

Town of Hamburg
Planning Board Meeting
December 21, 2011
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting on Wednesday, December 21, 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, Attorney Cheryl McFadden-Zak and Jerry Giglio.

Public Hearing – Yoviene Subdivision (Taylor Road)

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 49-lot subdivision known as the Yoviene Subdivision to be located on the south side of Taylor Road on December 21, 2011 in Room 7 B of Hamburg Town Hall at 7:00 P.M.”

Mr. Reilly stated that the Planning Board gave the applicant sketch plan direction previously and that a Preliminary Plat has been submitted for the Board’s review. He further stated that correspondence has been received from Erie County Department of Environment & Planning, as well as New York State Department of Environmental Conservation.

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that a 49-lot subdivision is proposed. He further stated that all of the proposed lots are approximately ½ acre in size and the subdivision includes public roads, water, sewer and utilities. He noted that because this is a cluster subdivision, the applicant is able to provide green space, screening and buffers. He further stated that a large state wetland exists on the property, the required 100-foot buffer will be provided and the goal will be to not disturb the wetland in any way.

In response to a question from Mr. McCabe, Mr. Reilly stated that the applicant will appear before the Town Board to discuss whether the open space on the property will be dedicated to the Town for recreation purposes. He noted that if the Town Board decides that the open space is not suitable for recreation and does not want to take ownership of it, the applicant will be required to pay a fee (\$1,000 per lot) in lieu of recreation land.

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

- Dan Beaumont, 6644 Taylor Road, asked why someone filled in the ponds on this property five or six years ago. He asked what the difference is between a pond and a wetland area.
- Dan Schunk stated that the rear part of this property was once used as a dump.
- Kevin Tone, 6594 Taylor Road, asked if the new owners of the homes in this subdivision will be advised that part of this property was used as a dump for fifty years. He further stated that he is concerned about the increase in traffic generated by this new subdivision and about the loss of open space in the area.

In response to a question from Attorney McFadden-Zak, Mr. Schunk stated that municipal waste (garbage, cars, kitchen appliances, etc.) was dumped on the property years ago.

- Dave Radwin, 6594 Taylor Road, asked how the public would access the recreation land, noting that no public access is shown on the Preliminary Plat.

Chairman Reszka declared the public hearing closed.

Mr. Reilly stated that the applicant must address the issues raised at the public hearing, including identifying the area where the dump was on the Preliminary Plat.

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

Engineering Department comments have been filed with the Planning Department.

Public Hearing – South Shore Auto & Detail (Camp Road)

Mr. McCabe read the following public hearing notices:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by South Shore Auto & Detail to reuse an existing structure located at 5143 Camp Road. Because the applicant proposes to operate an automobile sales and detailing business at the above address, a Special Use Permit is required. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on December 21, 2011 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by South Shore Auto & Detail to reuse an existing structure located at 5143 Camp Road. The applicant proposes to operate an automobile sales and detailing business at the above address. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on December 21, 2011 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Chairman Reszka stated that the two (2) public hearings would be held simultaneously.

Mr. Reilly stated that in order to operate a vehicle repair or sales business in Hamburg, the property must be located in the C-2 zone, which this property is, and a Special Use Permit is required in addition to Site Plan Approval, which is why the Board must hold an extra public hearing.

In response to a question from Mr. Koenig regarding the existence of a residential use on the second floor of this building, which is considered an existing non-conforming use, Mr. Reilly stated that the Supervising Building Inspector will have to determine if the non-conforming use will be allowed to continue if the applicant goes ahead with this project.

In response to a question from Mr. Koenig, Mr. Frank Wailand, representing the applicant, stated that the existing pole sign will be utilized by the applicant.

In response to a question from Mr. Bellissimo, Mr. Wailand stated that the residents in the apartment on the second floor park on the east side of the building.

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

Chairman Reszka declared the public hearing closed.

Board members agreed that, because the applicant proposes to lease the building and therefore does not have control over the residential use on the second floor, the request would be tabled so that the owner of the property can be advised of the possibility that the residential use may not be allowed to continue. It was determined that the Supervising Building Inspector will be contacted for his decision regarding the existing non-conforming use.

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

Engineering Department comments have been filed with the Planning Department.

Bayview Road/Route 5 Business Park Pre-Permitted Site Incentive Concept Application

Mr. Reilly distributed the first preliminary draft of the Draft Generic Environmental Impact Statement (DGEIS) for Board members to review. He noted that the document will be discussed at the Board's January 4, 2012 meeting.

Mr. Reilly stated that the Town typically does not release draft Environmental Impact Statements to the public at this stage because the Board members must determine if the document is ready for public review. However, if a member of the public submits a Freedom of Information request, he or she can obtain a copy of the document.

Mr. Bellissimo made a motion, seconded by Mrs. Yerkovich, to adjourn the meeting. The meeting was adjourned at 7:40 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board