

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

EXCUSED: Thomas Ostrander, Assistant Town Engineer

**APPROVED
MINUTES**

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

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.

Mr. Kaczor stated that he will not be voting in cases #1 and #2 due to a business relationship.

Upon a motion duly made and seconded, the reading of the Planning Board's May 11, 2016 Meeting minutes was unanimously waived as each Board Member had previously received a copy.

The Chair asked if there were any additions or corrections to the minutes. Planning Director John Bernard noted that the following addition be made to stipulation #3 for P.B. File #07-16, Orchard Park Farmers Market LLC, 4050 North Buffalo Road; *One (1) 2-ft. wide by 5-ft. high Sandwich Board Sign that reads "Farmers Market Today 3 - 7", located outside North Buffalo Road ROW, near the existing Plaza sign on the day of the Thursday event from 8 AM to 8 PM, is permitted.*

Ms. Bowers made a **MOTION**, seconded by Mr. Heppner to **APPROVE** the May 2016 minutes with the modification to Stipulation #3, as presented.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BODDEN	ABSTAINED
BOWERS	AYE
HEPPNER	AYE
KACZOR	AYE
MC NAMARA	AYE
MURRAY	AYE
TANEFF	AYE

THE MOTION IS PASSED WITH ONE (1) ABSTENTION.

1. P.B. File #23-15, Ellicott Development, 3910 North Buffalo, located on the west side of North Buffalo Road, south of Webster Road, Zoned B-1. Planning Board to make a recommendation to the Town Board regarding the Applicant's request for a "Special Exception Use Permit" for a proposed 5,035 gsf Medical Office Building.

APPEARANCE: Mr. William Paladino, Ellicott Development

Mr. Paladino submitted and explained revised plans for a Medical Office Building to be constructed in front of the Buffalo Medical Group building along North Buffalo Road. The Planning Board previously approved a 3,000-gsf building at this location. However, the building size has been increased to 5,035 gsf to accommodate a different tenant. Mr. Paladino cannot reveal the name of the tenant at this time due to a business confidentiality. It was learned that the new tenant works closely with Buffalo Medical Group, but would like to locate their practice in a separate building. The building will require 18-parking spaces per the Town Code, and it was learned that the Applicant has provided 24-parking

spaces. A modification will be done to the property line to add parking spaces from the Buffalo Medical Group to this property.

Mr. Paladino stated that he discussed the sewer easement with Town Attorney John Bailey and Town Engineer Wayne Bieler. He indicated that a walkway/breezeway will be put in over that area with a glass type enclosure. Mr. Paladino stated that Ellicott Development will assume all responsibility for the area and pay for any issues that may arise if the sewer line needs to be repaired. The proposed 5,035 gsf building will have the same look and feel of the existing buildings.

The Chairman stated that the Board would like to discuss the sewer easement further with the Applicant and that they reserve judgement on this at this time. Chairman Fabinsky questioned why the larger building could not be placed at the rear of the property.

Mr. McNamara discussed his feelings regarding the proposed building concluding that, he too, feels the proposed building should be located at the rear of Buffalo Medical Group's property.

Mr. Bodden reviewed and discussed the building elevations with Mr. Paladino. He feels "it is a shame" to put a building in front of the nicely done Buffalo Medical Group building. He would like the proposed building placed at the back of their site.

Mr. Paladino stated that the tenant desires this building at the front location, and not at the rear of the property. He also stated that an even larger building is most likely to be constructed for BMG at the back of the property.

Mr. Taneff feels that the increased size of the building, and locating the tenant at the front, makes it seem like they are trying to put twenty-pounds into a five-pound bag.

Mr. Heppner stated that he is not against the building being blocked at the front of the property. He does not like the way the building looks.

Ms. Bowers stated that she likes this better than a restaurant. She has concerns for the size of the building, but feels this use is more "blended" to the site. She also noted that if Holland Drive can accommodate the traffic she has no further issues.

Mr. Paladino discussed the traffic pattern at the site. He told the members that there will not be ten offices in this building creating a large impact. The increase in the size of the building is to accommodate a large piece of machinery that will be used with one patient at a time. Buffalo Medical Group and the tenant have a connection to one another. They will be sharing some services and personnel. That is why there is a desire to keep both close to one another.

Mr. Murray discussed the SEQR process for the project, noting that he needs additional time to compare the Applicant's original SEQR submission to the revised one.

Mr. Fabinsky made a **MOTION**, seconded by Ms. Bowers, to **TABLE** this review pending,

- Resolution of the Sewer Easement regarding the walkway/breezeway between the building with the Town Attorney, John Bailey and the Town Engineering Department.
- A narrative comparison for SEQR differences between the 5,035 gsf Medical Building and the previous Retail and/or restaurant requests of smaller foot print. This would cover any traffic and parking differences.

- A color viewshed super-imposing the proposed building with the existing BMG building. The new building should reflect comments made by the members.

THE VOTE ON THE MOTION BEING:

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

THE MOTION IS PASSED UNANIMOUSLY, WITH ONE (1) RECUSAL, TO TABLE THIS ITEM PENDING ADDITIONAL INFORMATION.

2. P.B File #21-15, Ellicott Development, Vacant Land, northwest corner of Southwestern Boulevard (US Route 20) and Milestrip Road (NYS Route 179), across from Hart Place, Zoned B-1. Planning Board to make a recommendation to the Town Board regarding the Applicant's request for a "Special Exception Use Permit" for a proposed 23,567 gsf Medical Office Building as part of a 43.65 +/- acres phased Commercial Development.

Mr. Kaczor stated he is recusing himself from voting in this case due to a business relationship.

APPEARANCE: Mr. William Paladino, Ellicott Development

Mr. Paladino presented and explained Phase 1 of the plans to construct a 23,567 gsf Medical Office Building at this site. The plan also showed the entire future build-out of the project site. He discussed a NYS DOT letter indicating that three (3) curb-cuts may be put in on Southwestern Boulevard, however when phases are finished, only one curb cut is to remain for access into the site. A traffic signal will be put in when traffic conditions warrant one at this access point. Although it is not available, they would like a curb cut on Milestrip Road for traffic for a "right in" and a "right out" of the project site. Mr. Paladino stated that they have had meetings with the NYS DOT to discuss this site. They will submit a request regarding Milestrip Road curb cut. Prior to each phase a Traffic Impact Study (TIS) will be performed.

The Chairman told Mr. Paladino that the Board will require a TIS and that the Front Yard Parking shown on the plan along Milestrip Road is not allowed by the Town Code. Mr. Paladino stated that the Front Yard Parking will be eliminated and that a Traffic Impact Statement will be submitted tomorrow for the Board's review.

Mr. Heppner asked for clarification of the Building's main entrance location.

Chairman Fabinsky spoke of the needed handicapped spaces.

Mr. Murray spoke of the importance of the TIS and the cumulative impact of traffic. He further discussed if this would be a SEQR segmented project.

Mr. Bodden established that they may be mitigating at the site for wetlands.

Mr. Heppner made a **MOTION**, seconded by Mr. Bodden, to recommend to the Town Board Seek SEQR Lead Agency Status.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BODDEN	AYE
BOWERS	AYE
HEPPNER	AYE
KACZOR	RECUSED
MCNAMARA	AYE
MURRAY	AYE
TAN EFF	AYE

The **MOTION IS UANAMIOSLY ADOPTED WITH ONE (1) RECUSAL.**

- 3. P.B. File #36-15 Sheffer Farm Townhouses, 25 acres of vacant land, west side of California Road near Stepping Stone Lane, Zoned R-4. Requesting the Planning Board seek Lead Agency status for a coordinated review of a Type I SEQR Action for a Sixty-two (62) Unit Townhouse Development.

APPEARANCE: Jeffery Bochiechio, Attorney
Andrew Terragnoli, Engineer

Mr. Terragnoli gave a brief history of the project, noting that the necessary setback variances had been granted by the Zoning Board of Appeals.

The Board did not have any questions.

Mr. Kaczor made a **MOTION**, seconded by Mr. Bodden that, with regard to Vacant Land, +/- 25-acres, located on California Road, west side of California Road near Stepping Stone Lane, Zoned R-4, the Planning Board will Seek Lead Agency Status for a coordinated review of a Type 1 SEQR Action for the proposed development of a 62-unit Townhouse Development.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BODDEN	AYE
BOWERS	AYE
HEPPNER	AYE
KACZOR	AYE
MCNAMARA	AYE
TAN EFF	AYE

There being no further business, the Chairman adjourned the meeting at 7:50 P.M.

DATED: June 30, 2016
REVIEWED: July 11, 2016

Respectfully submitted,
Rosemary M. Messina
Planning Board Secretary

Harold T. Fabinsky, Planning Board Chairman