

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

EXCUSED: Paul Bodden/Thomas Ostrander, Assistant Town 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.

Upon a motion duly made and seconded, the reading of the Planning Board's January and February 2016 Meeting minutes was unanimously waived as each Board Member had previously received a copy.

The Chair noted that the Alternate member, Mr. Murray would be voting this evening due to the absence of Mr. Bodden.

Mr. Murray made a **MOTION**, seconded by Mr. Heppner to **APPROVE** the rescheduled January 2016 minutes as presented.

THE **VOTE ON THE MOTION** BEING:

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| FABINSKY | AYE |
| BOWERS | AYE |
| HEPPNER | AYE |
| KACZOR | AYE |
| MCNAMARA | AYE |
| MURRAY | AYE |
| TANEFF | AYE |

THE **MOTION IS PASSED**

Ms. Bowers made a **MOTION**, seconded by Mr. Kaczor to **APPROVE** the February 2016 minutes as presented.

THE **VOTE ON THE MOTION** BEING:

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| FABINSKY | AYE |
| BOWERS | AYE |
| HEPPNER | AYE |
| KACZOR | AYE |
| MCNAMARA | AYE |
| MURRAY | AYE |
| TANEFF | AYE |

THE **MOTION IS PASSED**

NEW BUSINESS:

1. P.B. File #03-16, Homedog LLC, 3892 Southwestern Boulevard, Zoned B-2. Requesting Planning Board approval of Outdoor Display of 12 sheds and an on-ground pool from March 15, 2016 to November 15, 2016.

APPEARANCE: Mr. John Kuebler, Petitioner and Property Owner

Mr. Kuebler told the Board that he would like permission for an Outdoor Display of twelve (12) sheds and one (1) on-ground pool from March 15 through November 15, 2016 on property that he owns at 3892 Southwestern Boulevard. He currently has a pool servicing business in the Town of Hamburg, New York, and he would like to relocate that business within the next 12 to 24 months to this Orchard Park location. He explained that the sheds will become a secondary business, as he plans to construct a 3,500-sq.ft. building for the purpose of operating his pool servicing business.

The Board members established that the on-ground display pool will be filled with water and covered during the winter months. There will be an employee on site from 11:00 AM through 5:00 PM. The ladder into the pool will be raised, and the pool will be secured with a lockable built-in fence.

Mr. Heppner commented that the lot size does not appear to be large enough for displaying twelve (12) sheds and the pool. He also voiced concerns regarding the "Buffalo Bill's Football Stadium" patrons parking here and using a display shed as a "crash pad" at night. He feels the sheds should be locked while on display. He further established that no pool chemicals will be stored at this site.

Mr. Kuebler told the Board that he is not comfortable locking the display sheds and that other nearby businesses with sheds do not practice this. These businesses have never reported a problem with the Bill's Fans and he is present to oversee the site during game parking.

Mr. McNamara established that Mr. Kuebler carries a one-million dollar insurance policy. He further established that the on-ground pool will remain each year on the site, as it is labor intensive to remove. Mr. Kuebler also told the Board that a safety cover will be put on the pool.

Mr. Kaczor voiced his concerns regarding the number of sheds to be placed here and the size of the lot. He feels it is "ten pounds in a five pound sack". He further established that no concrete work will take place, gravel will be used for the on-ground pool base and that there will be no storage of equipment, water or gravel at this site.

Mr. Taneff established that emergency vehicles would access the site by entering the existing stone parking lot and pavement from the former church that was located here. He further established that a lockable fence is built into the pool display, and that Mr. Kuebler feels his display pool is safer than most above-ground pools.

Ms. Bowers stated that she finds it positive that that the Outdoor Display proposal for sheds leads to a business locating in Orchard Park within 12 to 24 months. She established that the display pool will be maintained with chemical treatments and have battery power available for the filter.

Mr. Kuebler stated that he will work with the Planning Board for recommendation to the Town Board for Site Plan Approval and a Building Permit for his future expansion plans.

Mr. Murray asked what to anticipate this year if the Outside Display is granted. Mr. Kuebler re-stated the following; 12 sheds will be displayed with flower boxes; attractive landscaping will be used around the pool and chairs will be placed on the pool deck area to establish an inviting look. The staff hours will involve mostly afternoons, and a sign will provide contact information.

Chairman Fabinsky established that there will be no restroom at this site. He also established with Mr. Kuebler that there will be no clutter at the site. Mr. Kuebler stated that it is to his benefit to have the site appealing to customers.

Planning Coordinator John Bernard stated that Mr. Kuebler will need to confer with the Building Inspector's Office regarding signage.

Building Inspector Andrew Geist confirmed that he had no additional questions.

Mr. McNamara made a **MOTION**, seconded by Mr. Kaczor, to **GRANT** Outside Display for 12 portable sheds and an above-ground pool from March 15 through November 15, 2016, at 3892 Southwestern, based on the Sketch Plan received 2/9/16 and the following stipulations are to apply:

1. This is a Type II SEQR action and therefore no SEQR determination is required.
2. There will be no additional outside lighting for the display or temporary structure.
3. There will be no banners or additional signage for this facility; however, the applicant may place a temporary "For Sale" sign upon receiving approval from the Building Inspector. This signage will be displayed concurrently with the sheds.
4. One display shed, used as the Sales Office and the above ground pool may remain on the site for a one-year period from March 15, 2016 to March 15, 2017.
5. The Petitioner shall return to the Board in March of 2017 for a renewal of the Outdoor Display.

ON THE QUESTION:

Mr. Murray established that the request at this time is for the Outdoor Display.

Mr. Heppner discussed amending Motion #4.

The members discussed the amended motion and agreed to the amendment.

THE VOTE ON THE MOTION BEING:

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| FABINSKY | AYE |
| BOWERS | AYE |
| HEPPNER | AYE |
| KACZOR | AYE |
| MCNAMARA | AYE |
| MURRAY | AYE |
| TANEFF | AYE |

THE MOTION IS PASSED.

2. P.B. File #02-16, 17 Pleasant Avenue, located on the south side of Pleasant Avenue, Zoned B-1. Mr. Gajkowski is seeking permission to re-construct/repair his residential home, which is a Non-conforming Use, as allowed by Section 144-61 of the Town Code. (SBL#152.19-1-13) Town Board referred to Planning Board on 2/3/16.

Chairman Fabinsky recused himself from this case and the Acting Chairman Henry Heppner asked that the Applicant come forward.

APPEARANCE: Mr. Mark Gajkowski, Petitioner

Mr. Gajkowski stated that he would like to restore a one-story home. The restoration will use the existing footprint.

Ms. Bowers stated she feels the remodeled home will be nice for the neighbors.

It was established that Mr. Gajkowski will reside in the home and he is the contractor. There is no need for Town Engineering Approval and Building Inspector Andrew Geist will review the project to be sure all Town of Orchard Park regulations are complied with.

Mr. Taneff stated he, too, feels this will be nice for the area.

Ms. Bowers made a **MOTION**, seconded by Mr. Taneff, that the Town Board **APPROVE** the request for a Non-Conforming Use at 17 Pleasant Avenue, to re-construct/repair a residential home in a B-1 Zone, allowed by Section 144-61 of the Town Code 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:**

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| FABINSKY | RECUSED |
| BOWERS | AYE |
| HEPPNER | AYE |
| KACZOR | AYE |
| MCNAMARA | AYE |
| MURRAY | AYE |
| TANEFF | AYE |

THE **MOTION IS UNANIMOUSLY PASSED WITH ONE (1) RECUSAL.**

- 3. P.B. File #04-16, Inspired Health Group, 3671 Southwestern Boulevard, Zoned B-2. Applicant is requesting Planning Board renewal of an Outside Display to hold a Farmer’s Market at this location from 5/8/16 to 10/31/16 on Monday’s and Friday’s.

Mr. Heppner recused himself from voting in this case.

APPEARANCE: Barbara Andres, Representing Inspired Health Group

Ms. Andres stated that she would like Board approval of a renewal for an Outdoor Display to hold a Farmer’s Market from 5/8/16 to 10/31/16. She explained details of the farmer’s market for those who were not familiar with the project noting that, in addition to outside vendors with fresh produce, health seminars are held inside the MACC Center. She told the Board that a three-year extension would be helpful in their planning process. The Farmers market will take place on Mondays and Fridays from 9:00 AM to 5:00 PM.

Mr. McNamara made a **MOTION**, seconded by Mr. Kaczor to **GRANT** a two-year renewal for the Outside Display, on Mondays and Fridays, from May 8, through October 31, 2016, and May 8, 2017, through October 31, 2017, based on the Location Plan received 2/16/16, and the following conditions and stipulations are to apply:

- 1. This is a Type II SEQR action and therefore no SEQR determination is required.
- 2. There will be no additional outside lighting for the display or temporary structure.
- 3. There will be no banners or additional signage for this facility.

THE **VOTE ON THE MOTION BEING:**

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|----------|---------|
| FABINSKY | AYE |
| BOWERS | AYE |
| HEPPNER | RECUSED |
| KACZOR | AYE |
| MCNAMARA | AYE |
| MURRAY | AYE |
| TANEFF | AYE |

THE **MOTION IS UNANIMOUSLY PASSED WITH ONE (1) RECUSAL.**

CONCEPT REVIEW:

1. P.B. File #36-15, Sheffer Farm Condominiums, 25-acres Vacant Land, west side of California Road near Stepping Stone Lane, Zoned R-4. Requesting concept discussion of Multi-Family Town House Residential project.

APPEARANCE: Jeff Bochiechio, Petitioner
Andrew Terragnoli, Engineer
Matt Boscotti, Architect

Mr. Bochiechio stated that the project has been revised based on the Board members comments during the October 2015 meeting. He explained the project to the Board, noting that it has been designed for Seniors desiring to down-size to a smaller home.

Chairman Fabinsky stated that the Board was canvassed and they are comfortable with the 2-unit structures.

Points of interest discussed:

- Project proposes to have 32-two unit structures constructed that are approximately 2,400 sq. ft. in size. The units will be similar to a patio home, but connected. They will each have a patio area at the back of the residence.
- This is a low density housing project with less than 2.5 units per acre. The units will be Owner Occupied, with a first floor laundry room and a two-car garage.
- Mr. Bochiechio noted that locating the units on the topography of this site is challenging, and that they need to seek several variances from the Zoning Board of Appeals for relief of Town Ordinance #144-46(c)4(a), regarding Multiple Dwellings. He further noted that they do not feel the character of the community will be impacted if the variances are granted.
- Selling price range will be low \$300's, or possibly higher.
- A Home Owners association will exist, but details have not yet been developed.
- The project will have three-phases. Phase Three will include the construction of a bridge over the creek. Building elevations will not have a mix of colors through-out the site.
- The Petitioner is the Owner and the Developer of this project. Construction of the project is through general contractors.
- Discussion of the adjoining parcels and the Zoning of the area. The Petitioner will forward information to the Planning Board regarding the three adjoining parcel's zoning.
- Two existing tree lines that provide buffering will be kept. In addition the Petitioner will plant trees to provide further buffering.
- The Petitioner was reminded that the Town standards for a roadway must be met for the proposed private road. They were further told that the Town prefers a second way in and out of the site for emergency vehicle access. Snow removal will follow ROW guidelines.
- There are no structures in the Flood Zone and Flood Insurance is not necessary.

The Chairman asked that the Petitioner's future plans indicate the 500-year Flood Plain, minimize the number of variances and show connectivity if possible. He stated that it appears that the Planning Board supports the Concept Plan, and no concerns are noted to the ZBA.

There being no further business, the Chairman adjourned the meeting at 8:20 P.M.

DATED: March 22, 2016
REVIEWED: March 29, 2016

Harold T. Fabinsky, Planning Board Chairman

Respectfully submitted,
Rosemary M. Messina
Planning Board Secretary