

Town of Hamburg
Planning Board Meeting

February 3, 2016

Minutes

The Town of Hamburg Planning Board met for a Work Session at 6:30 P.M., followed by a Regular Meeting at 7:00 P.M., on Wednesday, February 3, 2016 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, Vice-Chairman David Bellissimo, Doug Schawel, William Clark, Al Monaco and Robert Mahoney.

Others in attendance included Town Planner Andrew Reilly, Principal Engineer Rick Lardo and Attorney Ryan McCann.

Excused: Augie Geraci

WORK SESSION

Benderson Development Company – Requesting rezoning of property located at 4910, 4950 and 4990 Camp Road from M-2 to C-2

Attorney James Boglioli, representing the applicant, stated that 40,000 sq.ft. of the rear building on the site has been vacant for over nine (9) years, and the applicant has secured a tenant for that space (World Gym). He noted that a fitness center is not an allowed use in the M-2 District, and if the property is rezoned to C-2, all of the uses currently on the site would be allowed in the -2 District.

Attorney Boglioli stated that this proposed rezoning is consistent with the Town's Comprehensive Plan and the surrounding uses.

Mr. Lardo stated that the rezoning request references three (3) parcels, rather than the four (4) that incorporate the lands to be rezoned. Attorney Boglioli agreed to investigate this discrepancy.

Mr. Bellissimo made a motion, seconded by Mr. Clark, to forward a positive recommendation to the Town Board regarding the proposed rezoning of land on Camp Road because it is in conformance with the Town's Comprehensive Plan. Carried.

Zak Management – Requesting rezoning of property located at 4090 Jeffrey Boulevard from M-1 and M-2 to PUD (Planned Unit Development)

Frank Wailand, representing the applicant (Jeffrey Kryszak), stated that the applicant would like to rezone the property to PUD in order to construct a multi-use athletic facility

on the site (indoor volleyball, etc.). He stated that Mr. Kryszak has informed all of the surrounding businesses in the area of his proposal and has support from all of them. He noted that the plan would be to host tournaments at this site on the weekends, and there is more than adequate parking available because the applicant's business that is also situated on this site does not have an evening shift.

In response to a question from Mr. Bellissimo, Mr. Kryszak stated that the tournaments would be held predominantly on the weekends, and the structures would be enclosed.

Mr. Reilly stated that if this property is rezoned by the Town Board to PUD, the development of the site (what the applicant is proposing) would be the zoning of the property, and what is shown on the plan is what would be allowed on this property.

Mr. Wailand stated that there would be a concession stand selling pizza, etc. and beverages, as well as rest room facilities.

Board members read a letter from Ms. Carole Gillette, nearby resident, with questions about the proposal. Ms. Gillette's questions were as follows:

- Can a PUD be in an industrial park?

Mr. Reilly stated that a PUD can be in an industrial park.

- Is this rezoning in the Ravenwood Industrial Park legal within the Park's original covenant and/or its Final Generic Environmental Impact Statement?

Mr. Reilly stated that there is no Board that enforces the covenant of the Industrial Park anymore. He stated that he does not think there are any restrictions relative to the type of activity proposed.

- Will we see a plan before it is brought up for rezoning?

Mr. Reilly stated that the plan as presented to the Planning Board will be reviewed by the Town Board when considering the rezoning.

- Noise pollution and outdoor lighting pollution is a current issue that neighbors have been tolerating since there has been residential living within K-Technologies the last few years. This change of use will have to address all of those issues.
- Will the athletic facilities be indoor or outdoor, and what is meant by associated amenities?
- Will the current business still be on site?

Mr. Wailand stated that the current business would still be on site.

- Will the second driveway on Jeffrey Boulevard be reopened? It has been closed since the new driveway to Bayview Road was approved.

Mr. Wailand stated that the second driveway on Jeffrey Boulevard would be needed.

- Will this include more outdoor storage? There is currently multiple campers and boats being stored there presently.

Mr. Reilly stated that if there is no outdoor storage shown on the plan, there will be no outdoor storage allowed.

Mr. Bellissimo made a motion, seconded by Chairman O'Connell, to forward a positive recommendation to the Town Board regarding the proposed rezoning of property located at 4090 Jeffrey Boulevard because it is conformance with the Town's Comprehensive Plan. Carried.

Upstate Tower – Requesting Site Plan Approval of a new cellular tower to be erected at 6100 South Park Avenue

Upstate Tower – Requesting Site Plan Approval of a new cellular tower to be erected at 2720 Lakeview Road

Chairman O'Connell stated that the Board would discuss the above two (2) projects simultaneously.

Mr. Reilly stated that the Town Code indicates that municipally owned property is the most preferred location for new cellular towers, and both of these proposed towers would be located on municipally owned property.

Don Carpenter from the Carpenter Consulting Group, representing the applicant, stated that towers are proposed at two (2) Town-owned properties. He further stated that the tower at Town Hall would be located near the Police Department building.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to schedule a public hearing to be held on February 17, 2016 for the proposed cellular tower to be located at 6100 South Park Avenue. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Clark, to schedule a public hearing to be held on February 17, 2016 for the proposed cellular tower to be located at 2720 Lakeview Road. Carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing – 7:00 P.M., Michael Schmidt (5139 Southwestern Boulevard) – Requesting a Special Use Permit and Site Plan Approval of two (2) new self-storage buildings totaling 13,900 sq.ft.

Mr. Reilly stated that the site plan must be revised to show where the existing outdoor storage area is specifically.

Mr. Clark read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a proposal by Michael Schmidt to construct two (2) new self-storage buildings totaling 13,900 sq.ft. on property located at 5139 Southwestern Boulevard. The public hearing will be held on February 3, 2016 at 7:00 P.M. in Room 7B of Hamburg Town Hall.”

Chairman O’Connell declared the public hearing open. No one spoke.

Chairman O’Connell declared the public hearing closed.

Board members concurred that the Planning Department will put approval resolutions together for the Board’s next meeting.

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

Engineering Department comments have been filed with the Planning Department.

Public Hearing – 7:00 P.M., Michael Jablonski – Requesting a Special Use Permit to erect a residential wind energy conversion system on property located at 3134 Old Lakeview Road

Mr. Reilly stated that an outstanding issue relative to the approval of this wind turbine is that the applicant must provide to the Board a legally enforceable document from the adjacent landowner to the west stating that he/she does not object to the fact that the wind turbine would be located closer to the shared lot line than what is required by the Town Code. He noted that this legally enforceable document must be effective for 25 years or the life of the wind turbine, whichever is longer.

Mr. Michael Jablonski, applicant, stated that he plans to get a letter from New York State Agriculture and Markets indicating that he is classified as a farm.

Mr. Reilly stated that either the legally enforceable document from the adjoining property owner or the letter from New York State Agriculture and Markets must be submitted by the applicant.

Mr. Jabolonski stated that he was told that National Grid (adjacent property owner to the east) was concerned about his second wind turbine request, so he called National Grid and was told that Mrs. desJardins told National Grid that the second wind turbine would fall on National Grid’s power lines. He noted that this is not possible.

Mr. Bellissimo stated that the Board asked for the survey of the property with the exact location of the wind turbines indicated. He noted that this has not yet been submitted to the Board.

Mr. Clark read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a proposal by Michael Jablonski to erect a residential wind energy conversion system on property located at 3134 Old Lakeview Road. The public hearing will be held on February 3, 2016 at 7:00 P.M. in Room 7B of Hamburg Town Hall.”

Chairman O’Connell declared the public hearing open. No one spoke.

Chairman O’Connell declared the public hearing closed.

Board members agreed that the Planning Department will put resolutions together for the Board's February 17, 2016 meeting.

Mr. Clark stated that this is the first wind turbine request the Planning Board has dealt with under the new Residential Wind Energy Conversion law, and it would set a dangerous precedent to approve this wind turbine while waiving many of the requirements, unless the letter from New York State Agriculture and Markets is received by the Board.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to table this project. Carried. Engineering Department comments have been filed with the Planning Department.

Grandoni Subdivision

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that a condition of the original approval granted in 2015 was that a 30-foot building setback must be provided from the top of the bank to the new home. He stated that building a home 30 feet from the top of the bank is too restrictive. He asked the Board to consider revising the condition of approval to require a 20-foot building setback from the top of the bank instead of a 30-foot building setback, which would allow a home to be built on this lot.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to revise the condition of approval regarding the building setback from the top of the bank from 30 feet to 20 feet. Carried.

Engineering Department comments have been filed with the Planning Department.

Discussion of proposed revisions to the PUD (Planned Unit Development) District

Mr. Reilly stated that it has come to the attention of the Code Review Committee that the PUD District does not allow commercial uses. He stated that the Code Review Committee has determined that this should be revised in the Town Code so that commercial uses are allowed in the PUD District.

Mr. Bellissimo made a motion, seconded by Mr. Clark, to forward a positive recommendation to the Town Board regarding amending the Town Code to allow commercial uses in the PUD District. Carried.

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to approve the minutes of January 20, 2016. Carried.

Mr. Schawel made a motion, seconded by Mr. Bellissimo, to adjourn the meeting. The meeting was adjourned at 7:50 P.M.

Respectfully submitted,

William Clark, Secretary

Planning Board

Date: February 13, 2016