

Town of Hamburg
Planning Board Work Session
December 7, 2011
Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, December 7, 2011 at 7:00 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Karen Rogers, Gerard Koenig, Stephen McCabe, David Bellissimo and Sasha Yerkovich.

Others in attendance included Councilman Joe Collins, Andrew Reilly and Attorney Cheryl McFadden Zak.

Chairman Reszka reminded everyone that December 7, 2011 is the 70th anniversary of the bombing of Pearl Harbor.

Public Hearing – Long's Floor Care (vacant land, Southwestern Boulevard)

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 Long's Floor Care. The applicant proposes to construct a 2,400 square foot building on vacant land on the south side of Southwestern Boulevard, just east of Heltz Road. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on December 7, 2011 at 7:00 p.m. in Room 7B of Hamburg Town Hall.”

Mr. Reilly stated that the property is zoned correctly and the project meets all of the requirements of the Zoning Code. He further stated that the property is located in the Southwestern Boulevard Overlay District and noted that if the Board approves the project, it would waive the requirement of a landscaping plan prepared by a Registered Landscape Architect because the property is very wooded and the applicant proposes to preserve a lot of trees on the site.

In response to a question from Chairman Reszka, Mr. Reilly stated that in the Southwestern Boulevard Overlay District, parking in front of a building is allowed as long as it is more than fifty feet from the right-of-way.

Mr. Reilly stated that the applicant has reduced the width of the proposed driveway in order to reduce the impact to the existing trees on the property.

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

- Frank Wailand, agent for the applicant, stated that the only change that has been made to the site plan since the Board's previous meeting is that on the recommendation of the Engineering Department, the pitch of the swale has been revised to 1:4, which will result in a slightly greater number of trees cleared on either side of the new driveway.

Chairman Reszka declared the public hearing closed.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to grant Conditional Site Plan Approval for this project with the following conditions:

1. This is a Type II Action under SEQRA.
2. Approval is contingent upon the Engineering Department comment letter dated December 7, 2011.
3. The areas of trees to be preserved will be delineated in the field prior to contractors entering the site. If trees are cleared outside of the delineated limits, a remediation plan for replacing the trees will be submitted to and approved by the Planning Board.
4. The requirement of the submittal of a landscaping plan per the Southwestern Boulevard Overlay is waived because the property is heavily wooded.

Carried.

Engineering Department comments have been filed with the Planning Department.

M/ILE Sports (3100 Lake Shore Road)

Mr. Reilly stated that based upon the staff meeting held earlier in the day, it has been determined that the applicant has addressed all of the issues he was asked to address at the Board's last meeting.

Jerry Giglio, Chairman of the Traffic Safety Advisory Board, stated that he contacted the New York State Department of Transportation (NYSDOT) Traffic Safety Division regarding the possibility of installing a left turn arrow on Route 5 for north-bound vehicles turning left into the site. He stated that he was informed that the NYSDOT will not consider installing a left turn arrow until additional information is received and further noted that he was advised that once the sports complex is up and running, the Town of Hamburg should request in writing that the left turn arrow be installed. He stated that at that time the NYSDOT will send out an investigative team to conduct a study to determine if the left turn arrow is warranted.

Mr. Giglio stated that he would need information from the applicant regarding the number of people the applicant anticipates will use the facility in order to request that the NYSDOT consider the left turn arrow. He noted that he was not told how long the NYSDOT investigation would take.

Mr. Reilly stated that as soon as the applicant receives a Certificate of Occupancy, a letter would be sent to the NYSDOT by the Town Supervisor or a Town Councilman requesting an investigation.

Mr. Michael Damico, applicant, stated that there will be a painted crosswalk from the handicapped parking to the front door, which is not indicated on the submitted site plan.

A member of the audience, Mr. Jerry Severino, stated that he is the head coach of the Hamburg boys' lacrosse program. He stated that he wanted the Planning Board to be aware of the importance of this sports facility to his program and to the community, noting that there are more than 200 families that plan to send their children to this facility for off-season training, winter training and practices and who look forward to driving the children to a facility that is much closer to their homes than the facility they have previously used.

Mrs. Yerkovich made a motion, seconded by Mr. Bellissimo, to issue a Negative Declaration for a use variance and Site Plan Approval for this project. Carried.

Mrs. Yerkovich made a motion, seconded by Mr. Koenig, to grant Conditional Site Plan Approval for this project with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated December 7, 2011.
2. The installation of sidewalks is waived.
3. Once a Certificate of Occupancy is granted for this project, the applicant shall provide the Planning Department with information regarding the number of people using the facility, as well as any other information necessary for the Town to submit a letter to the NYSDOT requesting that it review the ingress/egress at Route 5 to determine whether a left turn arrow is warranted for traffic heading north on Route 5.
4. In order to ensure the safety of the public, fencing of at least six (6) feet in height shall be installed on the southern part of the site between the buildings to prevent access to the rear of the building.
5. Fencing of at least six (6) feet in height shall be installed on the northern part of the site in the area of the existing traffic gate between the building and the existing fence on the northern boundary to prevent access to the rear of the building.
6. The existing gate located on the north side of the building shall be replaced by a chain link gate six (6) feet in height. The gate shall be kept closed and secured at all times unless in use.

Carried.

Chairman Reszka informed the applicant that his next step is to get his site plans signed by the Town Engineer and then he must submit the building plans to the Building Inspection Department in order to obtain a Site Development Permit for the outside work and a Building Permit for the inside work. He noted that subsequently a Certificate of Occupancy will be issued. He further stated that under no condition can the building be used by anyone, for any reason, until the Certificate of Occupancy is granted.

Engineering Department comments have been filed with the Planning Department.

South Shore Auto & Detail (Camp Road)

Frank Wailand, representing the applicant, stated that his client would like to detail and display used cars for sale on the property. He noted that the existing building would remain in its present state and that there is adequate area for customer parking, as well as display area for the vehicles for sale.

In response to a question from Chairman Reszka, Mr. Wailand stated that the applicant does not plan to repair vehicles on the property.

Chairman Reszka stated that the Supervising Building Inspector, Kurt Allen, has determined that the area in front of the building may be used for display parking because the pavement is existing and therefore it would be considered a continuing use. He further stated that Mr. Allen indicated that there will be enough room in front of the building to accommodate the display vehicles.

Mr. Reilly stated that this property is zoned correctly for used motor vehicle sales with a Special Use Permit.

Mr. Koenig noted that the second floor of the building is used for residential purposes and asked whether this non-conforming status will be allowed to continue if the applicant's business proposal is approved. Mr. Reilly responded that he will speak to Mr. Allen about Mr. Koenig's question and will report to the Planning Board at its next meeting.

Mrs. Yerkovich made a motion, seconded by Mrs. Rogers, to schedule a public hearing for a Special Use Permit for this project to be held on December 21, 2011. Carried.

Mrs. Yerkovich made a motion, seconded by Mrs. Rogers, to schedule a public hearing for Site Plan Approval for this project to be held on December 21, 2011. Carried.

Mr. Wailand stated that the pavement will be striped for parking spaces.

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

Engineering Department comments have been filed with the Planning Department.

Villas at Brompton

Chairman Reszka stated that the applicant has asked that the request be tabled.

Mr. Koenig made a motion, seconded by Mr. McCabe, to table this request. Carried.

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

Mr. Reilly reminded Board members that on November 16, 2011 he handed out to each member a copy of the proposed scope that details what information will be contained in the Draft Generic Environmental Impact Statement (DGEIS). He further stated that he is working on the DGEIS and hopes to have it ready to submit to Board members on December 21, 2011 for their review. He noted that correspondence has been received from the New York State

Department of Environmental Conservation as a result of the SEQR Coordinated Review and the comments were as follows:

- The project site contains potential wetlands
- The project site is an archeologically sensitive area.
- The project site is in a Coastal Management Area.
- There are new storm water management laws that must be adhered to.
- If sewer extension approval is needed, Erie County Health Department approval will be required.

Mr. Reilly asked Board members if they had any concerns or questions about what he handed out to them previously.

Chairman Reszka stated that the Hamburg New York Land Development Corporation has indicated that selective tree clearing will be done on the property in the near future.

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

OTHER BUSINESS

Chairman Reszka stated that it has come to his attention that the July 2012 Work Session date falls on July 4th and asked Board members when they would like to meet instead. It was determined that the decision will be made in the future, after research is done regarding what other evenings Room 7B is available, etc.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to approve the minutes of November 16, 2011. Carried.

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

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board

Date: December 27, 2011