

Town of Hamburg
Planning Board Meeting
April 16, 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, April 16, 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 and Andrew Reilly, Town Planner.

WORK SESSION

South Shore Auto & Detail

Mr. Reilly stated that the applicant would like to do auto repair at the existing facility on Big Tree Road, which requires a Special Use Permit in addition to Site Plan Approval.

Mr. Greg Poliseno, applicant, stated that he was doing auto repair at a location on Camp Road, but he has since moved into a building on Big Tree Road between Route 5 and St. Francis Drive. He stated that the property is properly zoned, and he plans to do auto repair and auto detailing in the rear building. He further stated that there will be no outdoor activities.

In response to a question from Mr. McCabe, Mr. Poliseno stated that there is adequate space on the property for him to park vehicles, and there are two (2) bays he plans to use.

Mr. Reilly stated that when the Planning Board approved the Reliatech business at this location, the approved plan showed parking spaces along the side of the building, but no parking was to be allowed in front of the building. He noted that the property owner has since been parking vehicles in the area in front of the building, and if the Planning Board grants the requested Special Use Permit for Mr. Poliseno's business, the Board will have to be careful when addressing the parking situation.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to schedule a public hearing to be held on May 7, 2014. Carried.

Engineering Department comments have been filed with the Planning Department.

Brian Bates Subdivision (Lakeview Road)

Mr. Reilly stated that the easterly portion of this property was recently rezoned from C-2 to R-A so that Mr. Bates can build his home there. He further stated that the two (2) westerly lots would remain zoned C-2, and all three (3) lots meet the zoning requirements.

In response to a question from Mr. Geraci, Mr. Brian Bates, applicant, stated that his new home will face Heltz Road.

Mr. McCabe made a motion, seconded by Mr. Schawel, to schedule a public hearing to be held on May 7, 2014. Carried.

Engineering Department comments have been filed with the Planning Department.

Rolling Ridge Subdivision, Phase V

Mr. Reilly stated that this subdivision was approved by the Planning Board in 1996, and four (4) phases have been constructed. He further stated that the Town Code states that if there is inactivity over a certain period of time, the Planning Board approval expires. He noted that the applicant is requesting re-approval of Phase V with no changes.

Attorney Sean Hopkins, representing the applicant, stated that there is a provision in the Hamburg Town Code that states that if a subdivision has multiple phases, the developer must get Final Plat Approval of each phase within one (1) year of the Preliminary Plat Approval on a sequential basis. If this does not occur, the Preliminary Plat Approval expires.

Attorney Hopkins stated that build-out of a subdivision is based on market conditions, and he asked if the applicant can request a waiver of the one-year requirement going forward. Mr. Reilly suggested that Attorney Hopkins write a letter to the Town Board, the Planning Board and the Building Inspector to that effect.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to schedule a public hearing for re-approval of the Rolling Ridge Subdivision Preliminary Plat to be held on May 7, 2014. Carried.

Engineering Department comments have been filed with the Planning Department.

Waterford Pines Subdivision, Phase II

Attorney Sean Hopkins, representing the applicant, stated that there is a provision in the Hamburg Town Code that states that if a subdivision has multiple phases, the developer must get Final Plat Approval of each phase within one (1) year of the Preliminary Plat Approval on a sequential basis. If this does not occur, the Preliminary Plat Approval expires.

Attorney Hopkins stated that the first phase's Final Plat was approved in 2005 and because of the lapse in time, the applicant is requesting that the Preliminary Plat be re-approved.

Attorney Hopkins stated that Phase II includes one-way features referred to as "closes" that provide green space areas around the lots instead of cu-de-sacs. He stated that the applicant plans to request that the Town of Hamburg agree to accept these areas for public dedication. He agreed that the applicant will discuss this issue with the Engineering Department and Highway Superintendent.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to schedule a public hearing for re-approval of the Waterford Pines Subdivision Preliminary Plat to be held on May 7, 2014. Carried.

Engineering Department comments have been filed with the Planning Department.

Frank Russo (Niles Avenue)

Keith Marquis, representing the applicant, stated that this proposed subdivision was approved by the Planning Board in 2007, and the applicant has subsequently been dealing with sanitary sewer issues with the Erie County Sewer District. He stated that improvements have been made to the sanitary sewer in this area of town, and the developer is now ready to move forward and is requesting that the subdivision be re-approved.

Mr. Marquis stated that the subdivision consists of 14 lots as an extension of Niles Avenue, and the plan has not changed from 2007.

A member of the audience who resides at 3585 Abbott Road stated that her property abuts the project property and asked if it was once considered a wetland. She also stated that she was told by the Sewer Authority that the pipe running through both properties was not replaced.

It was determined that the applicant will need to get a letter from Erie County Sewer regarding what improvements were made and whether there is capacity to allow this development. In addition, an updated wetlands delineation will have to be submitted.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to schedule a public hearing for re-approval of the Waterford Pines Subdivision Preliminary Plat to be held on May 7, 2014. Carried.

Engineering Department comments have been filed with the Planning Department.

Larry Best (South Park Avenue)

Mr. Reilly stated that this property was recently rezoned by the Town Board, and one of the conditions of approval was that when the applicant submits a site plan, the two (2) nearby homeowners' associations will be notified. He stated that the homeowners' associations were not notified of this meeting because the applicant has only submitted a Sketch Plan, and they will be notified of the Board's next meeting (May 7, 2014), as well as the public hearing, whenever that is held.

Larry Best, applicant, stated that originally the entrance and exit to this proposed apartment project were on South Park Avenue, but after receiving input from the Planning Board he decided to pursue an easement to Bayview Road from the adjoining property owner so that access to the site would be from Bayview Road. He noted that one of the conditions of the rezoning approval was that he revisit the possibility of accessing the site from South Park Avenue.

Mr. Reilly stated that the Traffic Safety Advisory Board (TSAB) has indicated that it has a problem with the proposed roadway connection to Bayview Road because it does not line up with Riley Boulevard.

In response to a question from Mr. Geraci, Mr. Best stated that 49 apartment units are proposed.

Mr. Reilly stated that the IT Manual, which is used to generate traffic counts, indicates that at peak hours there will not be two (2) cars per unit entering or leaving the site at the same time, but there probably will be 50 vehicles entering or leaving the site during that period.

Mr. Reilly stated that during the Town Board public hearing there was discussion that there should be some sort of access to South Park Avenue, even if it is an emergency access only.

Board members and the applicant discussed different scenarios for a secondary means of egress to the site at South Park Avenue.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing - Russo Development (Old Milestrip Road)

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Russo Development at 3710 Old Milestrip Road. The applicant proposes to construct a new equipment storage area at the above location. The Public Hearing will be held on April 16, 2014 at 7:00 p.m. in Room 7B of Hamburg Town Hall."

Mr. Reszka stated for the record that this project is located within one (1) mile of his house, but he has no financial interest of any kind in the project or the business involved.

Rob Pidanick from Nussbaumer & Clarke, representing the applicant, stated that the applicant proposes to access the new storage area from the existing driveway on Old Milestrip Road.

Chairman O'Connell declared the public hearing open. The following people spoke:

- Louis Caligiuri, 3665 Old Milestrip Road, asked for confirmation that there will be no new driveway constructed onto Milestrip Road.
- Peter Tarasow, 3711 Lake Avenue, asked if any additional structures will be built on the property and stated that he does not want additional truck traffic on Lake Avenue.

Mr. Pidanick agreed to indicate on the Site Plan where the areas are that will be disturbed.

Chairman O'Connell declared the public hearing closed.

Mr. Reszka asked Mr. Pidanick why the proposed swale has to go all the way around the property when there is an existing drainage ditch it could tie in to. Mr. Pidanick responded that he believes the swale is proposed to go around the perimeter of the property so that trees will not be impacted. Mr. Reszka stated that he does not see why the swale cannot be run westerly and then tie in to the existing ditch. Mr. Pidanick agreed to research this possibility.

It was agreed that the Planning Department is authorized to prepare approval resolutions for this project for the Board's next meeting.

Mrs. Caligiuri asked what will be stored in the new area. Mr. Pidanick responded that equipment will be stored in this area, and the applicant will take the equipment from the site when it is needed.

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

Engineering Department comments have been filed with the Planning Department.

Sherwood Meadows Development

Attorney Sean Hopkins, representing the applicant, stated that Site Plan that was the subject of a Planning Board public hearing in January 2014 consisted of 224 apartments, as well as 3 single-family homes on Howard Road. He stated that at the public hearing, the applicant presented an alternate plan that showed 128 apartments, as well as 29 single-family homes on the Hopevale property.

Attorney Hopkins stated that he believes an agreement has been reached with the nearby residents relative to this project going forward. He stated that it is important to note that the residents are not supportive of the project, but given the fact that the property will be developed, the applicant has addressed their concerns.

Attorney Hopkins stated that as a result of discussions with the neighbors, there are several conditions that the applicant has agreed to going forward, as follows:

1. The current Site Plan application will be withdrawn, and the applicant will proceed with the alternate layout. Up to 31 single-family homes will be proposed.
2. The applicant has agreed to eliminate two (2) two-story eight-unit apartment buildings that back up to the single-family homes on Breckenridge Road and replace them with three single-story two-family homes. In addition, one (1) eight-unit building will become a six-unit building.

Attorney Hopkins stated that based upon the above conditions, the density of the apartments will be reduced by 18 units.

3. The applicant will agree to only build single-family homes on the portion of the Hopevale property on the Preliminary Plat and will agree to a deed restriction to ensure that this is a permanent condition.
4. Once the applicant constructs 56 apartment units, the roadway connection to Howard Road will be constructed.
5. The applicant has determined that he can use the Hopevale property for exclusive construction access. At no point in time while this project is being constructed will construction traffic use Heatherwood Drive.

Attorney Hopkins stated for the record that the applicant is not asking for there to be unanimous consensus among the large number of concerned neighbors, but he is planning to proceed based on the representatives of the neighbors and their counsel that he has been dealing with.

Attorney Steve Ricca, representing the neighbors, stated that the terms will be memorialized in an agreement signed by both parties.

Attorney Ricca stated that another condition will be that the road to Howard Road will be a public road, once it is built.

Mr. Reilly stated for the record that an agreement between the applicant and the neighbors does not bind the Planning Board in any way.

Teri Shelter, Breckenridge Road, asked for clarification of whether the new roadway to Howard Road would be public or private. Attorney Hopkins explained that the new roadway in front of the single-family homes would be public up to the cul-de-sac, and the roadway from Heatherwood Drive into the apartment project would be private. She said the visibility is very poor when pulling out of Howard Road driveways.

Attorney Hopkins noted that the proposed single-family lots would be larger than the existing lots on Breckenridge Drive.

Paula Shank, 3647 Howard Road, stated that she believes that the location of the new roadway onto Howard Road will be safety problem.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to schedule a public hearing for both the proposed Site Plan and the proposed Subdivision to be held on May 7, 2014. Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Board members agreed that if a project is tabled two (2) consecutive times, it will not be placed on a Planning Board meeting agenda until a resubmittal is received by the Planning Department.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 8:15 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board

Date: April 28, 2014