

Minutes of the **March 6, 2018** meeting of the **Conservation Board of the TOWN OF ORCHARD PARK**, Municipal Center, Basement Meeting Room, S4295 South Buffalo Street, Orchard Park, New York at 7:00 P.M. Present were the following:

**MEMBERS PRESENT:** Richard Schechter, Chairman/David Ward/ Thomas Jaeger/Alex Long/  
George Schichtel/Michael Bryniarski, Alternate

**EXCUSED:** Nan Ackerman/Ashleigh Hauser

**OTHERS PRESENT:** Eugene Majchrzak, Town Board Liaison  
John Bernard, Planning Coordinator  
Rosemary Messina, Secretary

The Chairman called the meeting to order at 7:00 P.M. by stating that in accordance with the provisions of the Ethics Law of the Town of Orchard Park it is incumbent upon any Conservation Board member with a financial or business relationship with any petitioner coming before this Board to disclose this relationship and, if warranted, to recuse him or herself from any matter involving the petitioner. Any petitioner coming before this Board who is a relative of, or has a financial or business relationship with, any officer or employee of the Town of Orchard Park, must disclose the nature and extent of such relationship in accordance with the provisions of the ethics law of the Town of Orchard Park.

Chairman Schechter asked for a moment of silence to honor Frank Newton, first Chairman of the Conservation Board established in 1971. Frank continued as Chairman of the Conservation Board through 1974, and then again, in 1981 through 1988. He continued as a Board member until his passing in 2017, making his membership on the Conservation Board approximately 46 years.

Chairman Schechter introduced the Board's new Alternate member, Mr. Michael Bryniarski, who will be a voting member due to the absences of Mrs. Ackerman and Ms. Hauser.

**APPROVAL OF MINUTES:**

Mr. Ward made a **MOTION**, seconded by Mr. Schichtel, to **APPROVE** the February 6, 2018 minutes.

THE MOTION BEING:

SCHECHTER	ABSTAINED
JAEGER	AYE
LONG	AYE
SCHICHTEL	AYE
WARD	AYE
BRYNIARSKI	AYE

**MOTION IS PASSED WITH FIVE (5) IN FAVOR AND ONE (1) ABSTENTION.**

1. C.B. File #10-17, "Dollar General Store", Vacant Land, at the southwest corner of Southwestern Boulevard and Angle Road, Zoned B-2. Zaremba Group is requesting to construct a 9.030 +/- GSF Retail Building. Conservation Board to review submitted Landscape Plan, per Section 144-44C of the Town Code. (SBL#153.07-1-8.3)

Chairman Schechter recused himself from this case due to a business relationship. Mr. Ward is the Acting Chair.

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

Mr. Wood presented and explained a revised Landscape Plan that was submitted on 2/16/18, based on the Board's comments made at the February 6, 2018 Conservation Board meeting.

The Acting Chairman told Mr. Wood that he, and Mr. Schichtel walked the property and they feel the proposed "flower area" is nice, but upkeep is involved. They feel grass should be planted here and kept mowed. Several trees may have to be moved on the plan to leave room for mowing.

The members had no further questions.

Mr. Jaeger made a **MOTION**, seconded by Mr. Schichtel to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 2/16/18, based on the following conditions and stipulations:

1. The Total Green Space is 46.2%, and exceeds the Town Requirement of 20%.
2. The Interior Green Space requirement of 10% is met with 11.3%.
3. The Landscaping Value Estimate of \$22,400 requires a Certified Check amounting to 50% of the total and this shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$11,200)
4. Upon the completion of the landscape installation the Owner shall provide a Landscape Completion Form (available from the Planning Office or Town's website) and a statement from a NYS Licensed Landscape Architect indicating that the plant materials have been installed in accordance with the specifications of the approved Landscape Plan. Three-years after the date of Landscape Completion, the Owner shall provide a Landscape Security Release Form (available from the planning office, or online at Town Website) with a statement from a Licensed Landscape Architect indicating the condition of the plant materials specified in the approved Landscape Plan, verifying survival through the three-year guarantee period.

THE VOTE ON THE MOTION BEING:

SCHECHTER	ABSTAINED
JAEGER	AYE
LONG	AYE
SCHICHTEL	AYE
WARD	AYE
BRYNIARSKI	AYE

**MOTION IS PASSED WITH FIVE (5) IN FAVOR AND ONE (1) ABSTENTION.**

2. C.B. File #36-15, Sheffer Farms, Phase 1, 4.95-acres out of a 25-acre Vacant Land parcel, west side of California Road near Stepping Stone Lane, Zoned R-4. Applicant is seeking Conservation Board review and approval of submitted Landscape Plan, per Section 144-46B of the Town Code for Phase 1, Fourteen (14) Townhouse Units, out of a Fifty-Two (52) Unit Townhouse Development.

Chairman Schechter recused himself from this case due a business relationship. Mr. Ward is the Acting Chair.

APPEARANCE: Mr. Jeffery Bochiechio, Attorney  
Mr. Robert Blood, Landscape Architect  
Mr. Andrew Terragnoli, Architect

Mr. Bochiechio gave a brief history of this project, and explained that there are three phases of development. He told the Board that Phase 1 received Planning Board approval in January 2018 to construct seven buildings with two high-end Town Homes each. The property has topography challenges and several bridges will need to be constructed at the site.

Mr. Jaeger established that there will be a bio retention area at the site. He reviewed the plan further, and asked the Applicants what the expected time frame is for the additional phases and the

project’s completion. Mr. Bochiechio stated that Phase One will be started this summer, and he feels the project may take approximately five-years to complete.

Landscape Architect, Robert Blood, presented and explained the Landscaping Plan for the site. He told the Board that they tried to keep as much of the existing vegetation at the site as possible, and to use sustainable plant materials.

Mr. Schichtel stated he feels this site has tremendous potential and he commented that the plan is nicely done. He noted that a change should be made to the proposed variety of Abortive, to “Green Giant”, as this variety is not deer friendly.

Mr. Ward made a **MOTION**, seconded by Mr. Bryniarski, to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 8/07/17, based on the following conditions and stipulations:

1. The Landscaping Value Estimate of \$59,455 requires a Certified Check amounting to 50% of the total and this shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$29,727.50)
2. Upon the completion of the landscape installation the Owner shall provide a Landscape Completion Form (available from the Planning Office or Town’s website) and a statement from a NYS Licensed Landscape Architect indicating that the plant materials have been installed in accordance with the specifications of the approved Landscape Plan. Three-years after the date of Landscape Completion, the Owner shall provide a Landscape Security Release Form (available from the planning office, or online at Town Website) with a statement from a Licensed Landscape Architect indicating the condition of the plant materials specified in the approved Landscape Plan, verifying survival through the three-year guarantee period.
3. The arborvitae variety is to be changed to “*Thuja Green Giant*” for plant protection purposes.

THE VOTE ON THE MOTION BEING:

SCHECHTER	ABSTAINED
JAEGER	AYE
LONG	AYE
SCHICHTEL	AYE
WARD	AYE
BRYNIARSKI	AYE

**MOTION IS PASSED WITH FIVE (5) IN FAVOR AND ONE (1) ABSTENTION.**

3. C.B. File #13-17, Eckl’s Restaurant, 4936 Ellicott Road, 4943 Chestnut Ridge Road, Zoned B-2. Seeking Conservation Board review and approval of submitted Landscaping Plan, per Section 144-44C of the Town Code for a 2,664 Sq. Ft., Two Story addition and a 959 Sq. Ft. Second Floor Balcony Patio Space. Zoning Board of Appeals granted Area Variances on 6/20/17.

APPEARANCE: Mr. Robert Blood, Landscape Architect

Mr. Schichtel and Chairman Schechter recused themselves. Mr. Ward is the Acting Chairman.

Mr. Blood gave a brief history of the proposed project to renovate and expand the existing Eckl’s Restaurant. The new owner, Mr. James Cornell, purchased an adjacent parcel for the purpose of constructing additional parking spaces and locating an underground detention basin. Mr. Cornell was also granted an Area Variance by the Zoning Board of Appeals for reduced parking at the front of the Building, and is in the process of negotiating an easement agreement with his adjacent neighbor to use their parking spaces, along Chestnut Ridge Road.

Mr. Blood presented and explained the Landscaping Plan to the Board, noting that Planning Coordinator John Bernard had informed him of changes the Board requested during a preliminary review. These changes are highlighted in yellow on the presented plan. He noted that several street trees will be put in on the newly acquired property to maintain the green space area, and plantings will be used to create a buffer along the southern property line.

Mr. Blood, also, presented color architectural renderings of the proposed renovated building. Mr. Jaeger, Chairman of the Architectural Overlay District (AOD), stated that Mrs. Ackerman had contributed to the details of this architecture, and that the AOD Board reviewed and approved the presented renderings.

Mr. Jaeger made a **MOTION**, seconded by Mr. Bryniarski, to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 2/15/18, based on the following conditions and stipulations:

1. The Total Green Space is 18%, which complies with the existing Town Requirement of 15% when the project was submitted.
2. The Interior Green Space requirement of 10% is met with 12%.
3. The Landscaping Value Estimate of \$19,900 requires a Certified Check amounting to 50% of the total and this shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$9,950)
4. Upon the completion of the landscape installation the Owner shall provide a Landscape Completion Form (available from the Planning Office or Town’s website) and a statement from a NYS Licensed Landscape Architect indicating that the plant materials have been installed in accordance with the specifications of the approved Landscape Plan. Three-years after the date of Landscape Completion, the Owner shall provide a Landscape Security Release Form (available from the planning office, or online at Town Website) with a statement from a Licensed Landscape Architect indicating the condition of the plant materials specified in the approved Landscape Plan, verifying survival through the three-year guarantee period.

THE VOTE ON THE MOTION BEING:

SCHECHTER	ABSTAINED
JAEGER	AYE
LONG	AYE
SCHICHTEL	ABSTAINED
WARD	AYE
BRYNIARSKI	AYE

**MOTION IS PASSED WITH FOUR (4) IN FAVOR AND TWO (2) ABSTENTIONS.**

OTHER BUSINESS: The members discussed “Land in Lieu of Fees” and where the funds collected are spent.

The meeting was adjourned at 7:19 P.M.

DATED: May 18, 2018

REVIEWED:

Richard Schechter, Chairman

Respectfully Submitted,  
Rosemary M. Messina, Secretary