gated emergency means of emergency vehicular access shall only be opened by use of a lockbox by emergency personnel in the case of an emergency. The gated emergency means of vehicular access shall be fifteen (15) feet wide and paved and no sidewalks or any other means of pedestrian access shall be provided. The proposed gate to be installed shall be approved by the Fire Department and the Engineering Department.
8. The gated emergency means of vehicular access shall be constructed pursuant to the approved Site Plan when project construction comes within 200 feet of the southern property boundary of the project site.
9. For the purpose of ensuring the emergency means of vehicular access is always accessible, the Town of Hamburg Highway Department will plow and maintain the emergency means of vehicular access up to the emergency access gate on the Sunway Lane side and the applicant (or any future owner of the project site) shall be

responsible for plowing and maintaining the emergency means of vehicular access on the project site side. Any damage to the gate must be repaired by the property owner.

10. A wetland permit from the U.S. Army Corps of Engineers and/or a floodway permit from the Town's Floodplain Administrator shall be obtained by the applicant, depending on whether the existing creek on the project site can be spanned. The applicant shall provide the Planning Department with an update once this determination has been made and a copy of any required permits for the crossing of the existing creek shall be provided to both the Town's Engineering Department and Planning Department.
11. The applicant shall be required to provide an outdoor recreation area (tot lot or other approved active recreation) measuring at least 600 square feet with appropriate equipment in close proximity to the community building as depicted on the Overall Site Plan prepared by Carmina Wood Morris PC [Drawing No. C-100]. Additionally, an area for passive recreation must be clearly delineated on the Overall Site Plan.
12. The Final Landscape Plan will be completed by a licensed Registered Landscape Architect and submitted to the Town Planning Department in accordance with the Southwestern Boulevard Overlay District. This Final Landscape Plan will be approved by the Town Planning Department.
13. Any development of the front acreage of the site (not proposed for construction in conjunction with this project) will require all appropriate approvals from the Town. For any development of the front acreage of the site, cross-access between developments and adjoining property will be encouraged.
14. The approval of the Site Plan by the Planning Board is contingent upon the Engineering Department comment letter dated October 5, 2011, with the exception of item # 1.

Mr. Reilly stated that a line parallel to and 200 feet from the southern boundary of the project site will be drawn and any construction that occurs within that area will require the construction of the gated emergency means of vehicular access.

Attorney Sean Hopkins appeared on behalf of the proposed project, along with the applicant, Glenn Wetzl. Attorney Hopkins stated that the following minor changes have been made to the Site Plan:

1. The emergency means of vehicular access is now shown to be fifteen (15) feet wide.
2. The two (2) clusters of treed area labeled "tree preservation areas" have been removed because it has been noted that water and sewer lines may have to run through these areas. He noted, however, that these areas will probably be where the required passive recreation areas will be located. He further noted that the applicant wants to preserve as many of the trees in these areas as possible.
3. The outdoor recreation area (tot lot) near the community building has been added to the Site Plan.

Attorney Hopkins stated that, although the proposed phasing plan is conceptual, the phases have been laid out so that each phase includes pavement extensions into the next phase so that there will be room for vehicles to turn around.

Mr. Reilly stated that each phase of this project will be reviewed by the Fire Department, Engineering Department and Building Inspection Department to ensure that fire hydrants are located appropriately and that there is adequate water pressure and flow.

In response to a question from Chairman Reszka, Attorney Hopkins stated that the applicant does not yet know whether the water line will be installed under the creek or hung from the bridge.

Mrs. Yerkovich made a motion, seconded by Mr. Koenig, to grant Conditional Site Plan Approval for the Brookview Apartments project with the conditions previously read into the minutes with the appropriate changes and amendments. Carried.

It was determined that the draft minutes would be forwarded to Attorney Hopkins for his review of the conditions of approval as a courtesy only for the purpose of clarification.

Engineering Department comments have been filed with the Planning Department.

The 15 Buffalo Street Partners, LLC (vacant land, northeast corner of Old Big Tree Road and St. Francis Drive)

Mr. Reilly stated that the property is currently zoned M-3 and the applicant is requesting a rezoning to C-2. He further stated that only a small portion of this property is developable because of the existence of wetlands and the fact that part of it is located in a floodplain.

Mr. Reilly stated that this property is located in the Local Waterfront Revitalization Area (LWRA), but the Town's Local Waterfront Revitalization Plan (LWRP) does not recommend that this property be rezoned to Waterfront Commercial. He further stated that the properties north of the site are zoned industrial and the properties on the other corners of the intersection where this site is located are zoned commercial. He noted that the applicant does not feel that this site is appropriate for industrial use because of the small amount of the site available for development.

Mr. Reilly stated that the New York State Department of Transportation is considering ways to alleviate the traffic problems in this area and one of the ideas is to remove the portion of Old Big Tree Road that abuts this property, which would mean that any development on this site would have to be accessed from St. Francis Drive.

Board members discussed whether any C-2 uses should be restricted in conjunction with this rezoning and determined that the Board will review whatever use is proposed on this property in the future, assuming the Town Board rezones the property.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to forward a positive recommendation to the Town Board regarding this request to rezone this property as depicted from M-3 to C-2. Carried.

Deer Springs Subdivision, Part 3, Phase 3 - vacant land, south of Pincherry Way

William Schutt from Wm. Schutt and Associates appeared on behalf of the applicant, along with Dave DiPaulo from Marrano Marc Equity. Mr. Schutt stated that the applicant is requesting Planning Board approval of the amended Preliminary Plat. He noted that Part 3, Phase 3 was approved as 19 lots as an extension of Pincherry Way but that the applicant is requesting that the Preliminary Plat be amended to reduce the number of lots from 19 to 9.

Mr. Schutt stated that the ten (10) lots to be removed are located on the south side of Pincherry Way. He further stated that the applicant proposes to remove these lots because the property on which they would be located is being classified as a State Wetland.

Mr. Reilly stated that the applicant had intended to dedicate the wetland area to the Town of Hamburg but the Town Supervisor has indicated that the Town does not wish to own the property. He further stated that the applicant will investigate alternate ways to deal with the ownership of this property.

Chairman Reszka stated that before the Planning Board approves the amended Preliminary Plat, he would want to know how the applicant plans to deal with the ownership of that land.

Mr. Reilly stated that a SEQR Negative Declaration was previously issued for this subdivision and the removal of lots will not change that Negative Declaration.

Mr. McCabe made a motion, seconded by Mr. Koenig, to schedule a public hearing for this amended Preliminary Plat to be held on October 19, 2011. Carried.

Engineering Department comments have been filed with the Planning Department.

Council Opticians of Hamburg (6000 South Park Avenue)

Chairman Reszka reminded the Board that it was asked some months ago to consider allowing a curb cut for this property on South Park Avenue and the Board at that time indicated that it would consider allowing a right-in, right-out only curb cut.

Mrs. desJardins stated that the applicant proposes to purchase the property for his optician business and construct a small addition on the north side of the building.

Mr. Reilly stated that a concern was raised at the Staff Meeting earlier that day about the appearance of the building, especially since the front of the building faces north.

Mrs. desJardins asked the applicant, Todd Demario, to submit a rendering of what the building would look like. Mr. Demario agreed to this request.

Chairman Reszka stated that he does not like the proposed look of the building because it looks like a gas station.

Mr. Reilly stated that the South Park Overlay District requires that street trees be planted every thirty feet along South Park Avenue. He noted, however, that there is not much room along South Park Avenue for the applicant to plant the trees and stated that the applicant can plant the trees that should be along South Park Avenue elsewhere on the property instead.

Mr. Reilly stated that parallel parking as shown on the site plan is usually difficult to utilize. Mr.

Demario responded that he was considering closing off the entrance on the east side of the property and installing parking spaces there instead of the parallel parking.

Board members agreed that the east entrance to the site should be closed off so that drivers do not use the north side of the site as a cut-through to access the plaza from South Park Avenue. It was further agreed that the applicant should extend the existing fence along the entire eastern property line, as well as the proposed green area along that same boundary line.

Regarding the curb cut on South Park Avenue, Mr. Reilly stated that the applicant feels that it is essential to provide his patients with the option to turn left into the site when traveling from the north, although he would agree to limit left turns from the property to South Park Avenue if he had to.

Mr. Demario stated that his primary concern is getting the Board's approval to install a curb cut on South Park Avenue and allow left turns into the site. He further stated that he has not spent time yet concentrating on what the building would look like because he wanted to be sure the curb cut would be allowed first. Board members concurred that allowing left turns into the site from the north would be acceptable.

Mr. Demario agreed to look seriously at making the building more aesthetically pleasing.

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

Engineering Department comments have been filed with the Planning Department.

Crown Court, LLC (vacant land in front of Wal-Mart, 5360 Southwestern Boulevard

Mr. Reilly stated that this proposal is for the outparcel in front of the Wal-Mart on Southwestern Boulevard and noted that when Wal-Mart was approved several years ago, this out-parcel was shown on the drawing as being developed in the future.

Michael Borowiak from Nussbaumer & Clarke appeared, along with Mr. Kurt Krull from Crown Court, LLC. Mr. Krull stated that the parent company is Shoe Show, a national shoe retailer that owns Burlington Shoe, Shoe Department and other shoe stores. He further stated that Shoe Show owns 1200 stores in 38 states and has an option to purchase this outparcel from Wal-Mart.

Mr. Krull submitted renderings of what some of the existing stores look like for the Board's review.

Mr. Borowiak stated that the proposal is to construct a 9,500 square foot building with approximately 33 10' X 20' parking spaces on the .97 acre parcel. He further stated that the parcel is located in the Southwestern Boulevard Overlay District and the 50-foot green space area along Southwestern Boulevard is provided as required.

Mr. Reilly stated that, because the building faces the interior of the plaza, the Board will be concerned about what the rear of the building facing Southwestern Boulevard will look like.

Mr. Koenig stated that all four (4) sides of the building will be visible and therefore all four (4) sides must be finished. Board members discussed different ideas for the look of the building.

Chairman Reszka stated that he would like the applicant to consider moving the dumpster from its proposed location on the sketch plan. Mr. Reilly stated that if the dumpsters cannot be located in any other location, the Board would want them enclosed by a brick wall that is aesthetically pleasing, rather than a fence.

Regarding signage, Mr. Borowiak stated that the applicant will probably propose building

signage on all four sides, as well as signage on the existing pylon sign at the plaza. It was determined that the applicant will not propose a separate ground sign.

Mr. Borowiak stated this property is considered "outparcel # 1" on the overall site plan for the Wal-Mart plaza.

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

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Chairman Reszka stated that he recently met with the Site Plan Waiver Committee to review a proposal from West-Herr Ford on Southwestern Boulevard and Camp Road. He noted that West-Herr proposes to construct a 6,000 square foot addition that would connect two (2) existing buildings. He stated that the zoning in the area is all commercial and there are no residential neighbors to speak of.

Mrs. desJardins stated that the area over which the addition would be built is currently pavement and the Engineering Department is comfortable with issuing a Site Plan Waiver. She further stated that the additional space would be utilized for vehicle maintenance.

Board members agreed that a Site Plan Waiver is appropriate in this situation.

Chairman Reszka stated that the Planning Board will be adding a new member in the near future, whose name is Doug Schawel. He further stated that Mr. Schawel is an electrician who lives in the Village of Hamburg.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to approve the minutes of September 21, 2011. Carried.

Mr. Bellissimo made a motion, seconded by Mr. McCabe, to adjourn the meeting. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board