P.B. Meeting #8 Regular Meeting #8 Date: November 8, 2018 Page 1

MEMBERS PRESENT: Harold Fabinsky, Chairman/Henry Heppner/Joseph Liberti/David Kaczor/

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

Rosemary Messina, Planning Board 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 stated that alternate, Mr. Baich, will be voting this evening in the absence of Mr. Bodden.

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

Mr. Murray made a motion, seconded by Mr. Heppner to accept the October 11, 2018 meeting minutes as presented.

THE **VOTE** ON THE **MOTION** BEING:

FABINSKY AYE

BAICH AYE

HEPPNER AYE

KACZOR AYE

LIBERTI AYE

MURRAY AYE

TANEFF AYE

THE **VOTE** BEING **UNANIMOUS,** THE **MOTION** IS **PASSED**.

The Chairman called the Public Hearing to order. He verified that The Affidavit of Publication and Posting was published November 1, 2018. A copy was presented and filed with the Board by the Planning Board Secretary.

**IN FAVOR:**

*Mr. Andrew Romanowski, Developer/Alliance Homes Sponsor*

*4727 Camp Road*

*Hamburg, NY 14075*

Mr. Romanowski stated that he is in favor of the project.

**AGAINST: NO ONE RESPONDED**

The Chair stated that there are interested parties who were unable to attend the meeting, and would like their input noted. For that reason we will consider the option of adjournment, rather than closing. Is there a motion for the disposition of the public hearing?

Mr. Heppner made a **MOTION**, second by Mr. Taneff, to **ADJOURN** the Public Hearing.

P.B. Meeting #8 Regular Meeting #8 Date: November 8, 2018 Page 2

THE **VOTE** ON THE **MOTION** BEING:

FABINSKY AYE

BAICH AYE

HEPPNER AYE

KACZOR AYE

LIBERTI AYE

MURRAY AYE

TANEFF AYE

THE **VOTE** BEING **UNANIMOUS,** THE **MOTION TO ADJOURN** IS **PASSED**.

2. P.B. File #14-18, proposed “Mombrea 1-Lot Subdivision”, Vacant Land, Seufert Road, located on the north side of Seufert Road, Zoned A-1. (SBL#197.00-3-80.1) Petition requesting a one (1) lot Subdivision as a split of 17.96-Acre Lot which was previously split under P.B. File #25-00. Planning Board Final Approval motion, 4/11/2001, prohibits future splits per Stipulation #9.

Mr. Mombrea presented and explained his desire to split a property he, and several family members owned. He noted that he had no knowledge that in 2001, the Planning Board, when approving the original subdivision, made a motion that stipulated no further splits of this property were to be allowed. Mr. Mombrea feels someone may buy the entire parcel, but he would also like the option to sell the parcel as two-separate properties.

The members discussed Mr. Mombrea’s intentions, noting that over time contiguous flag lots were disallowed due to safety reasons involving emergency vehicles, drainage, utility issues and closeness of driveways to adjacent ones. Building Inspector Geist explained that the current New York State codes also require certain features.

Mr. Mombrea was advised that he could sell the parcel without splitting it.

Mr. Murray stated that the law is clear on splits. A stipulation was set in 2001 by the Planning Board, and he does not feel this Board is prepared to change what was stipulated.

Mr. Liberti made a **MOTION**, seconded by Mr. Heppner, to **reaffirm** the Planning Board motion made on April 11, 2001 and Stipulation #9.

THE **VOTE** ON THE **MOTION** BEING:

FABINSKY AYE

BAICH AYE

HEPPNER AYE

KACZOR AYE

LIBERTI AYE

MURRAY AYE

TANEFF AYE

THE **VOTE** BEING **UNANIMOUS,** THE **MOTION** IS **PASSED**.

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

DATED: 11/27/18

REVIEWED: 12/4/18 Respectfully submitted, Rosemary M. Messina Planning Board Secretary

Harold T. Fabinsky, Planning Board Chairman