

Town of Hamburg
Planning Board Meeting

March 2, 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, March 2, 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

Tracy Tavakoli (4261 Lakeshore Road) – Requesting a Special Use Permit and Site Plan Approval of a bed & breakfast establishment

Tracy Tavakoli, applicant, stated that she would like to be the owner/operator of a bed & breakfast facility at this address, noting that she owns the property and resides there. She stated that she has four (4) guest rooms.

Ms. Tavakoli stated that she will provide a memo for the Board's next meeting outlining the fact that she can comply with all of the Special Use Permit criteria for bed & breakfast establishments, and she has more than adequate existing space for parking.

Ms. Tavakoli stated that she plans to advertise via a website and sees no need at this time for any signage. She further stated that she does not think this use of her property would adversely affect the surrounding residences.

In response to a question from Mr. Bellissimo, Ms. Tavakoli stated that guests would probably use both the Lakeshore Road entrance and the entrance from Durham Road, with specific instructions.

Mr. Reilly stated that there have been several proposals for this property over the last few years, and most would have required a use variance or a rezoning.

Mr. Bellissimo made a motion, seconded by Mr. Clark, to schedule a public hearing to be held on March 16, 2016. Carried.

Engineering Department comments have been filed with the Planning Department.

Ten Lives Club (3741 Lakeshore Road) – Requesting Site Plan Approval of a new 3,888 sq.ft. pole barn

It was determined that the new pole barn would serve to store items such as litter, cat and dog food, etc.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to schedule a public hearing to be held on March 16, 2016. Carried.

Engineering Department comments have been filed with the Planning Department.

Aldi (3750 McKinley Parkway) – Requesting Site Plan Approval of a 2,551 sq.ft. building addition

Mr. Reilly stated that the applicant proposes a 15-foot wide addition along one side of the existing building.

Mr. Reilly asked Board members to visit the site and determine if the existing landscaping provided along McKinley Parkway is adequate.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to schedule a public hearing to be held on March 16, 2016. Carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Chairman O’Connell asked for a moment of silence in honor of Mrs. desJardins’ mother, who passed away recently.

Public Hearing – 7:00 P.M., Towne Chrysler Dodge Jeep – Requesting Site Plan Approval of a parking area that was installed without approvals at 5130 Camp Road

Chairman O’Connell stated that he would like to apologize to Mr. Jim Stewart, General Manager of Towne Chrysler Dodge Jeep. He stated that at the Board’s February 17, 2016 meeting, he was under the impression that the Planning Board had previously approved a site plan for this site, which is not the case.

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 request by Towne Chrysler Dodge Jeep for Site Plan Approval of a parking area at 5130 Camp Road that was installed without Planning Board approval. The Public Hearing will be held on March 2, 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:

“Based on the information submitted for the Towne Chrysler Dodge Jeep parking lot expansion, which includes the construction of a new parking area at 5130 Camp Road, the Planning Board has determined, based on the review of the project and the SEQRA law, that the proposed project is a Type II Action, which does not require the completion of SEQRA.

The Planning Board, based on the review of the project and in accordance with Article XLIV of the Town of Hamburg Zoning Code, hereby grants Conditional Site Plan Approval for the Towne Chrysler Dodge Jeep parking lot expansion project to be located at 5130 Camp Road with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated March 2, 2016.
2. The Planning Board acknowledges that the parking lot was constructed without any approval in place and that the applicant will make the appropriate modifications as noted on the plan.”

Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing – 7:00 P.M., Upstate Cellular Network d/b/a/ Verizon Wireless – Requesting a Special Use Permit and Site Plan Approval to construct a 75’ wireless communications tower at 5820 South Park Avenue

Attorney Jared Lusk from Nixon Peabody, representing Upstate Cellular Network d/b/a Verizon Wireless, stated that Verizon Wireless is experiencing a radio frequency problem in its Erie County Fairgrounds cell and the surrounding area. He stated that the surrounding cellular sites have reached their maximum capacity, and Verizon Wireless needs a tower at this site to be able to handle the traffic and provide direct 4G service.

Attorney Lusk provided Board members with a letter from Verizon Wireless’ design engineer responsible for this area indicating that the service that is provided to the Fairgrounds is provided by one (1) of four (4) sectors, and this new tower would be placed in the center of the Fairgrounds property and would provide service capacity relief for the four (4) surrounding sites because it would contain three (3) different directional sectors and all three (3) sides of the antenna would be utilized.

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 Upstate Tower to construct a 75-foot wireless communication tower on property located at 5820 South Park Avenue. The public hearing will be held on March 2, 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. Reilly stated that the applicant has submitted a very complete package addressing all of the issues related to a Tower Special Permit.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to authorize the Planning Department to prepare approval resolutions for the Board's March 16, 2016 meeting. Carried.

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

Engineering Department comments have been filed with the Planning Department.

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

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

“Based on the information submitted for the Upstate Tower Hamburg Town Hall project that includes the construction of a new 200-foot cellular tower at 6100 South Park Avenue, the Planning Board has determined, based on the review and completion of the SEQRA EAF, that the proposed project 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. Schawel:

“The Planning Board, based on the review of the project and in accordance with Article XLVII of the Town of Hamburg Zoning Code hereby grants Conditional Site Plan Approval for the Upstate Tower cellular tower to be located at 6100 South Park Avenue with the following conditions:

1. The Town, in finalizing this agreement, should consider the conditions and requirements of this article of the Town Zoning Code.

Carried.

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

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

“Based on the information submitted for the Upstate Tower Lakeview Road project that includes the construction of a new 175-foot cellular tower at 2720 Lakeview Road, the Planning Board has determined, based on the review and completion of the SEQRA EAF, that the proposed project 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. Schawel:

“The Planning Board, based on the review of the project and in accordance with Article XLVII of the Town of Hamburg Zoning Code hereby grants Conditional Site Plan Approval for the Upstate Tower cellular tower to be located at 2720 Lakeview Road with the following conditions:

1. The Town, in finalizing this agreement, should consider the conditions and requirements of this article of the Town Zoning Code.”

Carried.

Michael Jablonski – Requesting a Special Use Permit to erect a residential wind energy conversion system on property located at 3134 Old Lakeview Road

No one appeared on behalf of the applicant.

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

Engineering Department comments have been filed with the Planning Department.

Oscar Williams – Requesting a Change in Use and Site Plan Approval of an ice cream store to be located at 4187 Lakeshore Road

Oscar Williams, applicant, submitted a Site Plan for the site based on comments made by Board members at the previous meeting. He stated that the Site Plan shows a single entrance on Lakeshore Road that would be right-in and right- out, as well as a two-way entrance on Camp Road. He stated that the rest of the pavement along Lakeshore Road would be curbed so vehicles can only enter the site from Lakeshore Road via the single access point.

Board members discussed where parking spaces could be located on the site.

In response to a question from Chairman O’Connell, Mr. Lardo stated that the parking layout as shown will not work because as shown it does not conform to the Town Code requirements. He stated that the Town Code requires that parking areas be at least 35 feet from any property line, and the Zoning Board of Appeals can only grant a variance down to ten (10) feet from a property line. He noted that the applicant can either move the parking spaces 35 feet back or attempt to get a variance from the Zoning Board of Appeals to allow the parking spaces to be located ten (10) feet from the property line.

Mr. Williams stated that the parking lot is existing and has been there for many years.

In response to a question from Mr. Lardo, Mr. Williams stated that he does not plan to utilize a dumpster.

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

Engineering Department comments have been filed with the Planning Department.

Lucia’s Restaurant (4151 Lakeshore Road) – Requesting Planning Board approval of a revised site plan

No one appeared on behalf of the applicant.

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

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

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

Respectfully submitted,

William Clark, Secretary

Planning Board

Date: March 14, 2016