

Town of Hamburg
Planning Board Work Session
July 6, 2011
Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, July 6, 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, Sasha Yerkovich and Karen Rogers.

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

Public Hearing – Whispering Pines Subdivision

Mr. McCabe read the following public hearing notice:

“Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on a 28-lot subdivision known as Whispering Pines Subdivision to be located east of Dorchester Road, west of Brompton Parkway on July 6, 2011 in Room 7B of Hamburg Town Hall at 7:00 P.M. The property is described as follows: SBL # 160.15-1-48.11 et. al”.

Chairman Reszka declared the public hearing open. No one spoke.

Chairman Reszka declared the public hearing closed.

Andrew Gow from Nussbaumer & Clarke, representing the applicant, agreed to provide the Planning Department with five (5) copies of the most recent subdivision map.

Mr. Reilly stated that if any wetland mitigation is to be done on site, the applicant must notify the Planning Board and submit the mitigation plan for the Board’s approval.

Mrs. Yerkovich made a motion, seconded by Mr. Bellissimo, to grant Conditional Preliminary Plat Approval for this subdivision with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated July 6, 2011.
2. The installation of sidewalks is not waived.
3. Recreation fees will not be waived.
4. The agreed-upon conservation easement in the name of the Town of Hamburg will be provided.
5. A side yard setback of at least eight (8) feet will be provided for each lot.
6. Homes must be set back a minimum of 25 feet from the road.

Carried.

Engineering Department comments have been filed with the Planning Department.

The Granite Shop (South Park Avenue)

Mrs. desJardins stated that Daryl Martin, architect, submitted revised plans showing the parking space that was previously shown infringing upon the South Park Overlay District green space area removed. She further stated that the building has been relocated slightly further away from the home located to the north of the property. She also noted that the proposed sign has been changed to a monument sign.

Chairman Reszka stated that he does not like the location of the proposed sign and noted that, considering where it is and the type of traffic on South Park Avenue, he feels the sign should be relocated to an area in front of the building.

Chairman Reszka stated that Mr. Giglio (Traffic Safety Advisory Board Coordinator), expressed concern about a proposed tree that could potentially block site lines.

Chairman Reszka stated that he will postpone the public hearing scheduled for July 20, 2001 if a site plan is not submitted that addresses the Engineering Department concerns.

Mrs. desJardins stated that she would notify Mr. Martin that he must address as many of the Engineering Department's comments as possible by the Board's next meeting.

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

Engineering Department comments have been filed with the Planning Department.

Woods at Versailles Subdivision

Leanne Voit from Greenman-Pederson and Scott Livingstone from Earth Dimensions appeared on behalf of the developer of the subdivision.

Mr. Reilly stated that the Planning Board granted Preliminary Approval for this subdivision in 2008. He further stated that the applicant is now reporting to the Planning Board on the wetlands mitigation that has been approved by the Army Corps of Engineers. He noted that the wetlands mitigation plan includes mitigation in the area denoted on the approved subdivision plan as the conservation easement to the Town of Hamburg. He stated that the residents adjacent to the conservation easement area will most likely be concerned about this change.

Mr. Livingstone stated that the original plan was to clear the area and excavate it to create wetlands but now the idea is to leave all the existing vegetation there and create a one-foot high berm around the area to hold the water.

Mr. Reilly stated that the Town's concern is that in installing the berm and taking material from the pond to create the berm, a larger area of the existing trees would be disturbed than what is indicated by the applicant. He further stated that he is concerned that the trees between the pond and the berm area will come down as the developer's machinery moves from the pond to the berm.

Ms. Voit stated that the original mitigation plan was to create a thirty-foot buffer behind

the existing homes on Fox Chase Road and a fifteen-foot buffer behind the homes to be built on Shadow Lane.

Mr. Reilly stated that the Planning Board was told that the wetlands mitigation would be done off site and had no idea that the developer was working on a mitigation plan on this site.

Ms. Voit stated that she realizes that there has been a misstep in the process.

Ms. Voit stated that the original plan presented to the Corps of Engineers was to completely clear the conservation area and create the wetlands mitigation within that space. She noted that every entity the developer approached to try to do mitigation off- site turned him down.

Ms. Voit stated that the developer is required to create 2.58 acres of mitigation in order to mitigate the small wetland areas that will be impacted. She further stated that the approved plan involves creating a one-foot berm that would meander (it would be between two and four feet wide in order to avoid any significant trees.) She noted that the berm would contain any water within the conservation area. She further noted that the plan would be to keep all the existing vegetation in the conservation easement area and let the wetland vegetation come in time.

Ms. Voit stated that the mitigation plan described above has been approved by the Corps of Engineers, the applicant has received the permit and the consultant (Earth Dimensions) will be held to this plan.

Ms. Voit stated that the berm would be located in the buffer area behind the existing adjacent homes but all the vegetation will remain in that area except for the small area where the berm would be located.

In terms of clearing for the proposed berm, Ms. Voit stated that the applicant proposes to clear between eight (8) and ten (10) feet of vegetation in order to construct the berm. She further stated that the plan is to utilize the smallest equipment possible.

Ms. Voit stated that trees would be replanted in the cleared area.

Mrs. desJardins asked Ms. Voit how the conservation easement area would appear different to the adjacent homeowners if the applicant goes through with the mitigation plan, as opposed to what they expect that area to be like based on the Planning Board's approval in 2008. Ms. Voit responded that the area will be wetland and the natural vegetation will be left in its existing state, as opposed to being cleared (except for the buffer areas).

Board members concurred that they were never under the impression that the conservation easement area would ever be cleared.

Mr. Reilly stated that when Preliminary Plat Approval was granted, the nearby residents understood that the conservation easement area would be completely untouched.

Chairman Reszka stated that, not only did the applicant not inform the Planning Board that there was a problem mitigating the wetlands off site, the applicant also did not inform the Planning Board or the Engineering Department that the plan to mitigate on site was approved by the Corps of Engineers.

Mr. McCabe stated that the developer's plan is to transform the conservation easement area from upland woodland to wetland. He noted that he does not know how the neighbors will feel about that much wetland that much closer to their back yards.

In response to a question from Mrs. Rogers, Ms. Voit stated that she does not know if the developer or contractor has contacted the affected neighbors about this change.

Mr. Reilly stated that the Engineering Department is not signing the Final Plat because changes have been made to the plan between Preliminary Approval and now. He further stated that the Planning Board must decide if the changes are substantial or not. He noted that the Board can hold a public hearing on the Final Plat, if it desires.

Mrs. Yerkovich stated that the character of the change proposed by the developer is significant.

Mr. McCabe stated that the Planning Board was working under the assumption that the wetlands mitigation would be done off site and that the conservation area would remain essentially untouched. He further stated that the Planning Board owes it to the adjoining residents to make them aware of the change and get their input.

Chairman Reszka stated that this phase of the subdivision was previously approved and the fact that this now does not work for the developer is not the Planning Board's problem. He further stated that the Planning Board could simply tell the developer that it will not approve the revised plan.

Ms. Voit stated that the Plat Map before the Planning Board has not changed, noting that the conservation easement area is still shown. Mr. Reilly responded that the proposed berm is not shown on the revised plan.

Mr. Reilly suggested that the Planning Board hold a public hearing regarding this change to the plan and notify the affected residents to solicit their input.

Board members discussed whether the affected residents legally can be notified by the Planning Board. It was determined that the residents who already are aware of this change will be told that a public hearing will be held and asked to spread the word to the rest of the affected neighbors.

Chairman Reszka stated that all of the minutes from Planning Board meetings regarding this phase of the subdivision indicate that the conservation easement area would never be touched. He further stated that the fact that the developer could not mitigate off-site does not make a difference to him, as the Planning Board approved a subdivision plan that did not include touching the conservation easement area.

It was determined that a public hearing will be scheduled on July 20, 2011 for a date in August 2011.

Ms. Voit stated that the developer would like to install sidewalks throughout this phase of the subdivision except for the 600 feet of sidewalk in front of the conservation area in two locations. She further stated that the developer believes that if a sidewalk is installed in front of a conservation area, it encourages walkers to enter the conservation area.

Ms. Voit stated that installing 600 feet of sidewalk is quite costly. She further stated that this street will not be a high traffic area.

Chairman Reszka stated that the Town usually attempts to connect sidewalks and not disconnect them.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mrs. desJardins stated that the Board will be asked to consider a two-lot subdivision on McKinley Parkway, across from Quinby Drive. She showed Board members the submitted subdivision map, noting that it will be placed on the Board's July 20, 2011 agenda.

Board members were concerned that a structure has already been constructed on the property to be subdivided, the property is zoned R-A and the use of the building may not be allowed in the R-A zone.

Mr. Reilly discussed the landscaping installed at the Avanti Mansion on South Park Avenue. He noted that a small building has been constructed around the hot box, which is positive. He further stated that the applicant did plant 2 ½ " caliper trees thirty feet on center along the front of the property, which is what was agreed upon.

Mr. Reilly stated that the applicant stated, in an email to Mrs. desJardins earlier this year, that if the Board does not approve of the way the property looks once everything is in, she would be happy to add additional landscaping.

Board members agreed to visit the site and determine if the installed landscaping is adequate.

Mr. Bellissimo made a motion, seconded by Mr. Koenig, to approve the minutes of June 15, 2011. As there were five (5) ayes and one (1) abstention (Mrs. Yerkovich), the motion carried.

Chairman Reszka made a motion, seconded by Mrs. Rogers, to adjourn the meeting. The meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board