

Town of Hamburg
Planning Board Meeting

March 16, 2016

Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M. on Wednesday, March 16, 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, Augie Geraci, Al Monaco and Robert Mahoney.

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

REGULAR MEETING

Public Hearing – 7:00 P.M., Clifton Heights Apartments – Requesting Site Plan Approval of a new apartment community on vacant land at 4819 Southwestern Boulevard

Attorney Marc Romanowski from Hopkins, Sorgi & Romanowski, stated that the rear of this property was recently rezoned by the Town Board to allow residential development, and the C-1 zoning in the front was retained for future development. He stated that a 50-foot conservation easement around the perimeter of the site was one of the conditions of the rezoning, as was a deed restriction on the front portion of the site limiting the access to the site to a single location. He noted that the conservation easement and the deed restriction have been filed with the County already.

Attorney Romanowski stated that 130 apartment units are planned, and 26 units would be located in each building. He noted that a pool is planned, as well as a community center.

It was determined that the applicant is not requesting approval of any development in the front portion of the site at this time.

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 the Hanania Family Partnership to construct a new apartment community on vacant land located at 4819 Southwestern Boulevard. The public hearing will be held on March 16, 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.

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

Public Hearing – 7:00 P.M., Tracy Tavakoli (4261 Lakeshore Road) – Requesting a Special Use Permit for a bed & breakfast establishment

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 Tracy Tavakoli to operate a bed & breakfast establishment at 4261 Lakeshore Road. The public hearing will be held on March 16, 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.

Mr. Bellissimo made the following motion regarding SEQRA, seconded by Mr. Schawel:

“Based on information submitted by Tracy Tavakoli to operate a bed & breakfast establishment at 4261 Lakeshore Road, as well as the Environmental Assessment Form, the Planning Board has determined that this proposal will not result in any significant adverse environmental impacts, and a Negative Declaration is hereby issued.” Carried.

Mr. Bellissimo made the following motion, regarding the Special Use Permit, seconded by Mr. Schawel:

“The Planning Board, in its review of the proposed Special Use Permit application, has determined that in accordance with Section 280-312:

1. The bed & breakfast establishment will be in harmony with the general purposes and the intent of this chapter.
2. It will not create a hazard to the health, safety or the general welfare.
3. It will not alter the existing character of the neighborhood and will not be detrimental to the residents thereof.
4. It will not be detrimental to the public convenience and welfare.

Furthermore, in accordance with Section 280-326, the Planning Board has determined the following:

1. The applicant is the owner and full time resident of the property and the bed & breakfast will be subordinate and incidental to the residential use of the home.
2. All guest rooms shall be located within the principal structure and limited to the first and second floor of the home.

3. No external modifications are proposed in conjunction with the creation of the bed & breakfast establishment, and any signage will comply with Article XXXVI.
4. The number of guest rooms will not be increased.
5. The length of the stay will be no longer than seven (7) days.
6. Guest rooms shall not be rented.
7. The serving of meals shall be limited to breakfast for guests only, and no cooking facilities shall be permitted in the guest rooms.
8. Smoke detectors shall be installed in each guest room.
9. Outside activities by guests that might create a nuisance to nearby residents shall not be permitted.

Therefore, based on the above, the Planning Board approves the issuance of a Special Use Permit for a bed & breakfast establishment with the following conditions:

1. The Special Use Permit shall be valid for two (2) years and shall be renewed biannually for a fee of \$200.”

Carried.

Public Hearing – 7:00 P.M., Ten Lives Club (3741 Lakeshore Road) – Requesting Site Plan Approval of a new 3,888 sq.ft. pole barn

A representative of Ten Lives Club stated that the group would like to construct the pole barn in order to store litter, equipment, supplies, etc.

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 Ten Lives Club to construct a new pole barn at 3741 Lakeshore Road. The public hearing will be held on March 16, 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.

Mr. Bellissimo made the following motion, seconded by Mr. Schawel:

“In accordance with New York State SEQRA Law, the Town of Hamburg Planning Board has reviewed the Ten Lives Club project, which involves the construction of a 3,888 sq.ft. pole barn and held the required public hearing on March 16, 2016. The action meets the criteria established in the SEQRA Law as a Type II Action and therefore does not require the completion of the SEQRA process.

The Hamburg Planning Board grants Conditional Site Plan Approval with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated March 16, 2016.

Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing – 7:00 P.M., Aldi (3750 McKinley Parkway) – Requesting Site Plan Approval of a 2,551 sq. ft. addition to the existing building

Chris Kamar from APD Engineering, representing the applicant, stated that the plan is to expand the existing building and do some improvements in the parking area. He noted that there would be no new impervious surface as a result of the addition.

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 Aldi to construct a 2,551 sq.ft. addition to the existing building located at 3750 McKinley Parkway. The public hearing will be held on March 16, 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.

Mr. Bellissimo made the following motion, seconded by Mr. Clark:

“In accordance with New York State SEQRA Law, the Town of Hamburg Planning Board has reviewed the Aldi project, which involves the construction of a 2,551 sq.ft. addition to the existing building, and held the required public hearing on March 16, 2016. The action meets the criteria established in the SEQRA Law as a Type II Action and therefore does not require the completion of the SEQRA process.

The Hamburg Planning Board grants Conditional Site Plan Approval with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated March 16, 2016.
2. The landscape plan will be reviewed and approved by the Planning Department.”

Carried.

Engineering Department comments have been filed with the Planning Department.

Upstate Cellular Network d/b/a Verizon Wireless – Requesting a Tower Special Permit and Site Plan Approval to construct a 75-foot tall wireless communication tower at 5820 South Park Avenue

It was determined that the fence proposed around the base of the tower (six-foot high fence with two (2) feet of barbed wire on top) does not meet the Town Code requirements. The applicant’s representative indicated that the plan will be revised to show an eight-foot high fence with no barbed wire.

Mr. Bellissimo made the following motion regarding SEQRA, seconded by Mr. Clark:

“Based on the information submitted for the Tower Special Permit in accordance with Section 280-333, as well as the Full Environmental Assessment Form, the Planning Board has determined that the proposal to erect a 75-foot tall cellular tower at 5820 South Park Avenue, which is an Unlisted Action under SEQRA, will not result in any significant adverse environmental impacts, and a Negative Declaration is hereby issued.”

Carried.

Mr. Bellissimo made the following motion, seconded by Mr. Geraci:

“The Planning Board, in reviewing the proposed Tower Special Permit application, has determined, in accordance with Section 280-334, that:

1. The tower is proposed in the Fairgrounds Zoning District, which is being treated as a non-municipal government-owned property, therefore requiring a Tower Special Permit. The applicant has indicated that there is a gap in cellular coverage for the Fairgrounds site, and there are no other preferred locations available. Therefore, this property was chosen. In addition, the applicant has analyzed the potential of the use of the proposed tower at Hamburg Town Hall, but the result of the study is that it is not feasible.
2. The tower will be a monopole tower.
3. The applicant has shown that they made a good faith effort to co-locate on an existing tower or other available or appropriate structures and/or to construct a new tower near existing towers in order to consolidate any visual disturbances.
4. The tower is designed and sited so as to avoid application of FAA lighting and painting requirements.
5. The tower is only proposed at 75 feet in height and is located in an area of the Fairgrounds that includes light structures higher than 75 feet.
6. The applicant has submitted a copy of its policy regarding co-location on the proposed tower with other potential future applicants.
7. The application includes all the required materials in accordance with Town Law.

Therefore, based on the SEQRA Negative Declaration, the information submitted and the Tower Special Permit discussion, the Planning Board approves the issuance of a Tower Special Permit with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated March 16, 2016.
2. The tower will be a non-reflective finish.
3. The tower shall not contain any signs or advertising devices. A small sign shall be placed near the tower to identify the ownership of the facility.

4. The tower shall be enclosed by a fence not less than eight (8) feet in height (no barbed wire).
5. The applicant shall remove the tower if the telecommunications facility becomes obsolete or ceases to be used for tenant purposes for twelve (12) consecutive months. The applicant shall provide a demolition bond in an amount as determined by the Town for purposes of removing the telecommunications facility in case the applicant fails to do so as required above.
6. Every three (3) years after the tower is constructed, the applicant shall provide a certification from a qualified professional engineer certifying that the tower meets applicable safety standards.
7. The tower shall be maintained in good order and repair.”

Carried.

Mr. Bellissimo made a motion, seconded by Mr. Clark, to grant Conditional Site Plan Approval for the tower to be located at 5820 South Park Avenue. Carried.

Engineering Department comments have been filed with the Planning Department.

Oscar Williams (4187 Lakeshore Road)

Mrs. desJardins stated that the applicant is slated to appear before the Zoning Board of Appeals on April 5, 2016 to seek a variance regarding the parking setback he proposes, and he asked that the Planning Board schedule a public hearing to be held on April 6, 2016.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to schedule a public hearing to be held on this project April 6, 2016. Carried.

Engineering Department comments have been filed with the Planning Department.

Lucia's Restaurant (4151 Lakeshore Road)

Daryl Martin, architect, representing the applicant, stated that the applicant would like Planning Board approval of a revised site plan with additional parking provided. He stated that area variances would be required for lot coverage and the parking being too close to LaSalle Road.

Mr. Martin confirmed that the new parking would be ten (10) feet from the adjacent residential property. He further confirmed that a board-on-board fence, as well as trees, will be installed along the ten-foot strip of land between Lucia's and the residential property. He further noted that the dumpster location would change if the new plan is approved so that it is located closer to the new kitchen.

Mr. Bellissimo made a motion, seconded by Mr. Clark, 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. Geraci, to approve the minutes of February 17, 2016. As the vote on the motion was six (6) ayes and one (1) abstention (Mr. Clark), the motion carried.

Mr. Bellissimo made a motion, seconded by Mr. Clark, to approve the minutes of February 3, 2016. Carried.

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

Respectfully submitted,

William Clark, Secretary

Planning Board

Date: March 29, 2016