

MEMBERS PRESENT: Harold Fabinsky, Chairman  
Paul Bodden/Kim Bowers/Henry Heppner/Bill McNamara/Nicholas Taneff/  
Philip Murray, Alternate

EXCUSED: David Kaczor/ Thomas Ostrander, Assistant Town Municipal Engineer

OTHERS PRESENT: John Bernard, Planning Coordinator  
Len Berkowitz, Deputy Town Attorney  
Andrew Geist, Building Inspector  
Rosemary Messina, Secretary

**APPROVED  
MINUTES**

The Chair called the Planning Board meeting to order at 7:00 P.M. by stating that if anyone appearing before the Board 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.

- 1. 7:00 P.M. Public Hearing, PB File #37-15, Krukowski proposed One (1) Lot Subdivision, 5.1+/- acres located on the east side of Angle Road north of Milestrip Road and south of Michael Road, Zone R-2. Proposal to create a new building lot from a larger parcel. Pre-Application Findings were made on February 10, 2016. Applicant is seeking Plat Plan Approval and SEQR Determination.

The Chairman called the public hearing open for discussion of "Krukowski, a One Lot Subdivision".

The Affidavit of Publication and Posting, was published in the "Orchard Park Bee", and filed with the Board by the Planning Board Secretary.

IN FAVOR:

*Mr. Chris Wood, Carmina - Wood - Morris  
487 Main Street, Suite 600  
Buffalo, New York 14203*

Mr. Wood stated he supports the proposed 1-lot subdivision.

*Mr. Gerard Green, Realty USA  
6505 East Quaker Road  
Orchard Park, New York 14127*

Mr. Green stated he supports the proposed 1-lot subdivision.

IN OPPOSITION: No one spoke.

Mr. Bodden made a **MOTION**, seconded by Mr. Heppner, to **CLOSE** the Public Hearing.

**THE VOTE ON THE MOTION BEING:**

FABINSKY                    AYE  
BODDEN                    AYE  
BOWERS                    AYE  
HEPPNER                   AYE  
MCNAMARA                AYE  
MURRAY                    AYE  
TANEFF                    AYE

**THE MOTION IS UNANIMOUSLY PASSED.**

**APPEARANCE:** Mr. Chris Wood, Carmina - Wood - Morris

Mr. Bernard told the members that the proposed project has received full Town and County approvals, including Town Engineer and Highway Superintendent approval. A short SEQR was submitted and all required fees have been paid.

Ms. Bowers made a **MOTION**, seconded by Mr. Taneff, to **GRANT** Conditional Preliminary Plat Plan Approval to this 1-lot subdivision based on the submitted Preliminary Plat Plan received on 1/28/16 and survey submitted 1/28/16 with the following conditions:

1. This is an Unlisted SEQR action based on the submitted Short EAF Parts 1 and 2, and a Negative Declaration is hereby made on 2/10/16.
2. Pre-Application Findings were made by the Planning Board on 2/10/16.
3. Public Hearing and Subdivision Development fees have been paid.
4. Recreation fees in accordance with Section 144-70E of the Town Code have been paid.
5. One (1) Street Tree per the Conservation Board Street Tree Plan shall be provided on each lot per Section 120-3F of the Town Code.
6. Town Engineering Preliminary Plat Plan Approval has been granted on 2/10/16.

**THE VOTE ON THE MOTION BEING:**

FABINSKY	AYE
BODDEN	AYE
BOWERS	AYE
HEPPNER	AYE
MCNAMARA	AYE
MURRAY	AYE
TANEFF	AYE

**THE MOTION IS PASSED**

Mr. Fabinsky, made a **MOTION**, seconded by Mr. Heppner, to **WAIVE** the **FINAL PLAT PLAN PUBLIC HEARING**.

**THE VOTE ON THE MOTION BEING:**

FABINSKY	AYE
BODDEN	AYE
BOWERS	AYE
HEPPNER	AYE
MCNAMARA	AYE
MURRAY	AYE
TANEFF	AYE

**THE MOTION IS PASSED**

Mr. Heppner made a **MOTION**, seconded by Mr. Murray, to **GRANT** Conditional Final Plat Plan Approval to this 1-lot subdivision based on the submitted Final Plat Plan received 1/28/16 with the following conditions:

1. This is an Unlisted SEQR action based on the submitted Short EAF Parts 1 and 2, and a Negative Declaration was made on 2/10/16.
2. Pre-Application Findings were made by the Planning Board on 2/10/16.
3. Preliminary Plat Plan Approval was granted on 2/10/16.
4. Public Hearing and Subdivision Development fees have been paid.
5. Recreation fees in accordance with Section 144-70E of the Town Code have been paid.

6. One (1) Street Tree per the Conservation Board Street Tree Plan shall be provided on each lot per Section 120-3F of the Town Code.
7. Town Engineering Final Plat Plan Approval has been granted on 2/10/16.

**THE VOTE ON THE MOTION BEING:**

FABINSKY	AYE
BODDEN	AYE
BOWERS	AYE
HEPPNER	AYE
MCNAMARA	AYE
MURRAY	AYE
TANEFF	AYE

**THE MOTION IS PASSED**

2. P.B. File #01-16, 3880 Abbott Road, Jay Milligan, located on the west side of Abbott Road, south of Rte. 20, Zoned B2. Requests a "Change-In-Use Permit" from Residential Use to Commercial Use, and a SEQR recommendation. Town Board referred to Planning Board on 1/6/16.

APPEARANCE: Mr. Walter "Jay" Milligan, Jr., Applicant/Property Owner

Mr. Milligan explained to the members that he and his dad own three adjacent properties beginning at the corner of Abbott Road and Southwestern Boulevard, and that they would like to have a "Change-In-Use" granted for the property in the middle at 3880 Abbott Road. The property on the north side of 3880 Abbott Road is the corner lot, bordering Abbott Road and Route 20, with O'Neill's Bar located it. The lot on the south side of 3880 Abbott Road has a shed/garage upon it. They have been unable to successfully rent the residence at 3880 Abbott Road. Mr. Milligan stated that they have a tenant interested in operating "an escape room" business here. Concerns were raised by the Board regarding the failure of that business and what would replace it. Mr. Milligan stated that no bar would be located here and that they would like to lease space for office use.

Mr. McNamara made a **MOTION**, seconded by Mr. Fabinsky, to recommend that the Town Board **APPROVE** the requested Change-in-Use at 3880 Abbott Road from Residential to Commercial Use based on the following conditions and stipulations:

1. This is a Type II SEQR Action and therefore no determination of significance is required.

**THE VOTE ON THE MOTION BEING:**

FABINSKY	AYE
BODDEN	AYE
BOWERS	AYE
HEPPNER	AYE
MCNAMARA	AYE
MURRAY	AYE
TANEFF	AYE

**THE MOTION IS PASSED**

3. P.B. File #31-15 Southtowns Tennis Center, 75 Mid County Drive, located on the east side of Mid County, south of Milestrip Road, Zoned I-1. (SBL#161.07-5-31) Applicant is requesting a Building Permit to construct two (2) self-storage buildings. One (1) Building is 11,250-sq.ft. and the second Building is 4,500-sq.ft. Planning Board to make recommendation on the Site Plan and Unlisted SEQR Action. Town Board referred to Planning Board on 9/2/15. Zoning Board of Appeals granted variance for Dual Usage on 12/15/15.

**APPEARANCE:** Mr. James Bammel, Bammel Architects  
Mr. Jack Ruh, Applicant/Owner of Quaker Self-Storage

Planning Coordinator John Bernard stated that the proposed project has received all necessary approvals from the County and the Town. He further stated that the building color choice is acceptable (Hunter Green), as well as the Lighting Plan. The Conservation Board approved the Landscape Plan on 2/2/16 and the Zoning Board of Appeals approved an Area Variance on 12/15/16.

Mr. Bammel explained that two, one-story (2) buildings will be constructed for use as rental storage units.

Mr. Taneff established that there will be no RV's stored at the site or outside displays.

Mr. Heppner established that there will be no waste disposal containers at this site.

Mr. Fabinsky discussed waste disposal further with Mr. Ruh, who noted that he would dispose of waste in a dumpster.

Mr. Bodden made a **MOTION**, seconded by Mr. McNamara, to recommend that the Town Board **AUTHORIZE** a Building Permit to construct two Self-Storage Buildings. One building is 11,250-sq.ft. and the second Building is 4,500-sq.ft., and **APPROVE** the Site Plan received on 2/1/16, based on the following conditions and stipulations:

1. This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two, and a Negative Declaration is recommended.
2. The site lighting is limited to those fixtures indicated on the approved Site Plan. Light fixtures shall have flat lens.
3. No outside storage or display is permitted.
4. Any dumpsters added in the future shall be screened in accordance with Section 144-25 of the Town Code.
5. Town Engineering Approval was granted on 2/10/16.
6. The Landscape Plan, received 11/25/15, meets all Green Space regulations. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$5,130.00 Landscaping Estimate Value shall be deposited with the Town Clerk prior to the receipt of a Building Permit.
7. The Zoning Board of Appeals granted a variance for Dual Usage on 12/15/15.

**ON THE QUESTION:**

Mr. Heppner reconfirmed that one of the buildings is 4,500-sq.ft.

**THE VOTE ON THE MOTION BEING:**

FABINSKY	AYE
BODDEN	AYE
BOWERS	AYE
HEPPNER	AYE
MCNAMARA	AYE
MURRAY	AYE
TANEFF	AYE

**THE MOTION IS PASSED**

There being no further business, the Chairman adjourned the meeting at 7:07 P.M.

DATED: 2/12/16  
REVIEWED: 2/23/16  
T. Fabinsky Planning Board Chairman

Rosemary M. Messina  
Planning Board Secretary