

MEMBERS PRESENT: Harold Fabinsky, Chairman/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
Thomas Ostrander, Assistant Town Engineer
Danielle Ostrander, Secretary

**APPROVED
MINUTES**

EXCUSED: Paul Bodden

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 August, 2016 Meeting minutes was unanimously waived as each Board Member had previously received a copy.

Mr. Heppner made a **MOTION**, seconded by Mr. Taneff, to **APPROVE** the August 2016 minutes as presented.

The Alternate Mr. Murray will be voting tonight as Mr. Bodden is excused from tonight's meeting.

THE VOTE ON THE MOTION BEING:

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

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 Special Exception Use Permit for Medical Offices. Planning Board to make a SEQR and Site Plan recommendation to the Town Board regarding the Applicant's request for a Building Permit to construct a 5,035 gsf Medical Office Building.

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

Mr. Kaczor recused himself from voting in this case due to a business relationship.

Chairman Fabinsky established that there are easement agreements in place between the property owners at this site. A copy of the updated agreements will be provided to the Town of Orchard Park.

Ms. Bowers made a **MOTION**, seconded by Mr. Taneff that the Town Board **GRANT** Site Plan Approval and **ISSUE** a Building Permit, to construct a 5,035 gsf single-story Medical Office Building per the plan received on 8/19/16, based on the following conditions and stipulations:

1. This is an Unlisted SEQR Action, based on the Short EAF submitted on 8/19/16, and a Negative Declaration is recommended.
2. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.

3. No outside storage or display is permitted.
4. The Landscape Plan was approved in the overall Site Plan review of 9/11/13.
5. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
6. Town Engineering Approval was granted on 9/14/16.
7. Associated parking has been previously constructed.
8. The Town Board granted a Special Exception Use Permit on 8/17/16, for Medical Office Use in this B-1 District.
9. The Architectural Overlay District granted approval of the submitted elevations on 2/3/15.

THE VOTE ON THE VOTE BEING:

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

THE **MOTION** IS UNANIMOUSLY **PASSED**.

2. P.B. File #41-13, Reserve Road/Westgate Boulevard, 11.15 +/- Acres Zoned R-3. Requesting a Special Exception Use Permit for a 48-Unit Multi-Family 10.89-Acre project. Planning Board to make a SEQR and Use recommendation to the Town Board.

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

Mr. Wood gave a brief summary of this project to the Board, noting that they propose to construct Townhouses and Duplexes at this site. They are appearing before the Board seeking a Special Exception Use Permit and a SEQR recommendation to the Town Board.

The Board members did not have questions for the Applicant.

Mr. Kaczor made a **MOTION**, seconded by Mr. Taneff, to recommend the Town Board **APPROVE** the requested Special Exception Use Permit to allow 48-Multi-Family dwellings on the southerly 10.89 acre portion of the site, Vacant Land Reserve Road and Westgate Boulevard, Zoned R-3, based on the following conditions and stipulations:

1. Fees shall be paid in accordance with Section 144-70C, of the Town Code prior to publication of the Public Hearing Notice.
2. The recommendation is contingent upon the Applicant completing the project as proposed on the development plans dated 6/24/16, and shall revert to its original Zoning Classification if the project is not completed per Section 144-67 of the Town Code.
3. The proposed project is in compliance with the Town's long-range Comprehensive Plan.
4. The project is compatible with adjoining land uses and proposed developments, and will not have a negative impact on the adjacent land value or public safety.

5. The traffic ingress and egress is adequate.
6. The applicant has provided suitable parking facilities.
7. Landscaping as indicated on the proposed plan shall be reviewed and approved by the Conservation Board as part of the Site Plan approval process.
8. Free areas for recreation is not required.
9. The nearness and impact on schools and utilities is not an issue.
10. The health and safety of adjacent properties is not effected.
11. A Negative SEQR Declaration is recommended for the Special Exception Use Permit based on the Short EAF submitted on 8/6/16.

THE VOTE ON THE VOTE BEING:

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

THE MOTION IS UNANIMOUSLY PASSED.

3. P.B. File #17-16, "Orchard Grove Apartments" proposed one hundred and fifty two (152) Multi Family units. Vacant land, 27 +/- acres located west of California Road, east of Shadow Lane and north of Big Tree Road (US 20A), Zoned R-4. Request Planning Board review of the proposed concept plot plan with a new Public Road.

APPEARANCE: Mr. Chris Wood, Carmina • Wood • Morris
Mr. Andrew Romanowski, Builder/Developer
Mr. Sean Hopkins, Attorney

Mr. Hopkins told the Board that this property was purchased by Mr. Romanowski, from developer Brian Young. Mr. Romanowski is proposing to construct a new project, consisting of 146-upscale, multi-family units, using two-different types of buildings.

There will be 6, 8, 10 and 12-unit buildings. **The first building type** is a single-story attached townhouse with an attached garage for each unit. **The second building type** is a two-story building with attached garages that include a center portion with a common and/or private entrance, with a choice of bedroom units on either the first or second floor. A 12-unit building will have two townhouse units attached to each end to the center portion, and a 10-unit building will have one townhouse unit attached to each end. The project will be built in three phases using a mix of each building type. Units will be 1,000-sq.ft. or 1,200-sq.ft. in size. It was learned that the site will have three points of egress and ingress. Mr. Hopkins welcomes the Board's input on the project before they proceed with the process.

The Board members discussed the project with the Applicant. Listed below are several comments made by the members:

- Appearance issues: Project feels like they are putting "10-pounds of sausage into a 5-pound bag". Members expressed concerns that the site will appear monolithic once it is constructed. Perhaps different colors should be used to break up this look.

- The Army Corps of Engineers study performed during Mr. Young’s ownership of the property may have expired and a new study may be necessary.
 - The SEQR classification for the site will be determined. It is possible this is a Type 1 Action.
 - Archaeological studies were previously performed for Brian Young.
 - The Applicant should contact neighbors regarding the proposed project.
 - Advise the Planning Office where the Board Members can visit an existing similar complex built by the Applicant.
 - Driveway into site from Big Tree Road (Route 20A) should have berms to buffer existing neighbors.
 - Concerns expressed for safety, parking space size not long enough for parking extended trucks. Town requirement is 10 x 18, prefer it to be longer.
4. P.B. File #36-15, Sheffer Farm Condominiums, 25 acres Vacant Land, west side of California Road near Stepping Stone Lane, Zoned R-4. Planning Board to declare itself as Lead Agency for this Type I Coordinated SEQR for a Sixty-two (62) Unit Townhouse Development.

APPEARANCE: Mr. Jeff Bochiechio, Attorney
 Mr. Andrew Terragnoli, Engineer

Mr. Fabinsky made a **MOTION**, seconded by Mr. McNamara, that with regard to Vacant Land, +/- 25-acres, located on California Road, west side of California Road near Stepping Stone Lane, Zoned R-4, I move that, the Planning Board declares itself the Lead Agency for this project’s SEQR Action.

THE VOTE ON THE VOTE BEING:

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

THE **MOTION** IS UNANIMOUSLY **PASSED**.

There being no further business, the Chairman adjourned the meeting at 7:45 PM

DATED: 9/30/16
 REVIEWED: 10/20/16

Respectfully submitted,
 Rosemary M. Messina
 Planning Board Secretary

Harold T. Fabinsky, Planning Board Chairman