

Town of Hamburg
Planning Board Meeting
November 16, 2011
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting on Wednesday, November 16, 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, Karen Rogers and Sasha Yerkovich.

Others in attendance included Andrew Reilly, Sarah desJardins, Richard Lardo, Jerry Giglio and Councilman Collins.

Public Hearing – Mast Two Lot Subdivision

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 a two-lot subdivision known as the Mast Two-Lot Subdivision to be located at 3469 Alsace Place on November 16, 2011 in Room 7B of Hamburg Town Hall at 7:00 P.M.

Mr. Timothy Domanski, realtor, stated that the applicant proposes to divide her lot into two so that she can sell her existing home and a vacant lot separately. He further stated that both lots comply with the Town's zoning code.

Chairman Reszka declared the public hearing open. No one spoke.

Chairman Reszka declared the public hearing closed.

Mr. McCabe made a motion, seconded by Mr. Koenig, to issue a Negative Declaration regarding this proposed subdivision. Carried.

Mr. McCabe made a motion, seconded by Mr. Bellissimo, to grant Preliminary Plat Approval to this two-lot subdivision with the following conditions:

1. The installation of sidewalks is waived.
2. Approval is contingent upon the Engineering Department comment letter dated 11-16-11.
3. The filing of a Map Cover is waived.

Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing – M/ILE Sports

Mr. McCabe read the following public hearing notice:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a proposal by M/ILE Sports. The applicant proposes to utilize a portion of the building located at 3100 Lakeshore Road for a sports and entertainment complex. The public hearing will be held on November 16, 2011 at 7:00 P.M. in Room 7B of Hamburg Town Hall.”

Mr. Michael Damico, President of M/ILE Sports, appeared on behalf of the proposed project, along with his wife, Phyllis and Michael Williams, architect.

Mr. Reilly stated that the property is zoned industrial and the applicant received a use variance from the Zoning Board of Appeals in August 2011. He further stated that no additional variances are required. He noted that once the project receives Site Plan Approval from the Planning Board, the plans would have to be approved by the Engineering Department and then Building Permits would have to be secured from the Building Inspection Department and a Certificate of Occupancy would be granted.

In response to a question from Mr. Bellissimo, Mr. Damico stated that he hopes to be up and running by January 2012.

Mr. Damico stated that a member of the Building Inspection Department visited the site that day and informed him (Mr. Damico) that he is not to touch anything until he receives approval from the Planning Board. He further stated that he looked on the Town's website and learned that no permits are necessary for doing carpeting and/or paint work inside the building. He stated that he is trying to set the inside of the building up so that people can see what it will look like when it gets up and running.

Mr. Damico stated that the parking lot will be striped and the new roadway for the Pods trucks will be installed as soon he gets permission to do so.

Mr. Reilly stated that the applicant is not allowed to pave the parking lot or install the new roadway until approvals are granted.

Mr. Reilly stated that issues that have to do with the inside of the building must be dealt with in the Building Inspection Department. He further stated that the Planning Board deals with what will happen outside the building regarding public health and safety, especially because there would be two (2) different uses in the same building.

Mr. Lardo stated that the Engineering Department does not have any concerns regarding this proposal and the way it is presented.

Chairman Reszka stated that the Traffic Safety Advisory Board (TSAB) discussed this project at its most recent meeting and had some concerns. He noted that Jerry Giglio, Coordinator of the TSAB, was present to discuss these concerns with the Planning Board and the applicant.

Mr. Giglio stated that the TSAB has many concerns about the traffic movements in the parking lot, none of which is insurmountable. He outlined the concerns and recommendations as follows:

1. It is incumbent upon the applicant to get permission from the New York State Department of Transportation (NYSDOT) to have a left turn arrow for northbound traffic on Route 5 entering the site. No one will be able to make a left turn into the site from the south without breaking the law because of the high volume of traffic in the area.

In response to a question from Mr. Damico, Mr. Giglio stated that he believes that there was a green phase left turn arrow in this location when previous businesses occupied the building. He further stated that he would be willing to write a letter to the NYSDOT to ask that department to investigate the reactivation of the left turn arrow for northbound traffic. He noted that the NYSDOT owns the signal and is quite stringent when it comes to reactivating a signal because of the cost of doing so.

2. "No Parking Any Time" signs should be installed along the entire length of the sidewalk associated with Phase One to ensure that pedestrians do not have problems crossing to the parking area.
3. The applicant should maintain the 30-foot width of the roadway along the building as much as possible.
4. The width of the new driveway to be used by the Pods trucks should be increased to thirty feet.
5. The turning radius of the new driveway to be used by the Pods trucks should be increased to accommodate trucks/buses exiting and entering the driveway.

It was determined that the driveway running along the length of the building will be one-way only.

Mr. Koenig noted that the site plan does not include any accommodation for school buses and asked Mr. Damico where buses would park. Mr. Damico responded that the only time he can foresee buses coming to the site would be after school.

Mr. Koenig stated that if buses are bringing school children to the facility and plan to stay until the children are ready to leave, he would think there should be a place for them to park. Mr. Damico responded that he can provide space for buses to park and turn around but does not think that at the time children would be utilizing this facility there would be any problem with the buses finding a place to park.

Mr. Bellissimo asked Mr. Damico what age group would be utilizing this facility in Phase One. Mr. Damico responded that it would be used by adults, as well as children after school. He noted that buses would be bringing children to the facility between the hours of 3:00 and 6:00 P.M..

Chairman Reszka asked Mr. Damico how, given the fact that industrial activities will be going on in the building, he will ensure that no one goes outside around the building and wanders the site. Mr. Damico stated that there is a closed locked gate so that no one can enter the rear of the site.

Mr. Bellissimo stated that a grid system of angle iron exists on the façade of the building to the right of the main entrance. He asked Mr. Damico if that will be removed, noting that he believes that this should be raised to a height where it will not be a safety factor. Mr. Damico agreed to raise it to a height to seven (7) feet.

Mr. Bellissimo stated that an open ground gutter (trench) exists along the entire front of the building. He stated that a safety problem could exist with this trench if people fall into it, especially at night. Mr. Damico stated that he will make sure that the trench is grated.

Mr. Reilly stated that it is very important that Mr. Damico understand all of the building code issues that will arise with this project. He strongly advised Mr. Damico to meet with the Building Inspector regarding these issues.

Mr. Damico stated that a designated area has been set aside for a pick-up area where parents will have to wait for their children. He further stated that children will have to be supervised when in this pick-up area waiting for their parents. He noted that parents will not be allowed to wander into the building.

In response to a question from Mr. Damico, Mr. Giglio stated that if a left turn arrow exists on the signal at this site and the loop work is already under the road, the system would just have to be energized by NYSDOT. He further stated that he does not know for certain, but he believes that this would not take very long.

Mrs. Rogers asked Mr. Damico if he feels there is a necessity for additional lighting, noting that wall packs are proposed on the building. Mr. Williams stated that there is lighting on existing electric towers on the property. Mrs. Rogers stated that she is talking about the area in front of the building where people would be walking to and from the parking lot. Mr. Damico stated that there is a motion detector light between the main building and the small building in front.

Board members agreed that the lighting should be regular lighting, instead of motion-detector activated.

Mr. Giglio stated that he would place a call to NYSDOT on November 17, 2011 to find out the details of the existing signal in front of the site.

Mr. Damico stated that someone visited the site recently and informed him that there may be protected fish in the creek in the front of the site. Mr. Reilly stated that Mr. Damico should contact the New York State Department of Environmental Conservation, as there are protected fish in the Town of Hamburg.

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

- Carole Gillette asked if enough parking spaces are provided on the site plan and asked how the required number of spaces is determined for a business such as this one. Mr. Reilly responded that 145 parking spaces are provided for Phase One and he believes that this number should be adequate.
- Gary Klumpp stated that he heard that a maritime museum was going in to this building. He further stated that this sports complex would facilitate the needs of the many and asked the Board to help this applicant instead of hindering his efforts. He stated that if the Town lets the applicant do Phase One, he will prove that this business is not only feasible but also a great use for all ages.

Chairman Reszka informed Mr. Klumpp that the Planning Board is not trying to hinder the applicant, but rather it is charged with making sure the use is in conformance with the Town Code and that it is not detrimental to the public health and safety.

Mrs. Yerkovich stated that the Planning Board is attempting to work with the applicant to ensure that he does not do anything that would be against the law or that would violate public health and safety.

In response to a question from Mrs. Yerkovich, Mr. Damico stated that the Town of Hamburg has been very helpful so far with this project.

Mr. Reilly stated that the biggest issues Mr. Damico needs to address have to do with New York State building codes. He further stated that he was concerned that the applicant was planning to open the business the weekend of November 19th, which is not possible because a Certificate of Occupancy has not been issued for the building by the Building Inspection

Department. He noted that he has seen flyers indicating that games were to be played at the facility on November 19th.

Mr. Damico stated that he scheduled an Open House for November 19th because he wanted to show prospective users the facility.

Chairman Reszka declared the public hearing closed.

Chairman Reszka stated that he believes that the new roadway for the Pods truck should be constructed before any activities go on inside the building. Mr. Damico responded that the materials to build the road are at the site already but he has been informed that he cannot build the roadway until he receives Planning Board approval of the project.

Mrs. desJardins stated that no new correspondence has been received by the Planning Department regarding this proposal, other than the Engineering Department comment letter and the TSAB minutes.

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

In response to a question from Mr. Damico, Chairman Reszka stated that tabling the project will give him (Mr. Damico) the opportunity to address the issues raised at this meeting.

Mrs. Yerkovich stated that the Planning Board cannot approve a project if it does not know that the applicant can accomplish the work involved.

Mr. Damico stated that he is "caught in a loop" in that he cannot get permits to do any work at the site because he does not have Planning Board approval. He stated that he has been involved in this project since April 2011 and he is quickly coming to a point where the project will be dead because if he does not get the project up and running by January 2012 it will be too late for the season.

Mr. Damico stated that earlier that day two people came to see the facility and were told to leave the premises by the Town Building Inspector. He further stated that he came to the Planning Board to get permission to begin work on the project.

Mr. Reilly informed Mr. Damico that even if the Planning Board were to approve the project at this meeting, he (Mr. Damico) would not be able to start any work until the Engineering Department signs off on the project and he receives a Building Permit from the Building Inspection Department.

Mr. Bellissimo stated that the left turn signal on Route 5 into this site is paramount to the approval of this project and correspondence must be received from the NYSDOT or Mr. Giglio that it will be installed. He further stated that, although Mr. Damico's time table for this project began in April, he (Mr. Damico) did not request a variance from the ZBA until August and the Planning Board saw this project for the first time on November 2, 2011.

Mrs. Yerkovich stated that Mr. Damico may have been working on this project in his own personal life for a certain amount of time but the Planning Board is acting upon the request now because the paperwork requesting Site Plan Approval just came to the Board in early November.

Mr. Reilly stated that the applicant is far from getting approval from the Building Inspection Department because there are several building code issues to be resolved with that

department. He further stated that there are also several public health and safety issues to be resolved with the Planning Board.

Chairman Reszka stated that the following issues must be addressed by the applicant:

- New drawings must be submitted addressing all of the TSAB concerns outlined in that Board's minutes from November 10, 2011.
- Correspondence must be received from the NYSDOT regarding the left turn arrow on Route 5.
- The revised drawing must address the lighting concerns outlined by the Planning Board

Chairman Reszka stated that the Planning Board cannot approve a Site Plan unless changes discussed are included on that Site Plan. He further stated that this policy is standard procedure for the Planning Board.

Chairman Reszka stated that the Planning Board is not trying to stand in the way of Mr. Damico's time table, but rather it cannot meet Mr. Damico's time table because he started the Planning Board approval process late in that time frame.

Mr. Bellissimo's motion carried.

Engineering Department comments have been filed with the Planning Department.

Long's Floor Care

Frank Wailand appeared on behalf of the proposed project, stating that a site plan has been prepared with revisions as requested by the Planning Board at its previous meeting, as well as revisions based on input received from the Engineering Department and the NYSDOT.

Mr. Reilly stated that the areas of woods that the applicant plans to keep in their natural state should be clearly demarcated on the site plan, as well as in the field when construction begins on the site.

Mr. Wailand stated that the proposed driveway is 14 feet wide and the applicant proposes to clear eight (8) feet of trees on either side for the drainage swales and detention area.

Mr. Giglio stated that the only concern of the TSAB is that if the business expands and larger trucks are needed for deliveries, etc., the driveway should be widened to handle the larger trucks.

In response to a question from Mr. Bellissimo, Dennis Long (applicant) stated that a dumpster is not proposed at this time. Mr. Reilly stated that if in the future the applicant decides that a dumpster is required, it must be properly screened and placed on a concrete pad.

Mrs. Yerkovich made a motion, seconded by Mr. Bellissimo, to schedule a public hearing for this project to be held on December 7, 2011. Carried.

Engineering Department comments have been filed with the Planning Department.

Bayview Road/Route 5 Business Park Pre-Permitted Site Designation Request

Mr. Reilly stated that this business park was the subject of a Generic Environmental Impact Statement (GEIS) several years ago and, as part of the Pre-Permitted Site designation review process, a Supplemental GEIS (SGEIS) will be prepared to address site plan issues that the Planning Board feels will be important when users materialize who wish to build in the business park. He further stated that the Planning Board is not being excluded from the Site Plan Approval process, but rather is being added at the beginning of the process in order to make it possible for a user to be able to build in the business park without spending valuable time going through an approval process.

Mr. Reilly stated that at its previous meeting the Planning Board determined that this project meets the general requirements of the Pre-Permitted Site Incentive law. He further stated that subsequently the Town Board determined that this project can move forward with the Pre-Permitted Site request.

Mr. Reilly stated that at this point in the review process, the SGEIS must be prepared. He noted that the Planning Board must determine what information should be contained in the SGEIS. He distributed a memo to Board members outlining what he believes should go in to the document and asked the members to determine if they agree with his memo and whether they feel any additional information should be contained in the document.

Mr. Reilly stated that the SGEIS will contain a section that gives the Planning Board enough information to give Site Plan Direction (a checklist would be created and if a potential project for this Pre-Permitted Site meets all of the criteria on the list, it would not be required to be reviewed by the Planning Board).

Chairman Reszka asked if a project can go forward without Planning Board review if, for example, it meets all but one (1) of the criteria in the checklist. Mr. Reilly responded that in that situation the project would have to be reviewed by the Planning Board.

Mrs. desJardins asked what would happen if the checklist is created and the site receives Pre-Permitted Site designation, but then a project is proposed that brings up issues that were not considered when the checklist was created. Mr. Reilly responded that the checklist cannot be revised, noting that most of the issues to be resolved with a proposed project are related to engineering and the Engineering Department will always be involved in every project that is proposed.

Mr. Reilly stated that the SGEIS will target the issues that are important to this site and the Pre-Permitted Site process. He reviewed with Board members what issues should be addressed in the SGEIS as follows:

- Traffic (access to Route 5)
- Wetlands
- Climate and air quality
- Land use and zoning
- Socio-economic factors
- Public facilities (water and sewer quality and quantity)

- Storm water
- Input from the fire department
- Alternative layouts and related issues
- Mitigations and thresholds
- Energy
- Coastal Zone consistency
- Air and noise
- Lighting, landscaping, location of driveways
- Route 5 Overlay issues
- Mercy Flight flight path concerns
- Signage standards
- Telecommunications

In response to a question from a member of the public, Mr. Reilly stated that the Planning Board could limit the height of buildings, if it so desires.

Mr. Reilly asked Board members to review the memos he prepared regarding the content of the SGEIS and contact the Planning Department with any comments or concerns.

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

OTHER BUSINESS

Mr. Reilly stated that when the Planning Board re-approved the Woods at Versailles Subdivision, Part 4 in September 2011, one of the conditions of approval was that the applicant was required to provide to the Board a letter outlining the mitigation plan as described at the September 7, 2011 Planning Board meeting. He further stated that the applicant has submitted that letter and the Planning Department and Engineering Department would like the Board to determine if the letter meets the intent of the condition of approval.

Mrs. Yerkovich stated that the letter is satisfactory to her.

Leanne Voit from Greenman-Pederson, representing the applicant, agreed to revise two (2) small areas of the letter as follows:

1. Paragraph 3, line 2: The words "property lines" will replace the word "homes".
2. Paragraph 2, line 5: The words "wetland mitigation" will be inserted before the words "clearing area".

Board members agreed that the letter is sufficient with the above revisions.

Mr. Bellissimo made a motion, seconded by Mr. Koenig, to approve the minutes of November 2, 2011. As there were five (5) ayes and one (1) abstention (Mrs. Rogers), the motion carried.

Mr. Bellissimo made a motion, seconded by Mr. McCabe, to adjourn the meeting. The meeting was adjourned at 8:45 P.M.

Hamburg Planning Board meeting November 16, 2011

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board