

Town of Hamburg
Planning Board Work Session
August 3, 2011
Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, August 3, 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.

Proposed Pre-Permitted Site Incentive Law

Mr. Reilly stated that the Town is considering adopting a law that would offer a special designation for Industrial or Business Parks that are created in appropriate areas of the Town. He stated that this incentive designation would allow future projects proposed within an incentivized Industrial or Business Park to proceed directly to the Town for site and building permits.

Mr. Reilly stated that when an applicant proposes an Industrial or Business Park, the project would go through the State Environmental Quality Review (SEQR) process. If the applicant wanted a pre-permitted designation, it would require the preparation of a Generic Environmental Impact Statement (GEIS) or a Supplemental Generic Environmental Impact Statement (SGEIS) in the case of an Industrial or Business Park that already had an EIS completed. He further stated that the Planning Board would review the project and the GEIS and forward a recommendation to the Town Board. The Town Board would make a SEQR decision and if it issued a Positive Findings as Lead Agency, it could grant the "pre-permitted" designation and approve the project.

In response to a question from Mr. McCabe, Mr. Reilly stated that the Planning Board would not review a future project once the pre-permitted designation is placed on the Industrial or Business Park. He noted that during the Planning Board's review of the proposed Industrial or Business Park and GEIS (which would include a section specifically on site plan issues) it would look at general issues such as traffic, general building locations, setbacks, landscaping and other general site plan issues. These issues would allow the Board to include conditions in the Findings that would address site plan approval, and therefore not require the applicant to return to the Planning Board. The Town Engineering and Planning Departments would review any future projects for conformance to these conditions.

Mrs. Yerkovich made a motion, seconded by Mrs. Rogers, to recommend that the Town Board proceed with adopting this Pre-Permitted Site Incentive Law. Carried.

Realty USA (3674 Commerce Place)

Attorney Cheryl McFadden-Zak stated that she had to recuse herself from discussion on this proposal.

Andrew Gow from Nussbaumer & Clarke and Andrew Romanowski, builder, appeared on behalf of the proposed project. Mr. Gow stated that Realty USA proposes to construct a building for Quest Diagnostics, noting that currently Quest is located inside the existing building on the property.

Mr. Gow stated that the proposed building is one-story and will be consistent with the existing building on the property. He further noted that a new dumpster is proposed.

Mrs. desJardins asked Mr. Gow to review Nussbaumer's green space calculation for the site.

Mr. Romanowski stated that when the existing building on this site was approved by the Planning Board many years ago, a future proposed building was shown on the site that was approximately the same size as the building proposed now.

Mr. McCabe made a motion, seconded by Mr. Koenig, to schedule a public hearing for this project for August 17, 2011. Carried.

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

Engineering Department comments have been filed in the Planning Department.

OTHER BUSINESS**Villas at Brierwood**

Erik Krull, appearing on behalf of David Homes, stated that the project is currently under construction and the clubhouse, as well as two (2) buildings, is complete. He further stated that the approved site plan shows a sidewalk from Southwestern Boulevard to the clubhouse, but the applicant does not believe that anyone will use this because there are currently no sidewalks on Southwestern Boulevard and also because the area slated for commercial use (which the sidewalk would go past) has not been developed yet. He stated that the applicant cannot justify the ongoing maintenance (landscaping, snow removal, etc.) for the homeowners' association. He noted that the applicant believes that something that will not be used should not have to be installed at this time.

Scott McClintock, P.E. from David Homes stated that there is no sidewalk on Southwestern Boulevard from Amsdell Avenue to the entrance to the Villas at Brierwood and noted that the applicant feels that he would be installing a sidewalk to nowhere. He further stated that the residents who will be living in this community are going to use the internal roads for their own use (for walking, biking, etc.), as they do not connect to any other roadway system. He noted that there are no sidewalks in the community.

In response to a question from Mrs. Rogers, Mr. McClintock stated that residents will get their mail at the clubhouse, so they will not need to walk out to Southwestern Boulevard for that purpose.

Mrs. Yerkovich asked Mr. McClintock why the sidewalk would not be necessary so that the residents of the Villas at Brierwood have a safe way to access the future commercial use. Mr. McClintock responded that at this point in time the commercial use does not exist and the applicant does not know what the layout will be of that area. He noted that he would not want to install a sidewalk there and then have to move it later if the layout of the commercial area changes.

Mr. Reilly stated that at some point in time Southwestern Boulevard will be rebuilt and a sidewalk will be installed. He noted that the Planning Board would definitely want the sidewalk from Southwestern Boulevard to the clubhouse installed at that time.

Mr. McClintock confirmed that the applicant is asking the Planning Board to waive the installation of this sidewalk because it would not be used by anyone.

Mr. Koenig stated that his fear is that if the sidewalk is waived now, it will never be installed. He further stated that he would rather direct the applicant to install the sidewalk when the commercial area is constructed, rather than waiving them at this time.

Mr. McClintock stated that the layout of the future commercial area should dictate where the sidewalks should go and how they should be accessed by the residents of the development.

It was determined that the approved site plan shows the sidewalk from Southwestern Boulevard to the clubhouse. Mr. Reilly stated that the Engineering Department has indicated that when the development is constructed the sidewalk must also go in.

Mr. Krull stated that originally the developer was amenable to installing the sidewalk, but after looking at how long it might take to bring the commercial aspect of this project to completion, as well as the cost of installing the sidewalk, the applicant does not think it is wise to install it at this time.

Mrs. Yerkovich stated that the Planning Board does not ask for a sidewalk so that it will connect to a commercial area, but rather so that when sidewalks come on Southwestern Boulevard, it will connect the residents to the highway.

Chairman Reszka stated that his concern is that if the sidewalk is not installed now, sidewalks are put in on Southwestern Boulevard in the future and the commercial part of this Planned Unit Development never materializes, the residents of the development will have to walk on the main entry road in order to get to the sidewalk on Southwestern Boulevard. Mr. McClintock responded that in that scenario, the only vehicular traffic on that entry road would be from the residents and therefore would not be a problem.

Chairman Reszka stated that there is a big difference between walking on an internal roadway and walking on the main entranceway to the development.

Attorney McFadden-Zak stated that the Planning Board is concerned about the residents of the Villas at Brierwood wanting to walk to Wal-Mart, for example, once sidewalks are installed on Southwestern Boulevard and the sidewalk being discussed

would need to be there so the residents can get to Southwestern Boulevard safely.

Chairman Reszka stated that he sees no reason not to require that the sidewalk be installed at this time. He noted that Planning Board members often requires "sidewalks to nowhere" because they know that eventually they will be connected. He further stated that if they allow the developer to wait until the commercial area is put in and that commercial area is never built, the sidewalk will never go in and then when sidewalks are installed along Southwestern Boulevard, residents will have to walk along the entry road to get out to the highway.

Board members agreed that this is a safety issue and that the sidewalk should be required at this time.

Mr. Krull stated that signs will be installed at the entrance to the development indicating that it is a private development and that the speed limit is 15 mph.

It was determined that the main entrance is not a divided roadway.

Woods at Versailles

Board members reviewed correspondence received from the applicant's attorney regarding the upcoming public hearing to be held on August 17, 2011.

Mr. Koenig made a motion, seconded by Mr. McCabe, to approve the minutes of July 20, 2011. As there were five (5) ayes and one (1) abstention (Mr. Bellissimo), the motion carried.

Mr. Bellissimo made a motion, seconded by Mrs. Yerkovich, to adjourn the meeting. The meeting was adjourned at 8:10 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board