

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

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

**APPROVED
MINUTES**

EXCUSED: Thomas Ostrander, Assistant Town Engineer

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 case #2 due to a business relationship. The Alternate Voting Member, Mr. Murray, will vote in this matter.

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

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

THE VOTE ON THE MOTION BEING:

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

THE MOTION IS UNANIMOUSLY PASSED.

1. P.B. File #14-16, Duff’s Famous Wings of Orchard Park, 3090 Orchard Park Road, Zoned B-2. Applicant is requesting an Outside Display Permit for a weekly “Bike Night” with music every Wednesday through October 2016.

APPEARANCE: De Anna Leydecker, Manager Duff’s Famous Wings.

Ms. Leydecker confirmed that the request is to allow a weekly Wednesday “Bike Night” and live music at Duff’s Famous Wings of Orchard Park. There will be no cars participating in the “Bike Night”. After discussing with the Board when the event should start and cease, Ms. Leydecker asked that it be allowed from June 1st thru October 15th. She presented and explained a sketch plan that indicated the parking locations for customers, motorcycles and employees. She further noted that the music will begin at 7:00 PM and cease at 10:00 P.M.

Mr. Bodden made a **MOTION**, seconded by Mr. McNamara to **GRANT** Outside Display, for a Wednesday, weekly “Bike Night” from June 1st through October 15, 2016 and 2017, with live music 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, except on the day of the event.
4. Outdoor music will be terminated by 10:00 P.M.

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

THE MOTION IS UNANIMOUSLY PASSED.

2. P.B. File #15-16, Ellicott Development, 4297 Abbott Road, Zoned B-2. Applicant is requesting an Outdoor Display Permit for Party Tent and related equipment for **"97 Rock"** during the Buffalo Bills' 2016 Season.

Mr. Kaczor stated he is recusing himself from voting in this case due to a business relationship. The Alternate, Mr. Murray will vote in his place.

APPEARANCE: Mr. William Paladino, Ellicott Development
Mr. David Jaeger of **"97 Rock"**

The Applicants explained the proposed "Outdoor Display" for the upcoming "Buffalo Bills Game Day". They hope to create a family friendly carnival atmosphere with the presence of a ferris wheel, food vendors, a beer tent by Ilio DiPaolo's, a blow-up Irish Pub, live music, a petting zoo, and other fun activities.

The members inquired how many people will access the site. Mr. Jaeger expects stop-n-go pedestrian traffic to visit the site, and he told the Board that money donations will be collected towards charitable causes. It was confirmed that the site is fully insured. **"97 Rock"** is leasing the property from Ellicott Development, and Mr. Paladino will forward a copy of the license agreement to the Town for their files. The Building Inspector is to be contacted prior to the erection of the two-large tents for inspection. "ABC Rental" will begin the set-up the night before each home game, and also tear-down and packed-up the site, immediately following the completion of the game. Staff will clean the lot and pickup all garbage after each party. The existing fence at the site is scheduled before the Zoning Board of Appeals on 8/16/16 to renew a variance that has expired.

Mr. McNamara made a **MOTION**, seconded by Mr. Heppner, to **GRANT** the request for an Outside Display during the 2016 Regular football Season for a **"97 Rock" Tailgate Party & Carnival**, based on the letter and sketch plan received 8/05/16 and the following stipulations:

1. This is a Type II SEQR action and no SEQR determination is required.
2. The existing fence which was granted a Variance by the Zoning Board of Appeals will require a variance extension from the Zoning Board of Appeals to remain in place.
3. The tailgate setup will begin the night before each home game and be packed up immediately following the completion of each game. Staff will clean lot and pickup all garbage after each party. The set up will consist of two (2) 20' x 40' tents, several 10' x 10' tents for sponsors TBD, and a 40' x 26' blow up Irish Pub.

4. The site will have a Carnival area that includes a 30' x 40' ferris wheel separately fenced-in for security; a petting zoo; food trucks; a beer tent provided by Ilio DiPaolo's; live music; face painting and other fun activities.

THE VOTE ON THE MOTION BEING:

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

THE MOTION IS UNANIMOUSLY PASSED, WITH ONE (1) ABSTENTION.

There being no further business, the Chairman adjourned the meeting at 7:28 PM

DATED: 8/22/16

REVIEWED: 8/23/16

Respectfully submitted,
Rosemary M. Messina
Planning Board Secretary

Harold T. Fabinsky, Planning Board Chairman