

Town of Hamburg
Planning Board Work Session
March 2, 2011

Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, March 2, 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 and Sarah desJardins.

Whispering Pines Subdivision

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that since the applicant was last before the Planning Board he has encountered problems acquiring some of the adjacent parcels that were necessary for the layout approved by the Planning Board in 2010 and has decided to eliminate the northern cul-de-sac. Mr. Gow noted that this revision in the layout reduces the number of lots in the subdivision to 29.

Mr. Gow stated that a revised As of Right plan will be submitted to the Board so that the number of lots allowed in the cluster development can be determined.

In response to a question from Chairman Reszka, Mr. Gow confirmed that a majority of the proposed lots would be 50 feet in width and noted that his client has indicated that he would like to make the lots a few feet larger. Mr. Reilly stated that the Cluster Law requires the applicant to show the Planning Board building layouts, especially on adjoining lots, to show how the proposed units would fit on the lots and meet the building code requirements for distance between buildings.

Mr. Gow stated that the applicant is proposing standard single-family homes and confirmed that they would not be condominiums.

A member of the audience, Gerry Simoncelli, stated that she is one of the adjoining neighbors who have not yet agreed to sell their property to the applicant. She asked if her property would end up being landlocked if she does not sell to the applicant and the subdivision is approved as proposed. Mr. Reilly responded that the Planning Board cannot approve a subdivision that landlocks her property, but her access may be through a paper street.

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

Engineering Department comments have been filed with the Planning Department.

Yoviene Subdivision

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that the applicant's original intent was to relocate the existing gas line on the property but that he has decided that he does not want to incur the time and expense involved. Mr. Gow further stated that a revised layout of the cluster development has been done with

the proposed lots not encroaching on the gas line easements but that he (Mr. Gow) is not satisfied with the layout yet and plans to further revise it.

Mr. McCabe asked Mr. Gow to submit correspondence from a representative from National Fuel indicating that they have seen the proposed subdivision layout and have no problem with it in relation to the location of their gas line. Mr. Gow agreed to do so.

Mr. Gow stated that the applicant would like to add a lot along Taylor Road and noted that the revised layout will indicate the lot's location. He further stated that the applicant would like to add a large estate-size lot in the rear of the property.

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

Engineering Department comments have been filed with the Planning Department.

Proposed Rosewood Hotel

Chairman Reszka stated that the applicant had asked to be tabled at this time.

Mr. Koenig made a motion, seconded by Mrs. Rogers, to table this proposal. Carried.

Engineering Department comments have been filed with the Planning Department.

Gina Barrett (4904 Lakeshore Road)

Jim Bammel, architect, representing the applicant, stated that Gina Barrett would like to construct an addition to the existing building on the property. He noted that the property is located north of Root 5 Restaurant. Mr. Bammel stated that the business that is currently in the building would use two upstairs rooms in the building for offices and Mrs. Barrett would use the existing 1,500 sq.ft. of space on the first floor, as well as the additional 1,500 sq.ft. of space that would be a result of the addition to the building. He further stated that the addition would not be visible from Route 5.

Mr. Bammel stated that the issue to be resolved would be the location of parking spaces to accommodate the two businesses in the building. He noted that Mrs. Barrett's typical class size would be 15, she would employ three (3) people and there would be two (2) people in the upstairs business. He further stated that he could probably get 14 or 15 parking spaces on the site but, based on information provided by the Building Department, he felt that they would fall short of the number of spaces required.

Mr. Bammel stated that Mrs. Barrett has spoken to the owner of the property north of her lot (4900 Lakeshore Road) and has been informed that the owner would agree to enter into an agreement to share parking between the two buildings. He noted that the building at 4900 Lakeshore Road is occupied by an iridologist's office, a residence and a beauty shop

and stated that calculations will have to be done to determine how many spaces that property requires to see if there would be any additional spaces left to share with Mrs. Barrett.

Mrs. Yerkovich stated that she visits the beauty shop at 4900 Lakeshore Road and has noticed that during the afternoons and weekends it is difficult to find a parking space there. She further noted that if there are no parking spaces at the beauty shop, she parks on Mrs. Barrett's property.

Mr. Bammel stated that the owner of 4900 Lakeshore Road also owns the vacant lot to the north of it. He noted that Mrs. Barrett and the owner of 4900 Lakeshore Road have discussed the possibility of using the vacant lot as overflow parking for both of the buildings. Mr. Reilly stated that parking as a use is not allowed on a vacant lot and the only way the vacant lot could be used for parking is if it were merged with 4900 Lakeshore Road.

Mrs. Yerkovich stated that it is up to the two parties involved to come up with a solution to the parking problem and present it to the Planning Board.

Mr. Reilly stated that the Route 5 Overlay District requires that at least 15 percent of the lot be left as open space. He further noted that if Mrs. Barrett makes changes to the existing parking in front of the building (an existing non-conforming use), the parking area would have to be in accordance with the Town Code, which requires that it be located at least 35 feet from the road.

Mr. Bammel stated that currently Mrs. Barrett and the owner of 4900 Lakeshore Road share a curb cut onto Route 5.

Mr. Koenig made a motion, seconded by Mrs. Rogers, to table this proposal. Carried.

EduKids

Chairman Reszka stated that this property was rezoned on February 28, 2011 from R-2 to N-C as requested by the applicant.

Victor O'Brien from C & S Engineers stated that the applicant proposes to construct a +/- 7,000 sq.ft. day care facility. He noted that two entrances are proposed (from Glendale Avenue and Cloverbank Road) as far from Route 5 as possible. He stated that the Town Code requires 21 parking spaces and the applicant proposes 22.

Mr. O'Brien stated that a variance would be required for the rear yard setback, as well as for the parking setback along Route 5.

Chairman Reszka stated that there are some differences between the sketch plan presented to the Planning Board at the time of the rezoning and the site plan currently submitted. He specifically referenced the distance of the canopy from Route 5. Mr. O'Brien stated that the

canopy proposed at this time is slightly smaller than the one on the previous sketch plan and that the building is the same distance from Route 5 as it was previously shown.

It was determined that the building as currently proposed is larger than it was during the rezoning process.

Mr. Reilly stated that an issue to be resolved is the fact that the proposed building is ten feet from the rear property line (adjacent to the existing home) and the Engineering Department has indicated that the elevation of the sidewalk between the building and the existing home must be raised or a drainage inlet must be provided. He further stated that the proximity of the building to the adjacent home is a concern, as well, noting that the adjacent homeowner should be contacted to determine what type of screening would be acceptable.

Mr. Reilly suggested that the proposed four-foot chain link fence around the play area be replaced with a five- or six-foot stockade fence. He further stated that the Route 5 Overlay District requires that sidewalks be constructed, but he does not think that New York State Department of Transportation would want them put in. He noted, though, that sidewalks could be constructed along Cloverbank Road.

Chairman Reszka stated that the Route 5 Overlay District also requires that at least one (1) street tree per 30 feet of frontage be planted in the front yard setback area.

Mr. O'Brien stated that this development will reduce the runoff on the site, noting that underground oversized pipe storage under the parking lot is planned. He further stated that a detention area is not planned at this time.

Mrs. Rogers stated that the amount of landscaping shown on the current plan is considerably less than what the Board was shown previously. Mr. O'Brien responded that trees will be planted along Route 5 and that the plan will be updated. Mr. Bellissimo asked the applicant to ask the adjacent homeowner if they want a tree planted next to their house, as shown on the plan.

Mr. Reilly asked that the applicant carefully review the requirements of the Route 5 Overlay District and show which requirements can be met and which requirements the applicant may ask for relief from.

Chairman Reszka stated that a condition of the rezoning of this property was that nautical elements should be incorporated into the building, landscaping and signage.

Attorney Corey Auerbach from Damon Morey, representing the applicant, thanked the Planning Board for continuing to work with the applicant, noting that it is good to see the project finally coming to fruition. He stated that the applicant will work with the adjacent neighbor regarding buffering and screening of the property. He further stated that he hopes that the Planning Board will support the applicant in her variance requests.

Attorney Auerbach stated that the applicant will consider a nautical theme in the design of the building and signage and will attempt to be creative with ways to marry a nautical theme with the day care use.

In response to a question from Mr. McCabe, Mrs. desJardins stated that the Code requires a rear yard setback of thirty feet and the applicant proposes a rear yard setback of 10 feet, which requires a variance. She further stated that the parking area along Route 5 is required to be 35 feet from the property line and the applicant proposes to install it 29 feet from the property line, which also requires a variance.

Mrs. Yerkovich made a motion, seconded by Mr. Koenig, to schedule a Special Use Permit public hearing to be held on March 16, 2011. Carried.

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

Engineering Department comments have been filed with the Planning Department.

Developers Diversified Realty - 4405 Milestrip Road

Mrs. desJardins stated that Developers Diversified Realty (DDR), which owns the Home Depot plaza, would like to bring in a Chipotle Grill restaurant to a portion of the old Blockbuster Video store (south side of Milestrip Road). She further noted that per the Town Code, the plaza is deficient in the number of existing parking spaces but at the same time the Town does not want to lose the opportunity to fill empty buildings because of it.

Diane Mikovsky, tenant coordinator with DDR, and Karen Lanham, leasing manager with DDR, appeared on behalf of DDR's request for a Change in Use and Site Plan Approval for the new restaurant. Ms. Lanham stated that Home Depot does not need the number of spaces that are required. Ms. Mikovsky stated that, in her opinion, the Town's parking requirements are more geared towards a free-standing lot with a free-standing business. She further stated that in the case of a plaza like this, the parking spaces are shared between businesses, depending upon when each is open.

Ms. Mikovsky stated that DDR would never do anything that would be detrimental to the businesses in the plaza, noting that tenants would not want to come to this plaza if they thought there would not be ample parking spaces for their customers.

Mr. Koenig stated that if employees could be directed to park in the least desirable parking spaces, this would free up parking spaces in the main areas of the parking lot for customers. Ms. Lanham stated that DDR has the ability in its leases as landlord to advise tenants where their employees should park. She further stated that the parking at the plaza is common area parking and it is in the best interest of the tenants to comply with DDR's request that employees park in the least desirable areas.

Mr. Reilly stated that the Board's options are to set a public hearing for March 16, 2011 and approve the site plan or refer this matter back to the Building Inspector and authorize him to initiate the Site Plan Waiver process.

Chairman Reszka stated that the area of the plaza by the old Blockbuster store where vehicles are attempting to turn either way onto Milestrip Road is a difficult issue. He further stated that if Chipotle Grill is successful, this problem will get worse. He asked the representatives of DDR to look into this issue.

Mrs. Yerkovich made a motion, seconded by Mr. Bellissimo, to refer this issue back to the Building Inspector so that a Site Plan Waiver can be issued. Carried.

OTHER BUSINESS

Mrs. desJardins stated that the owner of the business located at 3368 Nash Road wishes to expand the building and is considering two options. One is to expand the building closer to Nash Road, which would require a variance, and the other is to expand the building's west side, which would place the building close to the rear lot lines of the homes on Nash Road and would also likely require a variance. She stated that the business owner would like the Planning Board's input as to which option it thinks is the best.

Board members agreed that they would advise the business owner to speak to the adjacent neighbor and ascertain which option the neighbor would prefer.

Mr. Koenig made a motion, seconded by Mr. McCabe, to approve the minutes of February 16, 2011. As there were five (5) ayes and one (1) abstention (Mrs. Rogers), the motion carried.

Mr. Bellissimo made a motion, seconded by Mrs. Rogers, to adjourn the meeting. The meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board