

Town of Hamburg  
Planning Board Meeting  
March 5, 2014  
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 5, 2014 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, David Bellissimo, Peter Reszka, Stephen McCabe, Doug Schawel, Augie Geraci and William Clark.

Others in attendance included Planning Board Attorney Ryan McCann, Andrew Reilly and Sarah desJardins, Town Planners and Richard Lardo, Assistant Municipal Engineer.

## **WORK SESSION**

### **Randolph Academy Union Free School District Two-Lot Subdivision**

Attorney Mike Hettler, representing Hopevale, Inc., stated that Randolph Academy has been operating the school at this site since 2011, and at this time it has a contract to purchase the 8.3-acre parcel within the Hopevale campus. He stated that this parcel is essentially, but not exactly, the same parcel Randolph Academy has been renting since 2011. He noted that the parcel to be purchased includes the school building, the administration building and some additional land so that in the future a bus circle can be constructed.

In response to a question from Mr. Geraci, Attorney Hettler stated that Randolph Academy does not intend to purchase the remainder of the Hopevale campus.

Mrs. desJardins stated that two (2) variances would be required in order to create the new parcel. It would have no frontage on a public road, which would require an area variance, and the distance from the existing building to the rear lot line would be less than the required 30 feet, which would also require an area variance.

Mr. Reilly stated that SEQR has been taken care of because the Dormitory Authority (DASNY) of the State of New York has declared itself Lead Agency and issued a Negative Declaration.

Mrs. desJardins stated that the Building Department indicated that the applicant should look carefully at where the existing fire hydrants in the area are located and whether or not a hydrant will have to be installed on this parcel.

In response to a question from Mr. Bellissimo, Attorney Hettler stated that Hopevale owns the access road that connects this parcel to Howard Road.

In response to a question from Mr. Clark, Attorney Hettler stated that the remainder of the Hopevale campus must be sold because there are secured creditors that need to be paid, but he has no knowledge of who might purchase the property.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to schedule a public hearing to be held on March 19, 2014. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to forward a positive recommendation to the Zoning Board of Appeals regarding the two (2) variances the applicant will be seeking involving the lack of frontage on a public road and the rear yard setback. Carried.

Engineering Department comments have been filed with the Planning Department.

## **REGULAR MEETING**

### **William Jefferson, Inc. (Arby's Restaurant)**

Mrs. desJardins stated that the applicant is now proposing a monument sign, rather than a pole sign.

Elizabeth Buscaglia, representing the applicant, stated that the applicant decided to go with the monument sign at the suggestion of the Planning Board. She noted that the proposed sign is eight feet high and includes a four-foot base with a four-foot sign on top of it. She further stated that the base of the sign will be constructed of the same material as the building.

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

"In accordance with the New York State SEQR law, the Town of Hamburg Planning Board has reviewed the Arby's Restaurant project and associated materials submitted with the Site Plan application, including the Short Form EAF. The project is very close to being a Type II Action under SEQR. The Planning Board has conservatively reviewed the Action as an Unlisted Action and has completed Part Two of the Short Form EAF. The applicant, based on input from the Planning Board, revised the plan and addressed the issues raised by the Planning Board.

Therefore, the Planning Board has concluded that the project's environmental impacts have been avoided or mitigated to the maximum extent practicable. Therefore, the Planning Board has determined that the proposed Arby's Restaurant project is not anticipated to result in significant adverse environmental impact and that a Negative Declaration is hereby issued, and in doing so authorizes the Chairman to sign the EAF."

Carried.

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

"Based on the review of the Arby's Restaurant project and having completed the SEQR process, the Hamburg Planning Board wishes to approve the project site plan in accordance with the Town of Hamburg Site Plan law. Therefore, be it resolved that the Hamburg Planning Board hereby issues Site Plan Approval for the Arby's Restaurant project located at 5115 Camp Road with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated March 5, 2014.
2. A monument sign in accordance with the Camp Road Overlay District will be installed.

Carried.

Engineering Department comments have been filed with the Planning Department.

## **OTHER BUSINESS**

Mr. McCabe made a motion, seconded by Mr. Geraci, to approve the minutes of February 19, 2014. As there were six (6) ayes and one (1) abstention (Mr. Bellissimo), the motion carried.

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Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 7:15 P.M.

Respectfully submitted,  
Stephen J. McCabe, Secretary  
Planning Board

Date: March 11, 2014