

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

EXCUSED: Paul Bodden

OTHERS PRESENT: John P. Bernard, Planning Coordinator
Len Berkowitz, Deputy 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.

The Chair introduced two new members to the Board, Mr. Joseph Liberti and Mr. Nicholas Baich. Mr. Baich is the Alternate member and he will be voting in place of Mr. Bodden this evening.

1. P.B. File #23-16, "Thomas Johnson Three (3) Lot Subdivision", 2.7+/- Acres located on the west side of Freeman Road, south of Highland Avenue, Zoned R-1. Pre-Application Findings were made on 12/14/16, Preliminary Plat Plan approval and SEQR Determination made on 11/9/17 for this proposed Three (3) Lot Subdivision. Applicant is seeking Final Plat Plan approval.

APPEARANCE: Mr. Thomas Johnson, Property Owner/Developer

Mr. Johnson gave a brief summary of his project to the Board, noting that they are dividing two parcels into three. He would like to have the view scape on Freeman Road remain similar to the existing three (3) homes he constructed there.

The Chair canvassed the Board for questions, and the Board members commented on the excellence of Mr. Johnson's homes, noting that he is well regarded and his projects are a benefit to our community. Mr. Liberti established that the project may move forward this year with construction taking place on one of the lots, with houses 2,700-sq.ft. to 2,800sq.ft. in size.

Mr. Kaczor made a **MOTION**, seconded by Mr. Heppner, to **GRANT** Final Plat Plan Approval to this 3-lot subdivision based on the submitted Final Plat Plan received 11/28/17 with the following conditions:

1. This is an Unlisted SEQR action based on the submitted Short EAF Parts 1 and 2, and a Negative Declaration was made on 11/09/17.
2. Pre-Application Findings were made by the Planning Board on 12/14/16.
3. Preliminary Plat Plan Approval was granted on 11/09/17.
4. Public Hearing and Subdivision Development fees have been paid.
5. Recreation fees in accordance with Section 144-70E of the Town Code have been paid.
6. One (1) Street Tree per the Conservation Board Street Tree Plan shall be provided on the lot per Section 120-3F of the Town Code.
7. Town Engineering Final Plat Plan Approval has been granted on 1/11/18.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE
TANEFF	AYE

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

2. P.B. File #36-15, Sheffer Farm, 25 acres Vacant Land, west side of California Road near Stepping Stone Lane, Zoned R-4. Petitioner to update the Board on the status of Phase 1 of the fifty-two (52) Unit Townhouse Development.

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

Mr. Bochiechio discussed Phase One of this project, noting that they are proposing to construct 14-luxury Town Homes (7, two-unit buildings) upon approximately 5-acres of this 25-acre site on California Road. Each 2,400-sq.ft. unit is designed with a great room, first floor master suite, downstairs and upstairs bathroom suites, two additional bedrooms, and a two-car garage. Plans were revised and re-submitted in response to an Engineering comment letter. The Applicants look forward to having a public hearing and receiving Board approval for Phase One. Mr. Bochiechio feels this project meets a target need, and is a nice project for Orchard Park.

Municipal Assistant Engineer, Thomas Ostrander, told the Board that they are awaiting external approvals from various agencies. Mr. Terragnoli told the members that these approvals have been received and copies will be provided to the Planning Office.

Mr. Heppner and Mr. Taneff discussed an adjacent property with Mr. Bochiechio located on the south side of the site. They questioned if this property will have a negative impact on this project due to debris and clutter. Mr. Bochiechio told the members he did not believe it would as there is a buffer area between the properties. He also felt confident that he could ask the property owner to clean-up the area without any problem. He further stated that eventually they may buy the parcel to add to their property.

The members' questions established that Mr. Bochiechio's project will have a public hearing scheduled when it meets engineering approval. They also established that Phase One stands alone with no ties to Phase Two or Three. Phases Two & Three will need a sewer easement, and construction of a bridge.

Mr. Murray established that there should be no "surprises" in the future with this project.

Chairman Fabinsky established that the project will generally appeal to people who want to downsize but still live in a higher end development.

3. 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. Petitioner to update the Board on a revised overall Site Plan for a 43.65+/- Acres phased Commercial Development. Part of the Petitioner's request is for a 23,567 +/- gsf Medical Office Building.

APPEARANCE: Mr. Bill Paladino, Ellicott Development

Mr. Paladino told the members that the project's main focus is to construct a medical building, and then to develop mixed retail/office and/or medical use at this site. He will be meeting with the proposed client for the medical building in the near future and will return to the Board with that request.

Mr. Paladino has been working to mitigate issues with this project and would like the Board to know that meetings with the DEC and Army Corps of Engineers have resulted in wetland mitigation steps. The main access into the site will be a public road, accessed from Southwestern Boulevard, across from Hart Place, constructed through the entire site to Sterling Drive. A traffic light may be installed at some point in the future at Southwestern Boulevard and Hart Place. Discussions with "Peregrine Senior Living/Quakers Landing Memory Care", the nursing home located at 101 Sterling Drive on the adjacent West side, have led to the proposed public roadway going through where the "Peregrine" parking lot exists today and linking directly to Sterling Drive. Ellicott Development is continuing discussions with this neighboring property Owner to resolve any issues or concerns. A meeting with Town Engineer, Wayne Bieler, will be scheduled to present this proposal.

The members voiced their strong approval for the public roadway being constructed with the first building. It was also clarified that wetland mitigation would occur within the Town of Orchard Park.

Thomas Ostrander feels this is a betterment of the project. Building Inspector Andrew Geist noted that Mr. Paladino and he are discussing Zoning Code concerns.

Mr. Taneff feels connecting the roadway to Sterling Drive is following the Town's Master Plan for connectivity.

There being no further business, the Chairman adjourned the meeting at 7:27 P.M.

DATED: January 16, 2018

REVIEWED: January 19, 2018

Respectfully submitted,
 Rosemary M. Messina
 Planning Board Secretary

Harold T. Fabinsky, Planning Board Chairman