

Town of Hamburg
Planning Board Meeting

June 15, 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, June 15, 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, Augie Geraci, Al Monaco and Robert Mahoney.

Others in attendance included Town Planner Andrew Reilly, Principal Engineer Rick Lardo and Attorney Ryan McCann.

WORK SESSION

Greg Burroughs – Requesting Preliminary Approval of a two-lot subdivision to be located at 6872 Boston State Road

Daryl Martin, architect, representing the applicant, stated that the applicant owns 3.3 acres of property on Boston State Road, and he would like to sell his existing home to his daughter and son-in-law and then split off 1.2 acres and build a small home for himself and his wife. He stated that the second lot would not be two (2) acres in size, the lot would not be the required 200 feet wide at the building line and the existing detached garage would be too close to the side lot line. He noted that three (3) variances would be required.

Mr. Martin stated that the applicant has tried to purchase additional property from the property owner to the west, but the property owner was not interested at the time. The owner of the property to the west subsequently sold it to a family who built a home on it, and that family (Hughes) is not opposed to what the Burroughs are attempting to do.

Mr. Martin stated that the newly created lot would not affect the character of the neighborhood because the properties across the street are zoned R-1 and are sized accordingly.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to forward this project to the Zoning Board of Appeals. Carried.

Engineering Department comments have been filed with the Planning Department.

B & S Mini-Storage – Requesting Site Plan Approval of additional mini-storage space at 5525 Southwestern Boulevard

Jim Cleary, applicant, stated that he purchased the property from the Town of Hamburg, the property was rezoned and now he would like to construct additional mini-storage buildings. He stated that the project requires a variance from the Zoning Board of Appeals because the proposed new building would be 15 feet from a side property line instead of the required 50 feet.

Mr. Reilly stated that one of the conditions of rezoning was that the applicant would provide the appropriate screening to the adjoining residential property as determined by the Planning Board during Site Plan Approval.

In response to a question from Chairman O'Connell, Mr. Cleary stated that he does not plan to have garage doors on the side of the new building that faces the adjacent residential property.

Mr. Cleary showed Board members a drawing of how he proposes to screen the adjacent residential property. He stated that he would like to beautify the corner of Abel Road and Southwestern Boulevard. He stated that everything in the front of the property will be grass, and the rear of the site will be treed. He stated that the existing buildings are 125 feet from the roadway, and there would be no doors on the side of the new building that would face the adjacent residential property. He further stated that he would erect a six-foot stockade fence along the property line he shares with the adjacent residential property, and he would plant evergreen trees on his side of the fence.

Chuck Fadale, owner of the adjacent residential property, stated that he bought his property with the knowledge that the strip of property next door was green space dedicated to the Town. He stated that the Town sold this property to the applicant, and the required distance between the proposed self-storage building and his property line is 50 feet, which he has no problems with. He stated that he opposes any proposal by the applicant to locate the new building any closer than 50 feet from his (Mr. Fadale's) property line.

Mr. Bellissimo made a motion, seconded by Mr. Monaco, to forward this project to the Zoning Board of Appeals. Carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing – 7:00 P.M., West Herr Ford – Requesting Site Plan Approval of a proposed parking lot expansion at 4781 Camp Road

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the applicant plans to infill the area within the 35-foot parking setback from Camp Road with grass and a berm. He noted that the areas to be infilled are on the north and south ends of the site.

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 West Herr Ford to expand the existing vehicle storage area at 4781 Camp Road. The public hearing will be held on June 15, 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 a motion, seconded by Mr. Schawel, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing – 7:00 P.M., Fasolino Partnership – Requesting Preliminary Approval of a two-lot subdivision at 6437 and 6489 Boston State Road

Mr. Clark read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will hold a public hearing on June 15, 2016 in Room 7B of Hamburg Town Hall at 7: 00 P.M. regarding a two-lot subdivision known as the Fasolino Partnership Two-Lot Subdivision to be located at 6437 and 6489 Boston State Road.”

Chairman O’Connell declared the public hearing open. No one spoke.

Chairman O’Connell declared the public hearing closed.

Mr. Bellissimo made a motion, seconded by Mr. Geraci, to issue a Negative Declaration for this proposed subdivision. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Geraci, to grant Preliminary Approval for the Fasolino Two-Lot Subdivision with the following conditions:

1. The filing of a Map Cover is waived.
2. The installation of sidewalks is waived.

David Homes – Requesting an amended the approved Site Plan for the Villas at Brierwood (Southwestern Boulevard)

David Stapleton, developer of the Villas at Brierwood, stated that he met with the Villas at Brierwood Board of Directors and the Homeowners' Association (HOA) president recently, and the HOA president was planning on attending this meeting, although he was not present.

Mr. Stapleton stated that a letter was submitted to the Board from the president of the HOA indicating that the HOA is not interested in and is opposed to having the sidewalks installed per the approved plan.

Mr. Stapleton stated that two (2) member of the Villas at Brierwood Board of Directors recently met with Mrs. desJardins to ascertain what was approved for the development, including street lights and trees. He stated that some things were adjusted once the development was begun for practicality at the request of the homeowners in the community. He noted that he spent over \$20,000 to install a berm in order to block the residents' view of the adjacent agriculturally zoned property. He also noted that he paid over \$20,000 to take the adjacent property owner's garage down.

Mr. Stapleton stated that as the development has evolved over the last eight (8) years, he has done things a little bit differently. He noted that he initially started to put street lights in that were approved by NYSEG as being easily monitored and maintained, but then NYSEG revised its policy regarding these street lights and they were no longer allowed.

Mr. Stapleton stated that his request is twofold:

1. He would like to align the rear roadway so that the middle corridor that had a green space (but the ash trees died) can be cleaned up.
2. Regarding the installation of the sidewalks, he stated that he is still planning on doing a commercial project in front of the development, but there is no demand for it at this time. He stated that there will be some connectivity with Southwestern Boulevard when the commercial is put in.

Mr. Stapleton stated that the HOA does not want the sidewalks. He stated that he does not see the need for them because they are internal to a private community with a private club house that is not meant to be used by people coming from Southwestern Boulevard.

Chairman O'Connell stated that the sidewalks were approved several years ago by the Planning Board specifically for the safety of the community to connect the commercial area to Southwestern Boulevard. He stated that he understands that the HOA does not want the sidewalks because its members do not want to pay for the upkeep of the sidewalks. He noted, however, that when the development was being constructed and

those HOA members were moving in, those sidewalks were to go in per the Planning Board. He stated that minutes show that there was much discussion about the sidewalks, and the Planning Board was adamant about their being put in.

Mr. Stapleton stated that he agrees that the sidewalks were originally approved by a previous Planning Board in 2008, and it was a different world then with the economic crisis. He stated that he now has 60 homes built in the development, and the buyers' profiles are different now than they were in 2008.

Chairman O'Connell stated that at its last meeting, he polled the Board members, and they all felt the sidewalks should be installed now.

Mr. Bellissimo reminded Mr. Stapleton that in 2011, when his representatives were told to install the sidewalks, there was no push back from him (Mr. Stapleton), and Board members assumed the sidewalks would be installed at that time.

Mr. Stapleton stated that the Planning Board does have the legal right to remove the requirement that the sidewalks be installed. Chairman O'Connell stated that the Planning Board is aware of that.

Mr. Stapleton stated that the residents who live at the Villas at Brierwood now do not want the sidewalks installed.

Chairman O'Connell read the following email received by the Planning Department on May 4, 2016 from Mr. Cliff Huen, President, Villas at Brierwood Association:

"It has come to the attention of our Safety Committee that the site plans for the Villas includes a side walk. The side walk would be the only one within the development and appear somewhat as an afterthought. But our real concern is that it leads directly out to Route 20. Since this road has experienced four deaths since 2011, the safety concerns for this stretch of road are an understatement. We as an association vigorously oppose the proposed side walk and would hope that it would not be constructed in the future."

Mr. Bellissimo stated that the Planning Board cannot just backpedal and change something because some people are now opposed because it could set a bad precedent.

Chairman O'Connell stated that Mr. Stapleton's representative, Kevin Curry, stated at the Board's May 18, 2016 meeting that if the Planning Board decides to still require that the sidewalks be installed, then they will be installed.

Mr. Stapleton stated that there are no public roads in the development. He stated that the New York State Department of Transportation (NYSDOT) is conducting a study of the safety concerns along Southwestern Boulevard, and NYSDOT has indicated that it plans to do something along that stretch of Southwestern Boulevard in the vicinity of the Villas at Brierwood. He stated that until the NYSDOT's work is done, it makes no sense to put the sidewalks in. He stated that he does not think the sidewalks should go in at

all, and he does not think they should go in until we know what the NYSDOT plans to do.

Mr. Stapleton stated that the NYSDOT may do a taking of some of the property along Southwestern Boulevard, and it may change the configuration and layout of the entranceway to the development.

Mr. Stapleton stated that if the Planning Board decides the sidewalks must be installed, he would like to know what area the Board is talking about, and he would ask that the decision that they must be installed be made with the improvements to Southwestern Boulevard in mind.

Chairman O'Connell stated that the sidewalks would be installed per the approved Site Plan. He stated that no one know what the NYSDOT will do in that area or even if anything will be done.

Board members discussed where the sidewalks that were approved would be located and what their purpose would be.

Mr. Stapleton stated that he believes that when the original Site Plan was approved, there was an assumption made that the clubhouse was a public facility that needed access.

Mr. Stapleton stated that some of Chairman O'Connell's relatives who live at the Villas at Brierwood are opposed to the sidewalks, and therefore he should abstain from the vote. Chairman O'Connell stated that to the best of his knowledge, he does not have any relatives who live in the development, and he will not abstain from voting.

Mr. Stapleton stated that he hopes to see the Board under better terms, but his fight is not over and he will be speaking to his attorney. He stated that his residents do not want the sidewalks, and he will push the issue.

Chairman O'Connell made a motion, seconded by Mr. Bellissimo, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Frank Russo – Requesting Preliminary Approval of a 12-lot subdivision as an extension of Niles Avenue

It was determined that no one was in attendance to represent 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.

Colley's Pools (4953 Camp Road) – Requesting Site Plan Approval of a 17,600 sq.ft. retail/restaurant building and related parking

Chris Wood from Carmina Wood Morris, representing the applicant, stated that some of the Engineering Department comments have been addressed, but others have not, and a meeting probably will be scheduled to discuss those outstanding issues.

In response to a question from Mr. Bellissimo, Mr. Wood stated that the pools on display out at the road will be moved to the rear of the property at the end of the season.

Chairman O'Connell stated that he believes the pools on display should be removed to the rear of the site immediately.

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

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Chairman O'Connell stated that Mr. Bellissimo, who is moving out of the area, was a pleasure to work with and a huge help to him, and he will be greatly missed.

Mr. Bellissimo made a motion, seconded by Mr. Geraci, to approve the minutes of June 1, 2016. As the vote on the motion was six (6) ayes and one (1) abstention (Mr. Clark), the motion carried.

Mr. Bellissimo made a motion, seconded by Mr. Clark, to approve the minutes of February 3, 2016. Carried.

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

Respectfully submitted,

William Clark, Secretary

Planning Board

Date: June 30, 2016