

Town of Hamburg  
Planning Board Meeting  
September 17, 2014  
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M., on Wednesday, September 17, 2014 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, David Bellissimo, Stephen McCabe, Augie Geraci, Doug Schawel, Peter Reszka and William Clark.

Others in attendance included Planning Board Attorney Ryan McCann, Sarah desJardins, Town Planner and Richard Lardo, Assistant Municipal Engineer.

## **REGULAR MEETING**

### **Public Hearing for Special Use Permit – West Herr Toyota**

#### **Public Hearing for Site Plan Approval – West Herr Toyota**

Chairman O'Connell stated that the two (2) public hearings would be held simultaneously.

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that an application has been made to the Zoning Board of Appeals for its October 7, 2014 meeting to allow an extension of the non-conforming use by more than 25 %.

Mr. McCabe read the public hearing notice as follows:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a proposal by West Herr Toyota. The applicant is requesting Site Plan Approval and a Special Use Permit to construct a 26,000 sq.ft. addition to the existing building at 4141 Southwestern Boulevard. The public hearing will be held on September 17, 2014 at 7:00 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. Reszka, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

### **Jeff Nagle Subdivision (Pleasant Avenue and Amsdell Road)**

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the proposed Preliminary Plat has been revised based on Planning Board comments as follows:

- A line has been placed on the Preliminary Plat in the rear of the parcels indicating that no building is allowed past that point. He stated that the line is a bit arbitrary, but at least it will denote a visible area where a placard will be placed indicating that wetlands exist beyond that point.

Board members indicated that they are comfortable with the above approach.

Mrs. desJardins stated that a second correspondence from Mr. Paul Flowers, Pleasant Avenue resident, was received after the Board's September 3, 2014 meeting.

Mr. Flowers stated that he is very concerned about the drop off in elevation from the road on this property, and he is concerned about the amount of fill that would have to be brought in to develop these lots, which would affect drainage in the area.

Chairman O'Connell stated that he does not think someone would fill the entire site, but rather would just fill the area where the home would be.

Mr. Bellissimo stated that it would be cost prohibitive for someone to fill an entire lot. He further noted that the Engineering Department will have to approve a drainage plan for every proposed new home.

Chairman O'Connell stated that the Engineering Department will not allow the drainage from the new homes to affect the homes of the existing properties on Pleasant Avenue.

Mr. Gow stated that the driveways would be constructed with T turn-arounds, and a note has been added to the Preliminary Plat indicating that there will be no further subdivision of this land.

Carol Armstrong, 3121 Pleasant Avenue, asked who would be developing the lots. Mrs. desJardins responded that the applicant is simply selling the lots, and the individual lot purchasers will be obtaining their own architect, builder, etc.

Mr. Bellissimo made the following motion, seconded by Mr. Reszka:

**Whereas**, the Town of Hamburg received a subdivision application from Jeff Nagle to subdivide property located on the south side of Amsdell Road, north side of Pleasant Avenue into 4 lots; and

**Whereas**, the Planning Board has reviewed the project and the Environmental Assessment Form (EAF) in accordance with 6NYCRR Part 617, SEQR and has determined that the project will not produce any adverse environmental impacts.

**Now, Therefore, Be It Resolved**, that the Town of Hamburg Planning Board hereby determines that the proposed subdivision is not anticipated to result in any significant adverse environmental impacts and that a Negative Declaration is hereby issued. The Planning Board Chairman is authorized to sign the EAF.

Carried.

Mr. Bellissimo made the following motion, seconded by Mr. Reszka:

1. **Whereas**, the Town of Hamburg received a subdivision application from Jeff Nagle to subdivide property located on the south side of Amsdell Road, north side of Pleasant Avenue into 4 lots; and

**Whereas**, the Planning Board has reviewed the Preliminary subdivision plan and other required materials, received comments from various Town Departments and held the required public hearing on this proposed Subdivision on August 20, 2014; and

**Whereas**, the Hamburg Planning Board has determined that the proposed subdivision will not result in any significant negative effect on the environment and has issued a Negative Declaration;

**Now, Therefore, Be It Resolved**, that the Hamburg Planning Board hereby approves the Preliminary Plat for the ARR Holdings subdivision with the following conditions:

- Approval is contingent upon the Engineering Department comment letter dated September 17, 2014.
- No further subdivision of this land will be allowed.
- Recreation fees in lieu of land will be required.
- The filing of a Map Cover at the Erie County Clerk's office will be required.

Carried.

Engineering Department comments have been filed with the Planning Department.

### **Paul Wodzinski (north side of Lakeview Road)**

Mrs. desJardins stated that the Preliminary Plat now shows the location of the wetlands on the site.

Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the wetland delineation has been completed, and the wetlands have been mapped. He noted that the jurisdictional determination indicates that the wetlands are both New York State and federal wetlands, and therefore a 100-foot buffer must be provided. He stated that the wetlands affect lots 1, 2 and 3.

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

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to schedule a public hearing to be held on October 1, 2014. Carried.

Engineering Department comments have been filed with the Planning Department.

### **The Woods at Bayview (South Park Avenue)**

Larry and Joshua Best, applicants, appeared on behalf of the proposed project. They presented a revised layout based on the Planning Board's input at its last meeting.

The applicants stated that the new plan highlights a 40-foot "nature preserve" that would serve as a buffer to the nearby residents. He noted that the existing vegetation in this buffer area would be retained.

The applicants showed Board members photos taken from the area on the site where the buildings would be located. He further noted that the name of the development would be "The Woods at Bayview."

Chairman O'Connell stated that Building "B" would require a variance for the setback from the southern property line (50 feet is required). He further noted that the proposed patios are directly adjacent to the 40-foot buffer areas, and he feels that this scenario does not work because residents will not want to have trees butting right up to their patios.

The applicants stated that they would like relief from the requested 40-foot buffer area, and asked if 30 feet would be sufficient.

It was determined that a condition of the rezoning of this parcel was that "appropriate screening" would be provided, although an exact number was not mentioned in the Town Board resolution.

In response to a question from Mrs. desJardins, Mr. Lardo stated that approximately 15 to 20 feet would be disturbed around the proposed buildings in order to construct them.

Board members discussed the applicants' proposal at length and offered suggestions for providing additional screening for the nearby residents west and north of the site.

Chairman O'Connell suggested that the applicants consider removing a building and adding a story on to the remaining three (3) buildings.

Mr. Reszka suggested that buildings "B", "C" and "D" be arranged in a "U" shape with a central courtyard scenario and locate building "A" as far from the nearby residents as possible.

The applicants agreed to research alternate layouts based on the above suggestions.

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

Engineering Department comments have been filed with the Planning Department.

### **OTHER BUSINESS**

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to approve the minutes of September 3, 2014. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 7:45 P.M.

Respectfully submitted,  
Stephen J. McCabe, Secretary  
Planning Board

Date: October 7, 2014