

Town of Hamburg
Planning Board Work Session
February 2, 2011

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, January 5, 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, Brendan Lovullo and Karen Rogers.

Others in attendance included Councilman Collins, Andrew Reilly and Sarah desJardins.

Excused: Sasha Yerkovich

Benderson Development – 4250 McKinley Parkway

Board members and Attorney James Boglioli from Benderson Development discussed a new motion to be put forth to replace the approval motion passed at the Board's January 5, 2001 meeting regarding the Tops expansion, fueling facility and retail space project to be located at 4250 McKinley Parkway.

Lalaine Podkulski, adjacent resident, stated that she and her family would like to walk the area where the fence is going to be located with Benderson officials before it is installed.

Mr. Reilly noted that proof that the property to be deeded to the Podkulskis has been transferred must be submitted to the Town for its records.

Mr. Bellissimo made a motion, seconded by Mr. Koenig, to rescind the Conditional Site Plan approval granted on 1/5/2011 for the Benderson Development project located at 4250 McKinley Parkway in order to provide for clarifications to that approval. Carried.

Mr. McCabe made a motion, seconded by Mr. Lovullo, to issue a SEQR Negative Declaration on the Benderson Development project at 4250 McKinley Parkway based on the SEQR Coordinated Review that was completed and the Planning Board's review of the potential environmental impacts. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Koenig, to grant Conditional Site Plan approval of the Benderson Development project at 4250 McKinley Parkway, which consists of the expansion of the TOPS Supermarket facility, the installation of gas pumps and the construction of 39,775 ft² of other buildings and associated improvements at the site, based on the Plan entitled C-4 ("Proposed Plaza Expansion") and revised on November 17, 2010 per Engineering Department. The following conditions apply to this approval:

1. The applicant must address the Engineering Department letter dated 1/5/2011.
2. All of the landscaping around the perimeter of the site, along with the

- landscaping and fencing provided as a buffer for the adjacent property owner, will be installed after the rough grading for the "TOPS" expansion project.
3. During the construction of the TOPS expansion and associated improvements, the area denoted on the colored 11" X 17" Proposed Plaza Expansion Plan (revised on 11/17/10 per the Engineering Department) in "white" will remain undisturbed (tree area), the area denoted in "brown" will be graded and reseeded and the area in "blue" will be sub-based after construction.
 4. The undisturbed area discussed in condition "3" will be inspected by the Planning Board after the rough grading is completed and the Planning Board will determine whether these trees should be removed. Future construction of the retail plaza in this area will require the removal of these trees.
 5. After the completion of the TOPS expansion, the site shall not be utilized for storage of materials (no topsoil piles, equipment storage, etc.).
 6. Any changes to the configuration of the site or the types of users proposed in the structures shall require the Planning Board's approval of a modified Site Plan.
 7. The location of the fence will be indicated to the adjacent neighbor (Podkulski family) at the time of the staking. Carried.

Duggan Subdivision

Mrs. desJardins stated that the property in question (+/- 79 acres of vacant land on Taylor Road near the Hamburg – Boston town line) is part of the estate of Mr. Duggan. She further stated that the property has already been subdivided into three (3) parcels for estate purposes and the family was not aware that Planning Board approval was required and therefore is requesting approval of the three-lot subdivision at this time.

Mr. Koenig made a motion, seconded by Mrs. Rogers, to schedule a public hearing for this subdivision request to be held on February 16, 2011. Carried.

Great Lakes Industrial Development Commercial Subdivision

Attorney Marc Romanowski from Harter Secrest & Emery LLP, representing Great Lakes Industrial Development, LLC, (GLID) stated that GLID purchased this site in late 2010 and that currently it consists of two parcels. One parcel (the "Republic" Parcel) is located on the east side of Lakeshore Road and the other is horseshoe-shaped and incorporates what will become Parcels 1, 3 and 4. He further stated that GLID plans to convey Parcel 2, which houses the Galvanizing Mill, to a third party for future use and that GLID will retain the remaining parcels (1, 3 and 4). He noted that Parcel 1 is the most likely of the three (3) parcels to be developed in the future, Parcel 4 contains a water quality treatment facility and Parcel 3 contains a series of utility lines and an access drive around the perimeter.

Attorney Romanowski stated that a large number of mutual easements will be in place for access. He noted that the "Republic" parcel will have full access to Lake Avenue and the other parcels will have access to the "Republic" parcel through Gate 6 onto

Route 5.

Mr. McCabe made a motion, seconded by Mr. Bellissimo, to schedule a public hearing for this subdivision request to be held on February 16, 2011. Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mrs. desJardins stated that Andrew Gow from Nussbaumer & Clarke has requested that the proposed Whispering Pines Subdivision be placed on the Board's February 16, 2011 agenda to discuss the secondary means of egress.

Mrs. desJardins stated that Gullo's would like to discuss a proposed addition to the existing greenhouses along Southwestern Boulevard with the Board at its next meeting. Board members agreed to discuss this with representatives of Gullo's at the February 16, 2011 meeting under "Other Business".

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to approve the minutes of January 19, 2011. Carried.

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

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board