

MEMBERS PRESENT: Harold Fabinsky, Chairman/Paul Bodden/Henry Heppner/David Kaczor/
Joseph Liberti/Philip Murray/Nicholas Taneff/Nicholas Baich, Alternate

EXCUSED: John P. Bernard, Planning Coordinator/Len Berkowitz, Deputy Town Attorney

OTHERS PRESENT: John Bailey, Town Attorney
Andrew Geist, Building Inspector
Thomas Ostrander, Assistant Town Municipal Engineer
Rose 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.

Upon a motion duly made and seconded, the reading of the Planning Board’s November, 2017 Meeting minutes was unanimously waived as each Board Member had previously received a copy. Mr. Taneff read a prepared statement regarding the Birdsong Part 3B Project contained in the November 2017 minutes. In summary, he is approving the content of the Board minutes as he notes they document that the Planning Board took no action on a review of what he believes is clearly a modification, or change to the proposed construction of the Retention Pond.

Mr. Heppner made a **MOTION**, seconded by Mr. Kaczor to **APPROVE** the **NOVEMBER 9, 2017** minutes as presented with Mr. Taneffs’ comment.

ON THE QUESTION: Town Attorney John Bailey and Mr. Heppner discussed approving the motion for acceptance of the November 2017 minutes with Mr. Taneffs’ comment.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BODDEN	NAY
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE
TANEFF	AYE

THE MOTION BEING SIX (6) IN FAVOR AND ONE (1) AGAINST, THE MOTION IS PASSED.

Upon a motion duly made and seconded, the reading of the Planning Board’s January, 2018 Meeting minutes was unanimously waived as each Board Member had previously received a copy.

Mr. Murray made a **MOTION**, seconded by Mr. Kaczor, to **APPROVE** the **JANUARY 11, 2018** minutes as presented.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BODDEN	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE
TANEFF	AYE

THE MOTION BEING SEVEN (7) IN FAVOR, THE MOTION IS PASSED.

- 1. **7:00 P.M. Public Hearing.** P.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 Preliminary Plan Approval and SEQR Determination of Phase 1, Fourteen (14) Townhouse Units, out of a Fifty-Two (52) Unit Townhouse Development.

The Chairman called the public hearing open for discussion of “Sheffer Farms”, construction of Phase 1, Fourteen (14) Townhouse Units, out of a Fifty-Two (52) Unit Townhouse Development. The Affidavit of Publication and Posting, was published February 1, 2018 in the “Orchard Park Bee”, and filed by the Planning Board Secretary.

IN FAVOR:

*Mr. Jeffrey Bochiechio, Attorney
17 Saint Lewis Place
Buffalo, New York 14202*

Mr. Bochiechio stated that he supports the proposed project.

*Ms. Susan Hildebrand, Trustee of Property
Gordon J. Sheffer, Irrevocable Trust
3024 Abbott Road
Orchard Park, New York 14127*

Ms. Hildebrand spoke in favor of the project noting that she feels developing the project would be good for this area and be better than a vacant lot.

IN OPPOSITION: No one spoke.

Mr. Heppner made a **MOTION**, seconded by Mr. Kaczor, to **CLOSE** the **PUBLIC HEARING**.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BODDEN	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE
TANEFF	AYE

THE MOTION IS UNANIMOUSLY PASSED.

APPEARANCE: Jeffrey Bochiechio, Attorney
Andrew Terragnoli, Studio T3 Engineering

Mr. Bochiechio briefly explained the project to the members, noting that they wish to construct 14-Units at the front of the parcel during Phase 1. He discussed the various studies performed and approvals they received which included; a wetland study and working with the Army Corps of Engineers; Indian Artifacts process; a Traffic Study; obtaining setback Variances from the Zoning Board of Appeals; satisfying the Erie County Department of Public Works that there would be no traffic impact; drainage studies, along with receiving the Water Authority approval. He noted that the internal roadways will be operated and maintained by the Home Owners. The project is to be seen by the Conservation Board in March for the proposed Landscaping Plan. He spoke of this project generating a good tax base for Orchard Park.

The Chairman stated that during their work session the members discussed this project, and in the broad spectrum of housing opportunities of Orchard Park it was felt that this is a good project and will offer housing opportunities for those that wish to down-size.

BOARD DISCUSSION

Mr. Bodden asked where Phase 1 is planned on the Site Plan.

Mr. Bochiechio indicated that Phase 1 is located at the front along the California Road entrance. He told the members that they consulted neighbors across the street regarding the look of the project and what they would want to see on an individual basis. He also noted that there are two separate entrances for egress and ingress.

Mr. Terragnoli told the members that there will be seven (7) Units constructed with two tenants each.

Mr. Heppner appreciates their efforts; this is a good looking project, and he feels it is a benefit to the Town and he supports it.

Mr. Taneff agrees with Mr. Heppner’s opinion.

Mr. Taneff made a **MOTION**, seconded by Mr. Heppner, to **GRANT** Preliminary Plan Approval to Phase 1, a 14-Unit Townhouse Building complex, based on the Site Plans received on 1/9/18, and the Board makes the following determinations:

1. This is a **Type 1 SEQR Action** based on the submitted Long EAF Parts 1, 2, and 3, with associated documentation & studies, and a **Negative Declaration** is made on 2/8/18 for Phase 1.
2. Public Hearing Fees have been paid.
3. Development Fees, in accordance with Section 144-70E of the Town Code, have been provided prior to the Public Hearing.
4. Town Engineering Preliminary Approval has been granted on 2/08/18.
5. The Zoning Board of Appeals granted Setback Variances on 2/21/17.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BODDEN	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE
TANEFF	AYE

THE MOTION IS UNANIMOUSLY PASSED.

- 2. P.B. File #17-16, "Orchard Grove Apartments" proposed one-hundred and fifty (150) 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. Planning Board to Declare SEQR Lead Agency Status for a Coordinated Review of this Unlisted SEQR Action.

APPEARANCE: Mr. Sean Hopkins, Attorney
 Mr. Andrew Romanowski, Developer

Chairman Fabinsky invited the Applicant's representative to speak on this project.

Mr. Hopkins gave a brief update to the members regarding this project and noted, "Where are we in the process now?" The Planning Board sought Lead Agency Status on October 11, 2017. Involved agencies were contacted and both the DEC and the Erie County Public Works Department concur that the Planning Board should be the Lead Agent. Detailed response letters were submitted to the NYS DEC and Erie County Department of Environmental Planning by the Petitioner in answer to their comments regarding the project. The Petitioner submitted a request to the Army Corps of Engineers for a Wetland Permit application and also sent a check to the Town to have "Greenman Pedersen, Inc." perform an independent Traffic Impact Study. We would like to have the Planning Board declare itself Lead Agency to move forward.

The Chairman stated that the update is appreciated.

Mr. Kaczor made a **MOTION**, seconded by Mr. Bodden, that the Planning Board declare itself the **Lead Agency** for this **Unlisted SEQR Action**, for a Multi-Family Development consisting of a total of one-hundred and fifty (150) Units, based on the submitted **Long EAF, Parts 1 and 2**.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BODDEN	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE
TANEFF	AYE

THE MOTION IS UNANIMOUSLY PASSED.

There being no further business, the Chairman adjourned the meeting at 7:21 P.M.

DATED: February 15, 2018

REVIEWED: March 5, 2018

Harold T. Fabinsky, Planning Board Chairman

Respectfully submitted,
 Rosemary M. Messina
 Planning Board Secretary