

Town of Hamburg
Planning Board Meeting
December 17, 2014
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M., on Wednesday, December 17, 2014 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, David Bellissimo, Stephen McCabe, Augie Geraci, Doug Schawel, Peter Reszka and William Clark.

Others in attendance included Planning Board Attorney Ryan McCann and Town Planners Andrew Reilly and Sarah desJardins.

REGULAR MEETING

Big Tree Firemen's Company – Big Tree Road @ Bristol Road

Mrs. desJardins stated that as requested, the applicant resubmitted the Overall Site Plan and the Enlarged Site Plan showing all of the ponds that are proposed in conjunction with this construction, as well as the proposed conservation area in the eastern portion of the site. She further stated that the wetland delineation of the property was also submitted for the Board's review.

Mr. Stan Fiegel from the Big Tree Fire Department stated that he has been the Chairman of this capital project. He gave Board members an overview of how the idea of building this new fire hall came about. He noted that the new facility will be better centered in the Fire Department's area of protection.

Mark Dean, architect, stated that a significant amount of wetlands exist on this property, but he has been able to position the building and parking areas to minimize the disturbance of those wetlands to under 1/10 of one acre. He noted that a variance will be required for the parking that is proposed along Big Tree Road and Bristol Road. He stated that they met with approximately 12 nearby residents in October, and the areas of concern that were expressed had to do with lighting, landscaping and traffic. He noted that after the residents learned the Fire Company's plans regarding these concerns, they overwhelmingly approved of the project.

Mr. Dean stated that the parking areas for the firemen and the public have been separated, as have the drive entrances for the firemen and the public.

In response to a question from Mr. Reilly, Mr. Fiegel stated that only internal fire company training and activities will take place in the new building.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to schedule a public hearing on this project to be held on January 7, 2015. Carried.

Engineering Department comments have been filed with the Planning Department.

The Woods at Bayview (South Park Avenue)

Larry Best, Jr. and Larry Best, applicants, appeared on behalf of the proposed project. They showed the Board a revised Site Plan based upon input received at the Board's previous meeting.

Mr. Bellissimo made the following motion, seconded by Mr. Reszka, regarding a SEQR determination:

"Whereas, the Town of Hamburg received a request from Shaw & Shaw Properties, LLC to rezone vacant property located on vacant land north of 4819 South Park Avenue from C-1 (Local Retail District) to NC (Neighborhood Commercial General Residence District) for the development of an apartment complex; and

Whereas, the Hamburg Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) conducted a coordinated review and, as Lead Agency, determined that the proposed rezoning and proposed project would not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and issued a Negative Declaration; and

Whereas, the project received its rezoning from the Town Board and has now proceeded to Site Plan approval and an application has been made to the Town; and

Whereas, the project has appeared before the Planning Board over the last nine (9) months, and a public hearing was held; and

Whereas, through this review process, the project has been amended several times to address questions and concerns raised by the Planning Board, the public and other agencies; and

Whereas, the site plan is different from the Plan presented during the rezoning process, which received a Negative Declaration from the Town Board; and

Whereas, the Planning Board has reviewed the amended project against the SEQR Negative Declaration issued previously and found that the amended project represents fewer environmental impacts than the plan evaluated under the rezoning, fewer units, better buffering to the adjacent residential area, and a traffic plan acceptable to the NYSDOT and the existing residents in the area.

Now, Therefore, Be It Resolved that the Town of Hamburg Planning Board hereby determines that the proposed amended site plan is not anticipated to result in any additional adverse environmental impacts than evaluated in the previous Negative Declaration, and therefore determines that it requires no additional SEQR determination."

Carried.

Mr. Bellissimo made the following motion, seconded by Mr. Reszka, regarding Site Plan Approval:

"Whereas, the Town of Hamburg Planning Board received a request from Larry Best for Site Plan Approval to construct a 45-unit apartment complex on vacant land located on the west side of South Park Avenue, north of Bayview Road; and

Whereas, the required public hearing was held on November 5, 2014, at which time input was received from nearby residents; and

Whereas, the Town of Hamburg Planning Board has determined that no additional SEQR

determination is required.

Therefore, Be It Resolved that the Hamburg Planning Board hereby issues Site Plan Approval for the Larry Best apartment project with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated December 17, 2014. No clearing or building permits shall be issued until complete design plans are approved by the Engineering Department.
2. Approval is contingent upon the applicant obtaining an area variance for a side yard setback from the Zoning Board of Appeals.
3. A landscaping plan (in accordance with the South Park Overlay district and meeting the screening/buffering requirements along the adjoining residential areas) will be submitted to the Planning Department for review and approval.
4. The conservation/buffer area shall be marked in the field and approved by the Town prior to any clearing and construction. This area will be specifically inspected after construction, and any disturbances will need to be mitigated per the Planning Board's direction and Town law.
5. The installation of sidewalks is hereby waived."

On the question, Mr. Reszka asked if a recreation fee will be required. Mr. Reilly responded that it will be required, as no recreation land in lieu of the fee has been discussed.

Carried.

Engineering Department comments have been filed with the Planning Department.

For the record, Chairman O'Connell stated that once Planning Board approval is granted, the applicant and his engineer must satisfy the Engineering Department issues that are outstanding regarding the Site Plan and the project. Once these concerns are satisfied, the Engineering Department will sign off on the plans, and a Building Permit can be obtained.

Sharma Development – Pleasant Avenue

Attorney Sean Hopkins, representing the applicant, stated that in January 2014 the applicant began the preliminary engineering of Phase I of this project, and he is now ready to move forward with the review process of Phase I. He noted that the Phase I building would be approximately 25,000 sq.ft.

Attorney Hopkins asked the Board to consider scheduling a public hearing on the Phase I Site Plan application, as well as issuing a SEQR Negative Determination for the overall project at its next meeting. He stated that he believes that the applicant has addressed the wide assortment of potential environmental impacts that need to be considered. He further stated that the applicant has coordinated with the New York State Department of Transportation, Erie County Department of Public Works, the New York State Department of Environmental Conservation, the U.S. Army Corps of Engineers, etc., and that documentation has previously been submitted to the Board for its review.

Board members determined that another public hearing will not be necessary.

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 – McKinley Parkway and Route 391

Attorney Sean Hopkins, representing the applicant, stated that the applicant has been trying to explore different alternatives for this project, with particular focus on the access to the development. He stated that the current layout does not include the previously proposed curb cuts on McKinley Parkway and Newton Road and instead shows the sole entrance to the development located on Route 391 with a gated emergency-only access on McKinley Parkway.

Attorney Hopkins stated that the nearby residents were shown the new proposed layout, and the residents still had concerns about density, traffic and drainage. He noted that as a result of the meeting with the nearby residents, the applicant has removed the frontage lots on Newton Road, and a 65-foot wide permanent open space buffer to remain zoned R-A is proposed along Newton Road.

Attorney Hopkins noted that he has advised Mr. and Mrs. Johnson, who reside on Route 391 and who have substantial existing flooding and drainage problems, that the applicant's engineer, Chris Wood, has agreed to meet with them and take a look at their problem. He further stated that this project would have to be designed so that it complies with the NYSDEC's stringent storm water quantity and quality standards, which means that the applicant would have to retain the runoff from the impervious surfaces in a 100-year storm.

In response to a question from Chairman O'Connell, Attorney Hopkins stated that the total number of proposed units is now 45, and the amount of provided green space is over 50%.

Attorney Hopkins stated that if this project were developed under the R-A zoning, between 14 and 15 homes could be built, and this would carve up the entire frontage on McKinley Parkway and Newton Road, as well as provide many driveways onto these roads. He further stated that if this property were rezoned to R-1, the minimum lot size is 15,000 sq.ft., which could result in up to 75 lots being developed.

Attorney Hopkins stated that clustering, by its very definition, results in smaller lots, but the trade-off is the permanent green space.

Attorney Hopkins asked the Board to consider recommending that the Town Board begin the SEQR process, perhaps at its next meeting.

Chairman O'Connell stated that he appreciates the applicant removing the frontage lots from Newton Road, but he still is concerned about the small lot sizes and he does not believe that one (1) access is adequate for 45 lots.

Board members discussed the drainage and flooding problems the Johnson family is dealing with.

Mr. Bellissimo stated that the Johnsons had flooding problems previously, and they have flooding problems now. Mrs. desJardins added that this vacant property sheet drains now, and if it is developed according to the NYSDEC storm water regulations, there is a chance that the Johnson's flooding problems could be improved.

Attorney Hopkins stated that he cannot guarantee that the applicant can address the existing problems in the system, but he will try.

In response to a question from Mrs. desJardins, Attorney Hopkins stated that the development of this property cannot by law make the Johnson's flooding problems worse.

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

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to approve the minutes of December 3, 2014. Carried.

Mr. Schawel made a motion, seconded by Mr. Reszka, to adjourn the meeting. The meeting was adjourned at 7:55 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board

Date: January 5, 2015