

Town of Hamburg
Planning Board Meeting

July 6, 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, July 6, 2016 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O’Connell, Doug Schawel, William Clark, Augie Geraci, Al Monaco, Robert Mahoney and Dennis Chapman.

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

WORK SESSION

Boston State Holdings Co. LLC – Requesting Site Plan Approval of outdoor storage at 4233 Lake Avenue

Mr. Reilly stated that this applicant obtained a use variance from the Zoning Board of Appeals on June 7, 2016 to allow outdoor storage at this site for American Freight Company from January to the end of May.

It was determined that this project will be referred to the Village of Blasdell for its input.

Attorney Sean Hopkins, representing the applicant, stated that the gate for the proposed outdoor storage would be on the west side of the enclosure.

In response to a question from Chairman O’Connell, Attorney Hopkins stated that he will ask the applicant to investigate adding some landscaping along Lake Avenue.

It was determined that then fence around the outdoor storage would be eight (8) feet in height.

Mr. Clark made a motion, seconded by Mr. Geraci, to schedule a public hearing on this project to be held on July 20, 2016. Carried.

Engineering Department comments have been filed with the Planning Department.

Elderwood at Hamburg Skilled Nursing Facility (5775 Maelou Drive) – Requesting Site Plan Approval of a three-story building addition for 28 skilled nursing beds

Lowell Dewey from C & S Engineers, representing the applicant, stated that the applicant proposes to construct a three-story addition to the existing structure for 28

additional skilled nursing beds. He stated that he will comply with all of the Engineering Department comments.

In response to a question from Mr. Reilly, Mr. Lardo stated that the building is sprinklered, so any concerns about fire apparatus access around it should be directed to the Supervising Code Enforcement Official.

In response to a question from Mr. Reilly, Mr. Dewey stated that Elderwood is a senior assisted living facility.

Mr. Schawel stated that he visited the site and received a tour from the maintenance supervisor, and he was told a different version of what is proposed. He asked Mr. Dewey for clarification. Mr. Dewey responded that the part of the building that is currently one-story will remain, and the new addition will be three (3) stories.

Mr. Dewey further commented that he will bring the floor plans and elevations to the public hearing for the Board's review.

Mr. Reilly stated that he would check with the Community Development department, because a law was recently passed requiring that 10% of all multifamily structures include affordable housing.

In response to a question from Mr. Lardo, Mr. Dewey stated that he will find out whether additional staff is anticipated.

It was determined that parking is currently an issue at this location.

Mr. Clark made a motion, seconded by Mr. Monaco, to schedule a public hearing for this project to be held on July 20, 2016. Carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Chairman O'Connell stated that Mr. Bellissimo resigned from the Planning Board. He appointed Mr. Clark as Vice-Chairman and Mr. Schawel as Secretary.

Dennis Chapman introduced himself as the Planning Board's new member.

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 has been working through some engineering issues with the Town's Engineering Department. He further stated that the proposed landscaping has not changed since the Board's last meeting, and a landscaped berm has been proposed in

front to make sure that people do not park in the required 35-foot setback from Camp Road.

Mr. Reilly reviewed Part 2 of the submitted Environmental Assessment Form, and it was determined that the project will not have a significant impact on the environment.

Mr. Clark made a motion, seconded by Mr. Schawel, to issue a Negative Declaration for this project. Carried.

Mr. Clark made a motion, seconded by Mr. Schawel, to grant Conditional Site Plan Approval for this project with the following condition:

- Approval is contingent upon the Engineering Department comment letter dated July 6, 2016.

Carried.

Engineering Department comments have been filed with the Planning Department.

Russo Development – Requesting re-approval of a project that involves the construction of a new equipment storage area at 3710 Old Milestrip Road (Site Plan Approval was originally granted on May 7, 2014)

Mr. Reilly explained the project for the members who were not on the Planning Board when it was originally approved.

Mr. Clark made a motion, seconded by Mr. Schawel, to grant a six-month extension on the approval for this project. Carried.

It is noted that the applicant must obtain a Building Permit by January 6, 2017.

Engineering Department comments have been filed with the Planning Department.

Zak Management (Jeffrey Kryszak) – Requesting rezoning of property located at 4090 Jeffrey Boulevard from M-1 and M-2 to PUD (Planned Unit Development).

Mr. Geraci stated that he would be recusing himself.

Attorney Sean Hopkins, representing the applicant, stated that an informational meeting was held with nearby property owners on May 3, 2016. He stated that the applicant's property is currently zoned M-1 and M-2, and previously the request was to rezone the entire site to PUD. He stated that the primary concern regarding PUD zoning was that PUD zoning requires ten (10) acres, and the applicant's property is 8.9 acres in size. He stated that the other concern regarding PUD zoning is that the applicant has an existing loan on the 54,000 sq.ft. building, and his lender has indicated that it would rather not see the zoning classification of the building change.

Attorney Hopkins stated that he attended the Code Review Committee meeting on June 15, 2016, and several options were discussed as follows:

1. Rezone the entire property to PUD, which would require a variance.
2. Rezone a portion of or the entire site to C-2, which does allow certain categories of recreational use, but the Code Enforcement Official determined that it does not allow volleyball (although it does allow tennis, racquetball and related facilities).
3. Change the Zoning Code to allow the type of recreational facility the applicant proposes in different zoning districts in the Town.
4. Rezone a portion of the site to PR (Park/Recreational Lands District).

Attorney Hopkins stated that the applicant proposes to leave the existing facility zoned M-1 and M-2 and rezone a portion of the site from M-1 and M-2 to PR. He noted that this zoning classification has not been used that often and has been largely associated with publically owned properties, but this zoning matches what the applicant is proposing quite well. He noted that this zoning classification is expressly intended for passive and active recreational facilities, including both publically and privately owned properties. He further stated that volleyball facilities are explicitly permitted in this district.

Attorney Hopkins stated that the PR zoning eliminates the concerns associated with the other options for rezoning this property.

Attorney Hopkins stated that the zoning application would have to be amended, and this amended rezoning request would have to be referred to the Planning Board by the Town Board on July 18, 2016.

Mr. Reilly stated that the issues are still the same, regardless of what zoning is being requested.

Attorney Hopkins stated that the Supervising Code Enforcement Official issued a memo on June 7, 2016 indicating that in light of the fact that volleyball courts were part of the originally approved Site Plan and the fact that it is not clear either way whether they are permitted in the existing M-2 zone, he would not be taking any enforcement action. He stated that by rezoning this portion of the site to PR, clarification would be provided.

Attorney Hopkins stated that the applicant is proposing to construct a building to be used as a recreational facility that would have an accessory snack bar. He stated that the snack bar would sell alcohol, but it would be event driven, meaning that the snack bar would not be open if the facility is not being utilized.

In response to a question from Chairman O'Connell, Jeff Kryszak, applicant, stated that the facility would probably not be open before 8:00 AM, and volleyball leagues usually end around 11:00 PM and then basketball leagues might play for an additional hour or so.

Attorney Hopkins stated that 245 parking spaces are shown on the proposed Site Plan, and there is additional room for more parking spaces if needed, since almost 50% of the site would remain as green space. He stated that the applicant feels there is more than adequate parking.

Attorney Hopkins stated that the prime times for the recreational facility would not coincide with the prime times for the applicant's principal business.

Attorney Hopkins stated that the applicant has chosen the location for the new building so as to tuck it in as far away as possible from the neighbors. He stated that to a large degree, it would be behind the existing 54,000 sq.ft. facility, and this would help alleviate aesthetics and noise concerns.

Attorney Hopkins stated that the applicant voluntarily retained the services of Aurora Acoustical Consultants, Inc., which produced a report that was submitted to Board members for their review. He stated that the consultants took noise measurements at four (4) different locations, including during times when the outdoor volleyball courts were in use. He stated that the consultants found that the proposed project will not result in any potentially significant noise impacts.

Attorney Hopkins stated that the range of uses that are permitted in the M-1 and M-2 zones is clearly far more intensive than what the applicant proposes. He noted that the following uses are allowed in the M-1 zoning district:

- Research and development uses, laboratories
- Manufacturing facilities
- Electronic components and equipment
- Clothing and textile products
- Food and beverage products
- Warehousing and wholesale distribution facilities
- Hotels and motels

Attorney Hopkins stated that the M-2 zone allows all of the above uses, along with the following:

- Truck terminals
- Dispatch and transfer stations
- Laboratories
- Manufacturing, compounding and assembly facilities
- Self-storage facilities

Attorney Hopkins stated that the applicant had an employee count the number of cars over a two-day period on Jeffrey Boulevard. He stated that when this industrial park was created in the 1970s, the number of vehicle trips on Jeffrey Boulevard was projected to be 6,000 per day. He stated that the employee counted 1,600 on one (1)

day and 1,650 on the other day, meaning that there is 25% of the number of trips that was projected in 1972 for the industrial park.

Attorney Hopkins stated that Mr. Kryszak's interest in this project is based on his passion for volleyball and for providing an amenity that would be available to the Town and its residents. He stated that typically sports facilities are either public projects or public/private projects with government subsidies. He noted that Mr. Kryszak would be doing this project with his own funds.

In response to a question from Mr. Mahoney, Mr. Kryszak stated that he did not apply to the Hamburg Industrial Development Agency for this project.

Attorney Hopkins stated that if anyone would like to tour the applicant's property, Mr. Kryszak would welcome the opportunity.

Mr. Mahoney stated that he has visited the property several times, and he thought the traffic volume in the area seemed normal, as did the level of noise, although he does not live in the area.

Mr. Reilly advised the residents in attendance that if the Town Board does refer this new request to the Planning Board, the petitions that have been received, as well as the issues raised in those petitions, are still valid. He noted, however, that the residents would have to submit another petition because the application has changed.

A member of the public stated that vehicles in the area do not follow the speed limit. He stated that he is concerned about the additional traffic in the area and possible drunk drivers.

Mr. Reilly stated that if the Town Board approves this rezoning, it can place reasonable and enforceable conditions on the rezoning approval.

In response to a member of the audience who was concerned about the event-driven snack bar turning in to a stand-alone bar, Attorney Hopkins stated that a stand-alone bar or restaurant is not permitted in the zoning classification the applicant is seeking.

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

OTHER BUSINESS

Mr. Reilly reminded Board members that the Board previously approved the Bill Barrett ice-cream stand on Route 5. He stated that the ice-cream stand was delivered, and there have been some questions regarding whether what was delivered is what was approved by the Planning Board.

Board members discussed at length whether the ice-cream stand Mr. Barrett has provided is consistent with what was approved.

Board members concurred that the ice-cream stand is consistent with what the Planning Board approved.

Chairman O'Connell stated that there was one (1) small correction to the minutes of June 15, 2016. He stated that Mr. Schawel made the motion to adjourn the meeting, and Mr. Bellissimo seconded the motion.

Mr. Clark made a motion, seconded by Mr. Geraci, to approve the minutes of June 15, 2016 as amended. Carried.

Mr. Schawel made a motion, seconded by Mr. Geraci, to adjourn the meeting. The meeting was adjourned at 8:25 P.M.

Respectfully submitted,

William Clark, Secretary

Planning Board

Date: July 11, 2016