

Town of Hamburg  
Planning Board Meeting  
October 5, 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, October 5, 2016 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O’Connell, Vice-Chairman William Clark, Doug Schawel, Augie Geraci and Robert Mahoney.

Others in attendance included Town Planner Andrew Reilly, Principal Engineer Rick Lardo and Attorney Ryan McCann.

Excused: Al Monaco and Dennis Chapman

**WORK SESSION**

**Andy Romanowski – Requesting Preliminary Approval of a five-lot subdivision to be located on the west side of Taylor Road, just north of the Town of Boston boundary line**

Mr. Reilly stated that this property is zoned R-A and is in the Southern Hamburg Overlay District. He noted that the Overlay District requires that the applicant show the Board alternate layouts for the subdivision and encourages creative lots like flag lots. He stated that the Overlay District also requires that the applicant show the Board that the proposed layout is the best way to preserve the features on the site, and the major feature on this site is the Vail Road Woods at the rear of the site.

Mr. Reilly stated that the Planning Board will probably require that a Conservation Easement be placed on the areas of the lots that are included in the Vail Road Woods.

Attorney Sean Hopkins, representing the applicant, stated that the property in question is the southernmost parcel on Taylor Road in the Town of Hamburg. He noted that the property is 23.23 acres in size, and the applicant is proposing to subdivide it into five (5) single-family home lots. He further stated that the proposed lots range in size from 2.07 acres to 8.49 acres, and the homes would be built by Mr. Romanowski.

Andy Romanowski, applicant, stated that his proposal would be to disturb very little of the woods on the back of the lots. He agreed to submit a revised Preliminary Plat that shows which areas of the woods would be preserved.

Attorney Hopkins stated that because the applicant proposes five (5) building lots, this subdivision would be considered a Major Subdivision and would be subject to the SEQR review.

Attorney Hopkins stated that the applicant’s purchase contract requires him to close by the end of the year, so he would like to have all of the approvals in place by then if possible. He stated that the applicant’s request is to be placed on the Planning Board’s next meeting agenda and possibly schedule a public hearing at that time for November 2, 2016.

Attorney Hopkins stated that at the Board's next meeting, the applicant will present a revised Preliminary Plat showing the location of the proposed homes and driveways, as well as a proposed conservation area.

Attorney Hopkins stated that a wetland consultant has been contacted, and it does appear that there may be some wetlands in the rear of some of the lots, and the goal would be to not fill in any wetlands whatsoever.

Mr. Reilly stated that the Planning Board will want the applicant to file this subdivision with Erie County, even though the County does not consider this a major subdivision because two (2) of the lots are larger than five (5) acres.

Attorney McCann stated that his firm is representing the seller in this transaction, so he has a conflict and cannot comment on this proposal.

Attorney Hopkins stated that his client would prefer not to file this subdivision with Erie County because it is an onerous process.

Mr. Lardo stated that he would prefer that the subdivision be filed with Erie County because it makes record keeping easier regarding easements, etc.

Chairman O'Connell made a motion, seconded by Mr. Schawel, to table this project. Carried. Engineering Department comments have been filed with the Planning Department.

## **REGULAR MEETING**

### **Jim Cleary – Requesting Site Plan Approval for additional mini-storage space at 5225**

Jim Cleary, applicant, stated that he submitted a landscaping plan showing the proposed stockade fence and trees that are proposed between the new building and the property line shared with the adjoining residential property. He stated that he can either put the fence on the property line and put the trees on his side of the fence, or he can put the trees closer to the shared property line and put the fence closer to the new building.

In response to a question from Chairman O'Connell, Mr. Cleary stated that he would plant the trees along the shared property line approximately 4-5 feet apart. Chairman O'Connell stated that the specific trees and the spacing must be shown on the Site Plan.

In response to a question from Mr. Reilly, Mr. Cleary stated that there will be no outdoor storage on the property, other than his daughter's camper.

Mr. Reilly stated that he will work with the Building Department to make sure the fire department is satisfied with the amount of space between the new building and the fence/trees.

Mr. Clark made the following motion, seconded by Mr. Geraci:

"Whereas, in accordance with New York State SEQR Law, the Town of Hamburg Town Board, acting as SEQR Lead Agency for the rezoning of 5225 Southwestern Boulevard for the development of a public mini-storage facility, determined that the rezoning and proposed project

would not result in any significant adverse environmental impacts and a Negative Declaration was issued; and

Whereas, the Town Board also approved the rezoning with the following conditions:

- The applicant will provide the appropriate screening to the adjoining residential property as determined by the Planning Board during Site Plan Review.
- A Declaration of Restrictions shall be recorded at the Erie County Clerk's office including language permanently prohibiting the development of the site into principal uses and structures as listed in Article XIX Section 280-126 (A) use categories 1, 2 and 3. The content and form of the Declaration of Restrictions shall be reviewed and approved by the Town Attorney's office prior to recording at the Erie County Clerk's office; and

Whereas, the Town Planning Board has received a Site Plan application for the development of a public mini-storage facility on the property that was rezoned as discussed previously; and

Whereas, the Planning Board has reviewed the proposal and held the required public hearing.

Now, therefore, be it resolved that the Planning Board finds the project in substantial conformance with the SEQR Negative Declaration issued by the Town Board, which acted as SEQR Lead Agency, and therefore does not need to reopen SEQR.

Be it further resolved, that the Planning Board finds the project in accordance with the rezoning conditions, except as noted below, and other Town requirements and therefore issues Conditional Approval for this project with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated October 5, 2016.
2. The Town Attorney's office will confirm that the Declaration of Restrictions has been approved and filed.
3. There shall be no outdoor storage on the property.
4. The Planning Department is authorized to approve the final landscaping plan that will include the placement of a stockade fence and Arborvitae trees."

Carried.

Engineering Department comments have been filed with the Planning Department.

### **West Herr Auction – Requesting Site Plan Approval of a parking lot expansion on property located at 4789, 4795 and 4803 Camp Road**

Rob Pidanick from Nussbaumer & Clarke, representing the applicant, stated that the applicant has revised the Site Plan to include enhanced landscaping near Camp Road, as requested by the Planning Board at its last meeting. He further stated that 87 of the proposed parking spaces will be devoted to customer parking, and the remaining 226 spaces towards the rear of the site will be for vehicle storage.

Mr. Pidanick stated that the applicant is in the process of combining these three (3) parcels with the parcel directly north of the site that they already own and utilize for the auctions.

Mr. Reilly stated that the Site Plan will not be signed by the Engineering Department until the properties are combined.

Mr. Geraci informed Mr. Pidanick that the vehicles being stored by West Herr on property on Southwestern Boulevard illegally must be removed. Mr. Pidanick agreed to speak to the applicant about this problem.

Mr. Clark made a motion, seconded by Mr. Schawel, to schedule a public hearing to be held on October 19, 2016. Carried.

Engineering Department comments have been filed with the Planning Department.

**Colley's Pools (4953 Camp Road) – Requesting Site Plan Approval of a 17,600 sq.ft. retail/restaurant building and related parking**

John Barniak from Carmina Wood Morris, representing the applicant, stated that since the last Planning Board meeting, the applicant has proposed a revised landscaping plan prepared by Frank Brzezinski, RLA that includes enhanced landscaping features along Camp Road.

Mr. Reilly stated that he is concerned about the location of the proposed dumpsters and asked why they could not be placed behind the proposed building. Mr. Barniak responded that the dumpsters would be placed approximately 100 feet from the curb, and this location was chosen for accessibility for tenants of the new building.

Board members discussed where the best location for the dumpsters would be.

Mr. Clark suggested that the dumpsters be rotated so that they face the rear of the site. Board members agreed with his suggestion.

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

Engineering Department comments have been filed with the Planning Department.

**Villas at Brierwood – Requesting Planning Board approval of an amended landscaping plan**

Kevin Curry from David Homes, representing the applicant, stated that the applicant has attempted to take the input received from the Villas at Brierwood Homeowners' Association (HOA) and from the two (2) adjoining residents on Pleasant Avenue. He stated that a landscaping plan was approved in 2007 in conjunction with the development, and the applicant has made some amendments to that plan based on direction from these three (3) parties.

Mr. Curry stated that the applicant has developed a revised interior tree planting plan with species and locations as determined by the HOA Board. He noted that over the years, the applicant has planted a number of trees in addition to what was required.

Mr. Curry showed Board members a landscaping plan for the perimeter of the development along the property lines of Mr. Davis and Mr. Reed. He stated that at the request of Mr. Davis, the berm has been shortened up a little bit along his property line because he plans to farm his

property and wants the shade reduced. Mr. Curry stated that fruit trees are proposed on the top of the berm instead of evergreen trees, per Mr. Davis's request.

Mr. Curry stated that the applicant proposes to install the same berm and tree species along Mr. Reed's property line as what was presented to Mr. Reed in 2007. Mr. Reilly noted that the specifics of the plan for the berm were not presented to the Planning Board at that time, but apparently it was shown to Mr. Reed by the applicant. He stated that the original landscaping plan indicated a planted area in this location to be worked out with Mr. Reed.

Chairman O'Connell explained to Mr. Curry what the Planning Board and the Planning Department are looking for relative to the berm behind Mr. Reed's and Mr. Davis's property as follows:

- A five (5) foot high berm
- 6-7 feet tall trees on top of the berm
- Two (2) rows of trees (staggered) placed 15' on center
- A plan showing the above at a scale of 1"=20'

Chairman O'Connell stated that the berm and plantings must be completely installed before the Building Department will issue any further building permits for this area of the development.

Mrs. Reed stated that David Stapleton told her when the project was first begun that the berm and plantings would be installed at that time so that there would be four to five years of growth before any development came close to their property.

Mr. Curry stated that there is no record of Mr. Stapleton making that statement to Mrs. Reed.

Mr. Curry stated that the applicant believes that the best thing to do is install a moderate berm with 5-6' pines. He noted that this was the advice the applicant received from his grower.

Mr. Curry stated that the applicant is trying to accommodate the HOA, Mr. Reed and Mr. Davis, and he acknowledged that there is a discrepancy between what the Reeds and the applicant believed was the timeframe for the construction of the berm and the planting of the trees.

Mr. Reilly stated that this issue is before the Planning Board because the applicant has asked that the originally approved landscaping plan be amended. He noted that, because the amount of landscaping in the interior of the development is being reduced, the Planning Board is requiring that additional landscaping be placed on the perimeter of the development to satisfy the adjoining property owners.

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

Engineering Department comments have been filed with the Planning Department.

**Waterford Pines LLC – Requesting Preliminary Approval of the previously approved Waterford Pines Cluster Subdivision Phase II (vacant land as an extension of Waterford Lane)**

Attorney Sean Hopkins, representing the applicant, stated that the applicant is seeking re-approval of Phase II of the Waterford Pines Subdivision. He stated that on September 19, 2016

he and Mr. Curry met with Mrs. desJardins, Mr. Lardo and Mr. Allen to discuss the setbacks in Phase II, and it was agreed that the applicant would make an effort to maximize the number of lots that would have a front yard setback of 25 feet. He noted that with the exception of the lots on the cul-de-sacs (lots # 54 – 47 and # 16 – 23) and the two (2) irregularly shaped lots (lots # 46 and 55), the Phase II Preliminary Plat shows front yard setbacks of 25 feet.

Attorney Hopkins stated that the current plan for the Phase II setbacks is dated September 30, 2016 and prepared by Mike Metzger of Metzger Civil Engineering.

Mr. Clark made the following motion regarding SEQR, seconded by Mr. Geraci:

“The original SEQR Negative Declaration for the Waterford Pines Subdivision, Phase II is still valid, and there is no reason to reopen SEQR.” Carried.

Mr. Clark made the following motion, seconded by Mr. Geraci:

“The Planning Board grants Conditional Preliminary Plat Approval for the Waterford Pines Subdivision, Phase II with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated October 5, 2016.

Carried.

Engineering Department comments have been filed with the Planning Department.

## **OTHER BUSINESS**

Mr. Clark made a motion, seconded by Mr. Geraci, to approve the minutes of September 21, 2016. As there were four (4) ayes and one (1) abstention, (Chairman O’Connell), the motion carried.

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

Respectfully submitted,

Doug Schawel, Secretary

Planning Board

Date: October 9, 2016