

Town of Hamburg
Planning Board Work Session
May 4, 2011
Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, May 4, 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 and Karen Rogers.

Others in attendance included Andrew Reilly, Sarah desJardins and Attorney Cheryl McFaddon- Zak.

Excused: Sasha Yerkovich

Brookview Apartments

Mr. Reilly stated that the Planning Board is continuing its review of this project, noting that the applicant made the decision not to proceed to the site plan review phase until he attempted to obtain variances necessary to develop the property as proposed. He further stated that the requested variances were approved on May 3, 2011.

Mr. Reilly stated that the project will go through a stringent environmental review process and noted that he would be asking the Planning Board to authorize the Planning Department to begin that process by mailing the documents requesting Lead Agency Status under SEQRA (State Environmental Quality Review Act) and initiating the Coordinated Review process, which would allow the Board to receive input from Involved Agencies and internal Town departments.

Mr. Reilly stated that some of the issues to be addressed regarding this project are the wetlands and floodplain on the property, as well as whether a second emergency means of egress will be required.

In response to a question from Chairman Reszka, Mr. Reilly stated that this property is zoned correctly for multi-family developments and the project is in conformance with the Town's Comprehensive Plan.

Attorney Sean Hopkins from Hopkins & Sorgi, PLLC appeared on behalf of the project, noting that Glenn Wetzl, applicant, was also in attendance. Attorney Hopkins described the project, noting that it is creative and complies with the Town's requirements. He further stated that Mr. Wetzl welcomes input from the public. He noted that he and Mr. Wetzl plan to meet with the Four Seasons residents whose homes back up to the rear portion of the project site in order to determine precisely where the clearing limits will be, noting that Mr. Wetzl is agreeable to placing the fifty-foot setback area at the rear of the project site in a conservation easement. He further stated that the conservation easement would be recorded in the Erie County Clerk's office and would ensure that the fifty-foot setback area will be permanently left as open space.

Attorney Hopkins stated that the original layout proposed by Mr. Wetzl included a gated emergency access to Summerway Lane but based on input received from the Planning Board the emergency access has been removed from the plans. He noted that the applicant is not proposing any access whatsoever to Summerway Lane but if the Town ultimately does require the access, it would be for emergency use only and would be gated. He further stated that Mr. Wetzl would agree to a condition in connection with the approval of this project that there can never be a public roadway connection between the stub street on Summerway Lane and the project site.

In response to a question from Dr. Miriam Winokur, resident, Mr. Reilly stated that the emergency gate would probably have a lock box on it and emergency service personnel would be the only people who would have access to the combination. He further stated that no one wants to see through-traffic between Four Seasons and this development.

Attorney Hopkins stated that the recorded deed restriction regarding the conservation easement could prohibit the emergency access area from ever being converted into a public road in the future.

Attorney Hopkins stated that the proposed project layout has been revised, noting that the buildings are clustered with ample green space between them. He further noted that the project would have no impact on the existing wetland area on the site.

Attorney Hopkins stated that the build-out of the project would probably take place in three stages with the area closest to Southwestern Boulevard being developed first. He further stated that Mr. Wetzl is not interested in speculative development, meaning that the project will be built based on market demand.

Attorney Hopkins stated that the applicant received variances from the Zoning Board of Appeals the previous evening for ten (10) of the buildings. He noted that the Town requires that all multi-family buildings be located at least fifty (50) feet from all property lines and portions of ten (10) buildings encroached slightly into the fifty-foot area. He further stated that the variances were granted based on the current proposed layout of the project and that the only setback variances sought and granted were to the east (adjoining Bethel Estates) and west (adjoining the NYSDOT maintenance building).

Attorney Hopkins stated that the two (2) dumpsters proposed along the rear property line will be relocated, as requested by the Engineering Department.

In response to a question from Chairman Reszka, Attorney Hopkins stated that the applicant can consider the idea of switching the garages and the two (2) buildings along the rear property line so that the garages are closest to the Summerway Lane properties instead of the buildings. He noted that the applicant will be in a better position to evaluate that possibility when he and his engineer meet with the neighbors in the near future.

Mr. Reilly stated that it is difficult to stay within the clearing limits when buildings are

proposed right on the fifty-foot setback line.

In response to a question from Chairman Reszka, Attorney Hopkins stated that based upon the topography of the site it would be extremely difficult to locate an emergency means of egress along the property line shared with the New York State Department of Transportation (NYSDOT).

Mrs. Rogers asked Attorney Hopkins if it would be possible to move the proposed buildings closest to the Summerway Lane properties further away and replace them with parking or green space. She noted that the wooded area behind the residents' homes is beautiful and she would like the applicant to investigate the possibility of increasing the size of the setback area. Attorney Hopkins stated that this will be looked at by the applicant's engineer.

Mr. Koenig stated that he is concerned about the possibility of the creek on the site flooding and because of that concern he feels there should be an emergency means of egress.

Mr. Reilly stated that, in order to do a thorough environmental review of this proposal, the Planning Board will need information on the availability of water and sewer, a wetland study, location of the flood plain and whether the project will impact it in any way, location of the entrance onto Southwestern Boulevard, drainage and the impact to the existing vegetation on the site.

Mrs. Rogers stated that she will want the applicant to submit information about how the project will be lit and how the Summerway Lane residents can be assured that the lighting from the project will not adversely affect them.

Dr. Miriam Winokur, 3973 Summerway Lane, invited Board members to attend the anticipated meeting between the Summerway Lane residents and Mr. Wetzl. She stated that the Four Seasons residents have a serious drainage problem already and are concerned about what impact the project would have on this situation. She further stated that she has had sewage back up during heavy rain periods and is very concerned about this problem becoming worse if the proposed development is built.

Chairman Reszka stated that the applicant will have to prove to Erie County Sewer that the area can handle the amount of sewage this project will create and/or that the applicant will do upgrades to the sewer system.

Attorney Hopkins stated that he believes that the sewage generated by this development would not flow past the homes on Summerway Lane.

Mr. Randy Jaroszewski, 4962 Autumnway Lane, stated that he believes that Attorney Hopkins is incorrect regarding the direction in which the project's sewage would flow.

Mr. Reilly informed the public that the Planning Board does not individually notify the

neighbors of a public hearing but a notice is placed in the Hamburg Sun and the Front Page and the applicant will erect a sign on the property indicating that a public hearing will be held on the proposal.

Mr. Jaroszewski asked about the variances that were granted for this project. Attorney Hopkins indicated on the plan which buildings will be less than fifty (50) from a property line. Mr. Jaroszewski also asked if the conservation easement area would be encroached upon during construction of the buildings. Attorney Hopkins responded that this would be one of the issues discussed at the meeting between the applicant and the Summerway Lane residents.

In response to a question from a member of the public, Attorney Hopkins stated that the applicant has a contract to purchase the entire property. He further stated that originally the applicant planned to construct a senior housing facility on the property east of the creek but decided against that idea after having a marketing study conducted. He noted that, because of this decision, the applicant does not know if he will be purchasing the entire property or solely the portion of the site containing the proposed apartment community.

Mr. Jerry Giglio, Traffic Safety Advisory Board (TSAB) Coordinator, stated that perhaps the Four Seasons residents should look at the prospect of a gated emergency access onto Summerway Lane as a positive in the sense that if a disaster ever happened on the Thruway, the residents of Four Seasons would have a way to evacuate their neighborhood through the apartment community.

Mr. Mike Stanek, 3965 Autumnway Lane, stated that he is concerned about the number of traffic lights that have been installed in the vicinity of his subdivision.

Mr. McCabe made a motion, seconded by Mr. Koenig, to seek Lead Agency status and authorize the Planning Board to initiate the SEQRA Coordinated Review. Carried.

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

Engineering Department comments have been filed with the Planning Department.

Eckel Two-Lot Subdivision

Mrs. desJardins stated that the applicant, William Eckel, would like to divide off a building lot for his son to build on.

Mr. Reilly stated that the proposed new lot meets all zoning requirements and noted that he would like a note on the subdivision plan indicating that there will be no further subdivision of the new lot.

It was determined that, because of recent court decisions concerning site plans and subdivisions indicating that Boards cannot hold a public hearing until the SEQRA process has been completed, the Board determined that a public hearing would not be

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scheduled for its regular May meeting. Attorney McFaddon-Zak stated that she will research this issue.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to table this project until Attorney McFaddon-Zak issues a legal opinion regarding the timing of public hearings. Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Reilly stated that the new owner of the Wanakah Grill on Pleasant Avenue would like to expand the parking area and re-open the restaurant. He further stated that variances will be required because of the number of parking spaces provided and proximity of the new parking area to the road. He noted that drainage will probably be an issue and indicated that complaints have been received by the Building Inspection Department about the property.

Mr. Reilly stated that this proposal will be placed on the Board's regular May meeting agenda.

Mr. Bellissimo made a motion, seconded by Mrs. Rogers, to approve the minutes of April 20, 2011. Carried.

Chairman Reszka made a motion, seconded by Mr. Bellissimo, to move into Executive Session at the request of Attorney McFaddon-Zak to discuss legal procedures with regard to the Planning Board. Carried.

Chairman Reszka made a motion, seconded by Mr. Bellissimo, to adjourn the Executive Session. The meeting was adjourned at 8:50 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board