

Town of Hamburg  
Planning Board Meeting  
September 3, 2014  
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, September 3, 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, Andrew Reilly and Sarah desJardins, Town Planners and Richard Lardo, Assistant Municipal Engineer.

## **WORK SESSION**

### **West-Herr Toyota (4141 Southwestern Boulevard)**

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that West Herr proposes to construct a 26,000 sq.ft. one-story addition to the existing building. He noted that the size of the building would be doubled, and the addition would be located on the west side of the existing building.

Mr. Gow stated that he understands that the applicant will need to seek a use variance to extend the existing non-conforming use of the site, and the applicant will apply to be on the Zoning Board of Appeals' October 7, 2014 meeting agenda.

Mr. Reilly explained that this property is zoned C-2 and is not located in the area of Hamburg where vehicle sales is allowed. He stated that it is considered a legal non-conforming use, and a variance is required to extend that non-conforming use. He further noted that a Special Use Permit is required in addition to Site Plan Approval.

In response to a question from Mr. Bellissimo, Mr. Reilly stated that a non-conforming use may only be expanded by up to 25%, and because the addition would increase the square footage of the building by more than 25%, a use variance will be required.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to schedule a public hearing to be held on September 17, 2014 for Site Plan Approval. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to schedule a public hearing to be held on September 17, 2014 for a Special Use Permit. Carried.

Engineering Department comments have been filed with the Planning Department.

## **REGULAR MEETING**

### **Public Hearing - Golf Carts Unlimited (vacant land, northeast corner of Route 20 and Lakeview Road)**

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

Chairman O'Connell declared the public hearing closed.

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

In accordance with the New York State SEQR Law, the Town of Hamburg Planning Board has reviewed the GCU Ventures project and the associated materials submitted with the site plan application, including a short form EAF. Because the project consists of the construction of a 1,200 sq.ft. building and associated parking and display areas, it meets the requirements for a Type II action, and no further processing under SEQR is required.

Carried.

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

The Hamburg Planning Board hereby issues site plan approval for the GCU Ventures project, located on the northeast corner of Southwestern Boulevard and Lakeview Road with the following conditions:

- Approval is contingent upon the Engineering Department memo dated 9/3/2014.
- The landscape plan will be reviewed and approved by the Planning Department.
- The installation of sidewalks is waived.
- No lighting will be allowed on the rear of the building.

Carried.

Engineering Department comments have been filed with the Planning Department.

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

Mrs. desJardins stated that she received a hard copy of the comments made at the Board's August 20, 2014 meeting by Mr. Paul Flowers, and she forwarded a copy of those comments to Andy Gow from Nussbaumer & Clarke, who represents the applicant.

Regarding Mr. Flowers' comments, Mr. Gow stated the following:

- Regarding drainage and erosion control, Mr. Nagle cannot predict where the new homes would be placed on the lots because he is simply selling the lots to individuals. In order for the new homeowners to receive a Building Permit, the Building Department and the Engineering Department make sure that a drainage plan that is specific to where the home is proposed is prepared to demonstrate that no runoff will end up on adjacent properties. In addition, proposed contours, placement of fill, first floor elevations, etc. would also be noted on the drainage plan for review.

Mr. Reilly stated that after a project is approved, an applicant must apply for a Building Permit, and it is at that time that an applicant must satisfy the Building and Engineering Departments regarding clearing, stripping and erosion control.

- Regarding traffic, three (3) driveways are proposed on Pleasant Avenue, and each driveway would be constructed with a turn-around so that the homeowners can pull out forward.

Chairman O'Connell noted that Captain Greg Wicket from the Hamburg Police Department submitted correspondence indicating that there has been one (1) accident reported on Pleasant Avenue between Route 20 and Amsdell Road in the last three (3) years.

- Regarding the comment made by Mr. Flowers about public sewers, the applicant is not proposing public sewers for these lots, nor does this project encourage public sewers.

In response to a question from Mr. Bellissimo, Mr. Reilly stated that the addition of three (3) homes and possibly six (6) additional vehicles on Pleasant Avenue does not warrant a traffic study.

Mr. Reilly stated that Mr. Flowers' correspondence referred to Section 272 of the Town Code (wetland protection). He noted that the applicant plans to avoid the wetlands on the property.

Mr. Reilly stated that Mr. Flowers' correspondence referred to Section 115 (flood damage protection). He noted that this section of the Town Code does not apply to this proposal because the property is not located in a flood plain.

Mr. Reilly stated that if the Board decides to approve this subdivision, it should consider a condition that no further subdivision will be allowed, as well as a condition that turn-around driveways will be required and that there will be limits of disturbance.

Mr. Reilly stated that he would research what the distance to the nearest fire hydrant is.

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

Engineering Department comments have been filed with the Planning Department.

### **Planning Board review of proposed revisions to the Town Code**

Mr. Reilly reviewed the proposed changes to the overlay districts and site plan review requirements. He noted that a public hearing is scheduled on these proposed revisions for September 22, 2014.

Mrs. desJardins reviewed the proposed changes to the Town's signage law and noted that the public hearing on September 22, 2014 will also include the proposed signage revisions.

### **OTHER BUSINESS**

Mr. Bellissimo made a motion, seconded by Mr. Reszka, to approve the minutes of August 20, 2014. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 7:20 P.M.

Respectfully submitted,  
Stephen J. McCabe, Secretary  
Planning Board

Date: September 11, 2014

