

Town of Hamburg
Planning Board Meeting
January 3, 2024 Minutes

The Town of Hamburg Planning Board met for a Work Session at 6:30 PM, followed by a Regular Meeting at 7:00 PM on Wednesday, January 3, 2024 in Room 7B of Hamburg Town Hall. Those attending included Chairman William Clark, Vice-Chairwoman Kaitlin McCormick, Dennis Chapman, Cindy Gronachan, Daniel Szewc, Kaitlin Chmura and Margaux Valenti.

Others in attendance included Town Planners Joshua Rogers and Annalyse Samuel, Planning Board Attorney Jennifer Puglisi and Town Engineer Camie Jarrell.

WORK SESSION

Hilbert College – Requesting Sketch Plan Direction for a new athletic field to be located at 5200 S Park Avenue

Ms. Gronachan stated for the record that she served on the Advisory Board for Hilbert College and left that Board in September 2022. She further stated that she was on the Board when it discussed this project and she has no financial interest in it, although she has donated money to the college for a scholarship fund but nothing for capital improvements. She stated that she has no financial interest in this particular project.

Mr. Norm Gardner with CPL, project engineer, stated that Hilbert College would like to expand its athletic program. He noted that Hilbert College has a football team and is looking at womens' and men's soccer, as well as men's and women's lacrosse and track. He stated that the college currently has a grass athletic field on the southeast corner of the site and would like to upgrade that to a synthetic turf field with a running track around it. He stated that Phase I would just be the track and the turf field, noting that no bleachers or lights are proposed in conjunction with this first phase. He stated that a 1,200 sq.ft. storage building is proposed along with the turf field and track and noted that the only utility in the building would be electricity.

Mr. Gardner stated that although the grass field is already there, the college plans to expand to the east a small amount to install the running track. He noted that there are very few good sized trees in the area of the expansion and stated that a tree survey was done identifying every tree 6" or larger in diameter, as well as a wetlands delineation of the expansion area. He stated that two (2) areas of wetlands were found and the project will not come within 100 feet of either of them.

Mr. Gardner stated that the storm water management will be retained in the turf field itself and the project will probably result in a decrease in the rate of runoff off of the campus. He further stated that there would be storage under the turf field in the stone system that would be used for drainage.

Mr. Gardner stated that in a future phase the college is considering putting in bleachers, a small pocket parking lot and small press box.

In response to a question from Ms. Valenti, Mr. Gardner explained the planned drainage for the new turf field.

In response to a question from Ms. Chmura, Mr. Gardner stated that the track would have a urethane impermeable surface.

In response to questions from Ms. Chmura and Ms. Valenti, Mr. Gardner stated that the urethane surface would resemble a carpet with a rubber infill inside it and a sand/rubber mix inside of that. He noted that it would essentially be a very large sand filter to filter out pollutants.

In response to a question from Ms. McCormick, Mr. Gardner stated that as part of Phase I there would not be any significant function in the new building other than storage of equipment and the only lighting would be what is needed inside the building. He further stated that the college has expressed an interest in adding field lighting as part of Phase II.

It was determined that only Phase I is what is currently being proposed by the college. It was further determined that when Phase II is contemplated, the college will have to return to the Planning Board for Site Plan Review.

In response to a question from Ms. Valenti, Mr. Gardner stated that this project meets the New York State Department of Environmental Conservation's (DEC) storm water management requirements.

Chairman Clark made a motion, seconded by Ms. Gronachan, to table this project to the Board's January 17, 2024 meeting.

Chairman Clark withdrew the above motion and made a new motion, seconded by Ms. Gronachan, to schedule a public hearing to be held on January 17, 2024. Carried.

Chairman Clark authorized the Planning Board to conduct the SEQR Coordinated Review.

Engineering Department comments have been filed with the Planning Department.

Alchemy Shores – Requesting Site Plan Approval of a mixed-use center to be located at 3780 Hoover Road

Chairman Clark stated that the Town Board completed the SEQR process in conjunction with the rezoning of this property.

Mr. TJ McIntosh, applicant, stated that 83 parking spaces are proposed on the site for an occupancy of 175 on the entire site. He stated that a 4' X 40' floating boardwalk is proposed and has been approved by the DEC. He noted that the dumpsters would be located on the north side of the property.

Based on correspondence the Planning Board received regarding this proposal, Chairman Clark stated that the conditions of approval of the rezoning issued by the Town Board cannot be altered by the Planning Board, nor can the Planning Board change the law. He stated that the Planning Board's goal will be to create a layout that works.

In response to a question from Chairman Clark, Mr. McIntosh stated that a board-on-board fence is proposed along the lot line shared with the residential property to the south. He noted that he will probably request a variance from the Board of Zoning Appeals to allow the fence to be ten (10) feet high. He further stated that the fence would be constructed from the rear of the building on this site west probably to the high water mark of the lake.

In response to a question about the fence from Chairman Clark, Mr. McIntosh stated that it is not proposed to be located alongside the building because the building will be modified so that it will have no openings on the entire south side.

Chairman Clark advised Mr. McIntosh that the Board will want to know what the No Trespassing signs will look like and where they will be placed.

Mr. McIntosh stated that he is thinking of having some posts that have hooks and have some thick nautical rope between them. He noted that the No Trespassing signs would be in between the posts on the rope. He stated that he would like to be able to move them back or into the warehouse if there is a surge of water.

In response to a question from Mr. Chapman, Anne McIntosh, applicant, stated that she plans to have weddings at this event space. She noted that she has done seven (7) weddings at her current location and every one of the weddings involved bringing in food trucks to cut costs for whomever is paying for the wedding. She confirmed that the only time food trucks would be brought to the site would be for weddings.

In response to a question from Chairman Clark, Attorney Puglisi stated that the Planning Board has very little role in the operations of a project, but if there is an area on the plan Board members have questions about in relation to what it would be used for they can certainly inquire about that. She noted, however, that the Planning Board cannot control day to day operations.

Ms. McIntosh stated that the weddings would be held on the beach, cocktail hour might be outside by the food trucks and then the reception and dinner would be held inside the building. She noted that receptions must be done by 11:00 PM.

In response to a question from Mr. Chapman, Ms. McIntosh stated that the mobile outdoor unit would only be for when there is an event on the site. She further stated that the beach chairs used would be brought in and out and not left outside.

In response to a question from Mr. Szewc, Ms. Samuel stated that when the Town Board rezoned this property, it decided to strike from the approval resolution the condition that no alcohol would be allowed outside. She stated that the Town Board may have to clarify whether the proposed wine bar would be allowed outside.

Ms. McCormick asked Attorney Puglisi to determine whether the part of the Zoning Code that places restrictions on how far a facility must be from a residential zone or use in order to be allowed to serve alcohol would apply to this property.

Ms. McIntosh showed Board members information regarding the stone wool insulation they plan to install in the interior of the building along the south side of the building for sound-proofing. She stated that it would be installed in the whole wall where the door and all of the windows will be removed. She noted that the insulation is a high density, unique fiber structure that absorbs sound and reduces noise traveling from one room to another.

It was determined that the door on the south side of the building would be removed and the area infilled, but the areas where the windows would be removed would still look like windows from the outside of the building.

Board members discussed whether the new paved part of the parking lot meets the Town's setback requirements.

In response to a question from Ms. Valenti, a gentleman representing the applicant stated that the parking lot will remain stoned but will be restriped and regraded and more stone will be trucked on site. He further stated that the area in front of the existing building will be new concrete added to existing concrete so that there is a nice handicapped pathway to the building. He stated that the rest of the site would be grass and sand.

In response to a question from Ms. Valenti, Mr. McIntosh stated that the existing sand dune on the property will remain intact. He further stated that they would like to do some sand filling because the beach drops down quite a bit and they would like to match the surrounding area. He noted that they will do whatever the DEC allows them to do.

Ms. McCormick reviewed the bulk requirements for projects located in the MU1 District.

Ms. Valenti suggested that the Conservation Advisory Board review the project's proposed plant list.

In response to a question from Ms. McCormick, the applicant's representative stated that two (2) new light poles are proposed. Ms. McCormick requested that a lighting plan be submitted.

Ms. McCormick requested that the applicants submit a letter recapping their answers to the questions asked at this meeting.

In response to a question from Mr. Chapman, another representative of the applicant stated that a volleyball tournament can be classed as an event, just like a wedding is. She further confirmed that volleyball tournaments would be held on weekdays.

It was determined that the seasonal sand bar, the gaming facilities and the beach would be open to the public during set defined hours seasonally.

Mr. Chapman stated that he thought this was going to be strictly an event venue and not something that will be open to the public for activities.

Chairman Clark made a motion, seconded by Ms. McCormick, to schedule a public hearing to be held on January 17, 2024. Carried.

Engineering Department comments have been filed with the Planning Department.

Towne Chrysler Dodge Jeep Ram – Requesting Site Plan Approval of a new 4,473 sq.ft. addition to the existing building located at 5130 Camp Road

Mr. Bill Wincott from DR Chamberlain Corporation, representing the applicant, stated that the proposed addition would be on the west side of the existing building.

In response to a question from Chairman Clark, Mr. Wincott stated that 34 parking spaces would be lost as a result of this addition. He noted that there would still be plenty of room for parking on the eastern section of the rear area.

Mr. Wincott stated that the addition would be for a separate facade and entrance for the Jeep brand, although the inside of the building would be open between the new area and the existing area.

Mr. Wincott stated that blacktop would be replaced with building and there would be no effect on the current drainage of the site. He further noted that there would be no additional site lighting or utilities and the existing green areas would remain.

Ms. Valenti stated that she would like to see additional trees or flowers on the site.

Chairman Clark stated that he would not want to see the applicant parking inventory off site like some dealerships do in Hamburg.

Chairman Clark made a motion, seconded by Mr. Szewc, to schedule a public hearing to be held on February 7, 2024. Carried.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing – 7:00 P.M., Ken Del Prince - Requesting Preliminary Plat Approval of a two-lot subdivision to be located at 6820 Boston State Road

Chairman Clark stated that the public hearing notice was not placed in the Hamburg Sun as required and therefore the public hearing could not be held at this meeting. He stated that the public hearing would therefore be held on January 17, 2024.

Matt Jaworski – Requesting a Site Plan Approval Extension of a public mini-storage facility to be located at 5661 Camp Road

Chairman Clark stated that this project was previously approved by the Planning Board and the time the applicant has to do the project has almost expired, so the applicant is asking for a six-month extension of the Site Plan Approval.

In response to a question from Chairman Clark, Mr. Rogers stated that the applicant was having construction problems.

All members were in favor of granting a six-month extension for Mr. Jaworski.

McKinley Holdings LLC – Requesting Site Plan Approval to construct a 3,999 sq.ft. restaurant with a drive-thru located at 3560 McKinley Parkway

It was determined that the project site is the former Friendly's restaurant.

Mr. Matt Checca from Stonefield Engineering & Design, project engineer, stated that the applicant is McKinley Holdings LLC. He stated that the applicant proposes to subdivide this property, create two (2) lots, demolish the existing restaurant building and build a new 3,999 sq.ft. building with restaurant and drive-thru uses.

Mr. Checca stated that 23 new parking spaces are proposed, as well as new utilities. He further stated that there would be less than one (1) acre of disturbance and the amount of impervious surface would decrease as a result of the project.

Mr. Checca stated that a downward facing LED dark sky compliant lighting plan has been submitted. He further noted that nine (9) new trees are proposed, as well as 70 to 80 new shrubs on the site where possible.

Mr. Checca stated that a parking study was completed and submitted at the request of the Planning Board on December 6, 2023.

Mr. Checca stated that a variance is needed in order for this project to go forward. He noted that subdividing this parcel would result in the larger of the two (2) new lots not meeting the lot coverage requirements. He stated that the larger lot is considered to be a pre-existing non-conforming lot already.

In response to a question from Ms. McCormick, Mr. Checca stated that there is no end user of the restaurant building yet. He further stated that if the order window was moved forward, there would be room for three (3) more vehicles in the stacking area of the drive-thru for a total of approximately 17 stacking spaces.

Ms. McCormick stated that she is concerned about what will happen if the restaurant runs out of stacking spaces. She stated that not knowing who the user will be makes it very difficult to review the stacking area.

In response to a question from Mr. Szewc, Mr. Checca stated that there would be signage on the site directing vehicles to and from the drive-thru lane.

In response to a question from Ms. Valenti, Mr. Checca stated that the only way for a vehicle to enter this facility from McKinley Parkway would be via the existing right in/right out entrance on McKinley Parkway. He further noted that the existing plaza is so large that there are many ways someone could enter this facility once inside the plaza area.

Mr. Checca stated that the parking analysis that was performed took into account the entire plaza and concluded that it is 40% over parked.

Ms. McCormick asked Mr. Checca to provide clarity going forward regarding who the user would be or least what the genre of user would be.

Chairman Clark asked if some existing parking could be lost in order to gain additional stacking spaces. Mr. Checca responded that that would be difficult, given the way in which the parcel will be subdivided.

Ms. Chmura stated that she thinks that 17 stacking spaces would be sufficient.

Chairman Clark made a motion, seconded by Mr. Chapman, to schedule a public hearing to be held on February 7, 2024 and authorize the planning consultants to prepare draft resolutions. Carried.

Engineering Department comments have been filed with the Planning Department.

Hamburg Crossings – Requesting Planning Board Approval of a Special Use Permit and Site Plan Approval of an 802,554 sq.ft. five building warehouse park to be located at 5220 Camp Road

Attorney James Boglioli, representing the applicant, stated that the proposed layout has not changed since the Board last reviewed this proposal. He noted that he has spent a lot of time meeting with the neighbors and has a signed agreement from 13 of the adjacent residential property owners that he will submit to the Board.

Attorney Boglioli explained some of the aspects of the project that are a result of meeting with the adjacent neighbors as follows:

- The 17.4 acre conservation easement on the site will be maintained
- All of the proposed setbacks were increased

- There would be a 100-foot conservation easement on the northern property line
- The area of the site that is currently old concrete would be infilled with landscaping
- A berm would be constructed down the entire side of the property

Attorney Boglioli stated that he reviewed the Town's proposed new Camp Road Interchange (CRI) zoning district and noted that under the site's current zoning, offices and warehouses are permitted and warehouses greater than 100,000 sq.ft. are also permitted with a Special Use Permit. He stated that under the proposed CRI zoning district, offices and warehouses associated with offices are permitted and each one of the uses in this project would have an office.

Regarding the required setbacks, Attorney Boglioli stated that under the CRI zoning the required front yard setback is 40' and this project includes a 54.29' front yard setback. He noted that as currently zoned, the side yard setback requirement for this project is 20', the setback if the site is rezoned to CRI would be 50' and the project's side yard setback is 275'. He further stated that regarding the required rear yard setback, the current zoning code requires 20' to a residential use, the CRI zoning requires 50' and 300' is proposed.

Attorney Boglioli stated that the current zoning of this site requires that 5% of the interior of the parking areas and at least 15% of the entire site be landscaped. He noted that the project provides 5.8% of the parking areas and 43.1% of the overall site as green space.

Attorney Boglioli noted that the new CRI zoning requires enhanced landscaping along Camp Road and the applicant will comply with that requirement. He stated that the CRI zoning requires screening along residential properties and a tree lined entrance, both of which are provided in conjunction with this project.

Attorney Boglioli stated that the project is consistent with the Comprehensive Plan.

Attorney Boglioli stated that he was asked by the Board to review the Town's Hamburg Gateway Revitalization Design district. He noted that this site is not located in that district.

Attorney Boglioli stated that the small areas of wetlands that were originally shown on the plan are now not considered wetlands as a result of the Supreme Court case that changed the definition of federal wetlands. He noted that Earth Dimensions visited the site and redelineated the wetlands. He stated that he will submit the letter from Earth Dimensions to that effect.

Ms. Samuel noted that after the public hearing is held, a SEQR determination must be made by the Planning Board.

Chairman Clark made a motion, seconded by Ms. Gronachan, to schedule a public hearing to be held on February 7, 2024. Carried.

Engineering Department comments have been filed with the Planning Department.

Camp Road Interchange Recommendation and Report Issuance

In response to a question from Chairman Clark, Mr. Rogers stated that the only change that he made to the Planning Board's report since the Board's last meeting was to provide reasoning for the Board's assertions, as well as the SBL #s and addresses of each parcel to be included in the new zoning district. He further stated that the latest map was included, as well as some supporting documentation from the Comprehensive Plan.

Board members discussed cover sheets for the attachments and a link to the new CRI zoning code in the recommendation report that Mr. Rodgers will add.

Chairman Clark made a motion, seconded by Ms. McCormick, to approve the attached recommendation to the Town Board with the minor editorial changes discussed at this meeting. Carried.

CAMP ROAD INTERCHANGE AREA REZONING

REPORT/RECOMMENDATION 1/3/24

This is a Town sponsored rezoning for properties around the Camp Road Interchange in the Town of Hamburg. The reconfiguration of this interchange, the un-zoned Thruway Authority lands, and the new Comprehensive Plan has caused the Town to evaluate the zoning of this area. The rezoning proposal is to rezone properties around the Camp Road interchange to the new Camp Road Interchange District created for this area. The Town has already proceeded with the unzoned property to be put up for sale by the NYS Thruway Authority but needs more input from the Planning Board on the other privately help properties in this area. Per Section 280 -340 of the zoning code, the Planning Board must provide a recommendation and report. "In reporting, the Town Planning Board shall fully state its reasons for recommending or opposing the adoption of such proposed amendment and, if it shall recommend adoption, shall describe any changes in conditions which it believes make the amendment desirable and shaft state whether such amendment is in harmony with a Comprehensive Plan for land use in the Town."

List of Figures:

Attachment 1 – Camp Road Interchange Proposed Zoning Map

Attachment 2 – Hamburg Comprehensive Plan Neighborhoods/Hamlets Map

Attachment 3 – Carnegie and Scranton section of the Comprehensive Plan

Attachment 4 – Major Roadways section of the Comprehensive Plan

Attachment 5 – Hamburg Comprehensive Plan Zoning Opportunities Map

Attachment 6 –Hamburg Gateway Revitalization Design Project

REZONING REPORT:

Conformance to Comprehensive Plan

The project area is discussed in several sections of the new Comprehensive Plan. Some of the site is located in the "Carnegie" area denoted on the Neighborhoods and Hamlets map (see Attachment 2) and is discussed in the Carnegie and Scranton section of the Plan (see Attachment 3). This section includes the following recommendation, "Develop a plan and update zoning regulations for the area around the Camp Road Interchange. Rezone to encourage the development and redevelopment of these lands in a manner that would reduce potential impacts to surrounding, stable residential neighborhoods, and provide quality development that supports this gateway area." It also states, "Support and build upon the Hamburg Gateway Revitalization Design Project."

The new Comprehensive Plan also discusses this area in the "Major Roadway Corridors" section of the Plan. The Recommendations section includes specific language about the zoning in this area. Basically, calling for a new zoning district for this area (see Attachment 4).

The Assessment mapping also identifies this area for zoning changes and identifies some wetlands. The Gateway plan is incorporated by reference to the Comprehensive Plan and illustrates a plan for the Thruway Authority property and it also stresses connectivity (see Attachment 6).

History of the Area and the Rezoning Proposal

As discussed above, the new Comprehensive Plan includes a specific recommendation about the Thruway property and the Town Board is proceeding with this rezoning (needed for the sale of the property). The Town Board earlier this year adopted a new zoning district, the Camp Road Interchange District, which is being used for the Thruway Authority property. The Plan also recommends that the rest of the area be studied and appropriate rezonings made (see previous statements). A map of the area was developed for properties to be considered for rezoning and based on this map; the Town Board referred this proposed action to the Planning Board. The area is presently mostly zoned C-2, with some C-1 and M-1 zoned lands. The Planning Board was charged with providing their recommendations on the properties to be rezoned, and which ones would fit the new CRI district, another zoning district or leave them as presently zoned.

Recommendation on the Rezoning Request

The Planning Board has reviewed the information from the Comprehensive Plan and makes the following recommendations for these potential rezonings:

See the attached marked up map (Attachment 1) that illustrates the Planning Board's recommendations on the rezoning of these properties. The following represents the reasoning for each recommendation:

NORTHEAST SIDE OF CAMP ROAD:

5245 Camp Road: SBL# 182.00-2-72

SBL# 182.00-2-71

SBL# 182.00-2-41.111

SOUTHEAST SIDE OF CAMP ROAD:

5200 Camp Road: SBL# 182.00-2-38.1

5220 Camp Road: SBL# 182.00-2-37.121

Former Cloverleaf property owned by NYS Thruway Authority (No SBL #)

3679 Commerce Place: SBL# 182.07-1-7.1

3674 Commerce Place: SBL# 182.07-1-6.2

3662 Commerce Place: SBL# 182.07-1-6-.1

3659 Commerce Place: SBL# 182.07-1-8

3633 Commerce Place: SBL# 182.07-1-9

3593 Commerce Place: SBL#182.07-1-10.1

3565 Commerce Place: SBL# 182.07-1-11.11

SBL# 182.07-1-1.11

SBL# 182.00-2-37.11

SBL# 182.00-2-37.2

The Planning Board selected the above parcels for rezoning to CRI so that they would be able to be creative in developing a connected and adaptive district, that also functions as an important gateway to the Town.

The Planning Board recommended against rezoning 5187 Camp Road, 5201 Camp Road and 5203 Camp Road. It determined that each parcel had non-conforming uses, with 5187 Camp Road being a transmission shop, and 5201 and 5203 Camp Road being an auto sales dealership and preferred to leave those sites zoned as C-2.

As an Involved Agency, the Planning Board agrees that the Town Board should act as SEQR Lead Agency and would recommend a SEQR Negative Declaration.

OTHER BUSINESS

Ms. McCormick made a motion, seconded by Mr. Szewc, to approve the December 20, 2023 meeting minutes.

Mr. Szewc made a motion, seconded by Ms. Valenti, to adjourn the meeting. Carried.

The meeting was adjourned at 8:15 PM.

Respectfully submitted,
Cindy Gronachan, Secretary

Date: January 6, 2023