

**APPROVED
MINUTES**

MEMBERS PRESENT: John Bernard Chairman
Kim Bowers
Harold Fabinsky
Bill McNamara
Nicholas Taneff

EXCUSED: Paul Bodden, Henry Heppner, Phil Murray, Alternate

OTHERS PRESENT: Remy C. Orffeo, Planning Coordinator
Len Berkowitz, Deputy Town Attorney
Andrew Geist, Building Inspector
Thomas Ostrander, Assistant Town Municipal Engineer
Danielle Ostrander, Secretary

The Chairman called the Planning Board meeting to order at 7:00 P.M. by stating that if anyone appearing before the Board that has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State law and the Town Code of Ethics.

Upon a motion duly made and seconded, the reading of the Planning Board’s December 2014 Meeting minutes, was unanimously waived as each Board Member had previously received a copy.

Mr. McNamara made a **MOTION**, seconded by Mr. Taneff, to accept the December 10, 2014 meeting minutes as presented.

THE VOTE ON THE MOTION BEING:

BERNARD AYE
BOWERS AYE
FABINSKY AYE
MCNAMARA AYE
TANEFF AYE

THE MOTION IS UNANIMOUSLY PASSED.

Chairman Bernard stated that a full Board is not present this evening, and, therefore, approvals need to be at least 4 to 1, in order to pass.

- 1. P.B. File #16-14, Gymnastics Unlimited, 70 Weiss Avenue, Zoned B-2. Applicant is requesting approval to expand the parking lot at this location. (SBL#152.12-3-7.1)

APPEARANCE: Mr. Chris Wood, Carmina · Wood · Morris

Mr. Wood presented and explained the proposed plan to construct 18-new parking spaces on the east side of the existing building to manage current customer needs. He further stated that there will be no additional lighting added to the site. Per a meeting with the Conservation Board members, several new trees will be added, and all Town Engineering requirements have been met.

The Chairman stated this is a Type II SEQR Action, and Engineering Approval was granted on 1/14/15.

Mr. McNamara made a **MOTION**, seconded by Mr. Taneff, to recommend that the Town Board **AUTHORIZE** a Building Permit for the expansion of the parking lot area on the east side of the existing building at this location, based on the following conditions and stipulations:

1. This is a Type II SEQR action; therefore, no SEQR determination is necessary.
2. The Landscape Plan, received 12/08/14, includes the 10% Interior Green Space Requirement. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$575.00 Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.
3. The site lighting is limited to those fixtures and poles indicated on the approved Site Plan.
4. No outside storage or display is permitted.
5. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
6. Town Engineering approval has been made on 1/14/15.

THE VOTE ON THE MOTION BEING:

BERNARD	AYE
BOWERS	AYE
FABINSKY	AYE
MCNAMARA	AYE
TANEFF	AYE

THE MOTION IS UNANIMOUSLY PASSED.

2. P.B. File #41-14, Kohl's, Quaker Crossing Plaza, north side of Milestrip Road, Zoned B-1. Applicant to present Exterior Renovation Plans for Board review and approval.

APPEARANCE: Mr. Frank Evans, CASCO, representing Kohl's

Mr. Evans presented and explained the proposed renovations for the existing Kohl's store facade.

Chairman Bernard established that the current lighting and landscaping will not be impacted by the project.

It was established that the Applicant will contact the Building Inspector for matters concerning temporary signage or banners.

Mr. McNamara established the following:

- The project will start by summer.
- It will take 8-weeks to complete.
- All construction materials will be placed in a secured portion of the parking lot area.
- The construction area will be made safe for the public.

The Chairman noted that Mr. Buchheit (owner of Quaker Crossing Plaza) was present and Mr. Buchheit confirmed that he would make sure measures were taken for public safety.

Mr. Fabinsky made a **MOTION**, seconded by John Bernard, to recommend that the Town Board **AUTHORIZE** a Building Permit for the Exterior Renovation Plans received 12/29/14, based on the following conditions and stipulations:

1. This is a Type II SEQR action; therefore, no SEQR determination is necessary.
2. No modifications to the existing sidewalk, parking or landscaping are proposed as part of the scope of work. Any required fees will be paid.
3. The existing lighting will remain the same.
4. Outside storage of construction materials will be permitted, however the Building Inspector must approve the location. If the outside-storage exceeds 8-weeks, the Building Inspector must be contacted by the Applicant to receive an extension of time.
5. Engineering Approval has been made on 1/14/15.

THE VOTE ON THE MOTION BEING:

BERNARD	AYE
BOWERS	AYE
FABINSKY	AYE
MCNAMARA	AYE
TANEFF	AYE

THE MOTION IS UNANIMOUSLY PASSED.

3. P.B. File #39-14, Quaker Crossing East, LLC proposal to construct a 14,000-sq.ft. Multi-Tenant Out-Building, to be located east side of Amelia Drive, Zoned B-1. Town Board referred to Planning Board on 11/5/14.

APPEARANCE: Mr. Gerry Buchheit, Property Owner/Mr. Patrick Mahoney, Lauer Manguso Architects

This property had received prior Board approval for the development of a "Buffalo Wild Wings" restaurant. However, this project did not come to fruition, and Mr. Buchheit is now seeking a Building Permit and Site Plan Approval for a 14,000-sq.ft. Multi-Tenant Out-Building.

Chairman Bernard established that this is an Unlisted SEQRA Action. He told the Applicants that he reviewed the Lighting Plan and finds it acceptable. The relocation of one pole light standard bulb was discussed, currently located on the backside of the building, and Mr. Buchheit agreed to locate the pole light into an island area. There will be three tenants here.

There were no further questions.

Mr. Taneff made a **MOTION**, seconded by Mr. Bernard, to recommend that the Town Board **AUTHORIZE** a Building Permit for A 14,000-SQ.FT. Multi-Tenant Building and **APPROVE** the Site Plan received 1/08/15 based on the following conditions and stipulations:

1. This is an Unlisted SEQR action based on the submitted Long EAF, and a Negative Declaration is recommended.
2. The Landscape Plan, received 12/04/14, includes the 10% Interior Green Space Requirement. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$2,430.00 Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.
3. The site lighting is limited to those fixtures and poles indicated on the approved Site Plan.
4. No outside storage or display is permitted.
5. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.

6. Engineering approval has been made on 1/14/15.

ON THE QUESTION:

Mr. McNamara established that this is the final structure to be constructed at Quaker Crossing Plaza.

THE VOTE ON THE MOTION BEING:

BERNARD	AYE
BOWERS	AYE
FABINSKY	AYE
MCNAMARA	AYE
TANEFF	AYE

THE MOTION IS UNANIMOUSLY PASSED.

4. P.B. File #14-14, Bank Street Auto, 3544 Southwestern Boulevard, north side of Southwestern Boulevard, Zoned I-1. Applicant is requesting approval to expand the parking lot and construct a 9,700-sq.ft. Building at this location. (SBL#161.07-7-3)

APPEARANCE: Mr. James Bammel, Bammel Architects
Mr. Jeff Drozdowski, Applicant

The Applicants explained that the building at the front is a Lacrosse Sporting Goods store. The building to be constructed at the rear of the site will be an automotive repair facility.

Mr. Bammel explained the proposed elevations for the new building to the members. The building will be a brownish-grey color.

Mr. Taneff and Mr. Fabinsky feel this is a wonderful improvement to the site.

Town Engineering approval was granted today for this Unlisted SEQR Action.

Ms. Bowers made a **MOTION**, seconded by Mr. Fabinsky, to recommend that the Town Board **AUTHORIZE** a Building Permit to construct a 9,700-sq.ft. Building and parking lot expansion and **APPROVE** the Site Plan received 1/09/15, based on the following conditions and stipulations:

1. This is an Unlisted SEQR action based on the submitted Short EAF, and a **Negative** Declaration is recommended.
2. The Landscape Plan, received 9/4/14 indicates a total of 45% Green Space at this site. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$4,550.00 Landscaping Estimate shall be deposited with the Town Clerk, prior to receiving a Building Permit.
3. The site lighting is limited to those fixtures and poles indicated on the approved Site Plan.
4. No outside storage or display is permitted.
5. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
6. The Zoning Board of Appeals granted a Variance for Front Yard Parking on 4/08/14.
7. Engineering Approval was received on 1/14/15.

THE VOTE ON THE MOTION BEING:

BERNARD	AYE
BOWERS	AYE
FABINSKY	AYE
MCNAMARA	AYE
TANEFF	AYE

THE MOTION IS UNANIMOUSLY PASSED.

5. P.B. File #18-14, Cutaia Acquisition LLC is requesting to Rezone 6.64 Acres of Vacant Land, located on the west side of North Buffalo Road, (across from "The Hammocks"), Zoned B-2, to R-3 SR for the purpose of constructing "Orchard Crossing Senior Housing". (SBL#152.16-6-3 & a portion of 152.16-6-2) Town Board referred to Planning Board on 12/3/14.

The Applicant asked to be removed from tonight's agenda. This item will be re-scheduled.

6. P.B. File #34-14, Ellicott Development is requesting a Special Exception Use Permit to construct and operate a 3,000-sq.ft. Restaurant at 3910 North Buffalo Road, Zoned B-1. Town Board referred to Planning Board on 12/17/14.

APPEARANCE: Mr. Bill Paladino, Ellicott Development Company
Mr. Chris Wood, Carmina · Wood · Morris

The Applicant is seeking a recommendation to the Town Board regarding their request for a "Special Exception Use Permit".

The Chairman stated that there are topics that the Board does not have information on that prevents them from making a favorable recommendation to the Town Board:

1. Number of parking spaces required:

- (a) The total number of parking spaces noted on the plan indicates 20; however, it is unknown how many employees will be here,
- (b) The plan indicates that there will be seating inside and outside, with no information on the total number of seats,
- (c) There is no written agreement with the adjacent neighbor, "Orchard Park Veterinary Clinic" to know if the parking is shared or not.

In the front of the Buffalo Medical Group (BMG) the limits of their parking spaces are being used.

2. Traffic Flow:

- (a) Chairman Bernard explained that the traffic sketch plan (as provided) is what currently exists for the overall site.

Mr. Paladino noted that there is an agreement with BMG and the restaurant to share parking spaces, but none with the veterinary clinic. The members would like a copy of the BMG agreement with the restaurant.

The Board Members would like documentation indicating the number of employees that will be working at the restaurant, along with the total number of outside seats.

Mr. Taneff established that the required stairway will be put in during this project.

Mr. Fabinsky feels the project is "not compatible with adjoining land uses" and that "it will have a negative impact on the adjacent land value, or public safety".

Mr. Paladino noted that a building will be built, even it is not used for a restaurant.

Chairman Bernard would like documentation for the parking agreement with BMG, resolve the traffic flow differences between the plan and actual site conditions, and provide the total number of seats (inside and outside), and the total number of employees.

Mr. McNamara made a **MOTION**, seconded by Ms. Bowers to **TABLE** this item, pending receipt of the information discussed.

THE VOTE ON THE MOTION BEING:

BERNARD	AYE
BOWERS	AYE
FABINSKY	AYE
MCNAMARA	AYE
TANEFF	AYE

THE MOTION IS UNANIMOUSLY PASSED.

CONCEPT REVIEW

1. P.B. File #42-14, Keith Warning, 6999 Milestrip Road, located on south side of Milestrip Road, west of Baker Road and east of Ferndale Drive, Zoned R-2. Applicant would like to reconstruct a 4-unit; nonconforming residential building damaged by fire. Town Board referred to Planning Board on 12/17/14.

APPEARANCE: Mr. Keith Warning, Property Owner
Mr. Daryl Martin, Architect

Mr. Warning explained to the members that he would like to reconstruct his family's homestead that was damaged by fire. The members discussed the proposed project and asked that the applicant return with the information they discussed. (Color elevations, document the cost, confirm the number of units, the number of bedrooms, and the square footage.)

There being no further business, the Chairman adjourned the meeting at 8:10 P.M.

DATED: January 16, 2015

REVIEWED: January 16, 2015

Rosemary Messina
Planning Board Secretary

John P. Bernard, Planning Board Chairman