

ARCHITECTURAL OVERLAY DISTRICT

**COMMUNITY ACTIVITY CENTER
Room 118**

**4520 California Road
Orchard Park, New York 14127**

ARCHITECTURAL OVERLAY DISTRICT MEETING MINUTES

Present were the following:

MEMBERS PRESENT: Thomas Jaeger, Chair/Andrew Sako/John Bernard/ Scott Honer/ Peter Krog II
Connor Flynn (via phone)

EXCUSED: Paul Gorczyca

OTHERS PRESENT: Remy C. Orffeo, Acting Planning Coordinator
Natalie Nawrocki, Secretary

The Chair called the meeting to order at 6:55 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 Architectural Overlay District 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.

-Mr. Bernard made motion to pass the minutes from December 15, 2020. Seconded by Mr. Krog. Unanimously passed.

1. A.O.D. File #06-2021, 3740 North Buffalo Street (former Legion Post) Zoned B-3, (SBL#161.08-3-35.1)
Board to review submitted Elevations.

APPEARANCE: Mr. Christopher Wood / Engineer
Mr. Mike Anderson/ Architect
Charles (Brad) Rowell and Caryn Dujanovich/Property Owners

Chairman Jaeger stated before we dive into the aesthetics of the building the Board has major questions that at one point or another will be brought up at either the Conservation or Planning Board Meetings. So before The Board reviews the materials, colors or other aspects of the drawings we would like to address these questions. Chairman Jaeger requested a survey from Mr. Wood. Mr. Wood stated that a survey was brought to the meeting.

Chairman Jaeger stated that the building is basically on the property line, with no setback requirements. Chairman Jaeger questioned where parking would be. Chairman Jaeger reiterated that these were major concerns for the project.

Mr. Wood stated he had reviewed the project with Steve Bremer, Head Building Inspector.

Chairman Jaeger stated that the project would be deferred. This Board would not currently be in a position to vote on the project as a whole this evening. However the Board would like to discuss a few architectural aspects with the petitioners. The Board will need to better understand the project before the details of the project can be discussed.

Chairman Jaeger requested Mr. Wood address some of the project concerns, such as site issues, parking, and property lines.

At this point Caryn Dujanovich introduced herself and Brad (Charles Rowell) to the Board as the co-owners of the proposed brewery and that they could answer any questions that the Board may have. Ms. Dujanovich stated that they have done research into the concerns brought by the Board. Ms. Dujanovich stated that they had met with Head Building Inspector, Steve Bremer and have addressed some of these concerns already.

Chairman Jaeger stated that this is the first that this Board had seen the project. Chairman Jaeger noted that the petitioners had brought additional information that the Board had not seen yet. One of which being the parking on the site. Chairman Jaeger stated that looking at the different occupancies, will determine what your parking requirements will be as for a number of vehicles. Also the size will dictate planning of green space that will be discussed by the Conservation Board. Chairman Jaeger advised that these issues will have to be addressed at some point in the process and that tonight's meeting will be a starting point for the project.

Mr. Wood stated that a few meetings with Steve Bremer, Head Building Inspector had occurred. The operation was 'grandfathered' under the same use as the American Legion was, a restaurant/ bar operation. Mr. Wood had a survey to share with the Board members. Mr. Wood stated that there is an enclosed ramp on the side of the building that is actually over the Right of Way line.

Chairman Jaeger questioned if project could be built on the property line.

Mr. Wood stated that Mr. Bremer gave the project an 'ok', due to the fact that the existing building is actually over the property line, that the project could continue on the property line.

Mr. Bernard noted that there was a variance granted for the ramp on the property. Mr. Bernard was surprised that the ramp was over the property line and questioned if it was installed outside of the parameters of the variance that was granted.

Mr. Wood reinstated that the ramp is 2 feet over the property line according to the survey. Mr. Wood also let the Board know that the plans include removing the ramp.

Mr. Bernard and Mr. Wood conferred over the survey provided by Mr. Wood. Mr. Wood pointed out that once the ramp has been removed that the project will begin with the original 'old house'.

Mr. Anderson stated that there was a single story addition to the building which is what caused the ramp to be pushed out over the Right of Way. By eliminating the ramp, the project now will have more room.

Mr. Bernard made the comment that the back building is a new building and that the property would have either a 50 foot rear setback or 10 foot side setback within the existing zone. The 'new' building is not part of the original building.

Mr. Wood noted that the buildings will be connected by a covered walk way that will run between the proposed brewery and the atrium.

Mr. Anderson stated that the accessible entrance from the parking will take you up to the patio with an accessible approach between the atrium, banquet hall, and brewery. That accessible elevation change is all covered by the front façade/ walk way.

Mr. Bernard pointed out that there are not trees or other green space between the building and the property line.

Mr. Wood responded that project would enhance the Right of Way in that portion of the building. Mr. Wood also sited that the AOD code section require a streetscape that would be in the Right of Way.

Mr. Anderson also stated there are extensive sections of the sidewalk that are part of the blacktop of the former Legion that the petitioners plan to address.

Mr. Orffeo questioned if the road is County or State. It was discussed and decided that Webster Road is a Town road and North Buffalo Street is a State road. This was mentioned as to what approvals/ permission would be needed to work in the Right of Way with plantings. Mr. Wood made a comparison to the parcel at North Buffalo and Quaker (Mangia) that has greenery in the Right of Way.

Mr. Wood suggested that the Board see the presentation that was brought by the petitioners, to better understand some of the points of the project.

Chairman Jaeger stated that the Board will review the project and make recommendations, however the Planning Board will be involved with the project as well. Chairman Jaeger voiced a concern that the Planning Board could deny the project based on the proximity to the property lines. Chairman Jaeger stated that he would like to speak to someone from the Planning Board concerning the project at hand.

Mr. Wood stated that this project does not have to present to the Planning Board as per Mr. Bremer.

Mr. Orffeo stated that he did not recall Mr. Bremer mentioning that the project would not have to go through the Planning Board.

Mr. Wood responded that as per Mr. Bremer the project would only have to present to the Architectural Overlay District and the Conservation Board.

There was discussion over new structures being built with the project or the project being an addition to an existing building. Mr. Orffeo stated he would confer with Mr. Bremer on the project. Mr. Bernard voiced concerns that the additions were proportional to the existing building and that the Planning Board would like to review a project of this scale. Mr. Orffeo interjected that the size of the project was not what was in question, simply that there is generally a sequence procedurally for projects in the town. Mr. Wood added that due to it being a 'grandfathered' use that it may not need to go in front of the Planning Board. Mr. Wood also stated that Mr. Bremer should be consulted as he did not want to speak for him. Mr. Anderson added that the petitioners would be glad to present to any Town Board that needed to review the project.

Mr. Wood changed topics to the concerns of the parking capacity. Mr. Wood stated that the petitioners have secured a parking agreement with the doctor's office across the street. The agreement discussed the use of the parking lot on nights and weekends that would be outside of business hours for the doctor's office. This would come into play when the proposed banquet facility would be in use. The petitioners also were looking into a similar parking agreement with 'BMG' (Buffalo Medical Group) at 3900 North Buffalo Street in the event that additional parking would be required. If a parking agreement is confirmed with BMG the facility in question would have a shuttle service for its patrons.

Chairman Jaeger stated, on the behalf of the Board, that the members are encouraged by the proposed use of the building and do not wish to strike down the project as presented this evening. That being said, Chairman Jaeger wished to speak to other representatives of the Town concerning the project.

Mr. Wood commented that the zero set back was discussed with Mr. Bremer. Mr. Wood speculated that the current portion of the building that encroaches the Right of Way will be removed, allowing the proposed project to continue along the same plane as the existing building.

Chairman Jaeger stated that Tim Gallagher would have to be consulted about the project. Mr. Bernard stated that he was tentative to move the project along with potential issues that would have to be corrected, costing the petitioners more money. Mr. Bernard stated that the Board wished to begin a dialog about the project. Mr. Wood stated, if he had been aware that the Planning Board would be involved he may have started with a concept to Planning Board.

Chairman Jaeger stated that he wished to discuss some of the more pragmatic issues with the project, one example being parking. He also wished to look at the architectural aspects of the project and the finer details would have to be made clear to the Board.

Ms. Dujanovich stated that they have examples of some of the details in the project with them today. Ms. Dujanovich stated that she sits on the Architectural Review Board in the Village of Hamburg, so she came with some sample pictures of the concept for the building. Ms. Dujanovich passed out color copies of the design concept for the exterior of the building. Ms. Dujanovich stated that the singles in the rendering are cedar with natural finish. Ms. Dujanovich pointed out that the back building and the 'breezeway' will be in the cedar materials. Ms. Dujanovich noted that the renderings will be a natural finish. For the atrium, the inspiration picture that Ms. Dujanovich presented was glass enclosure. Ms. Dujanovich stated that they intended this to be a nod to the green houses that have been located in Orchard Park presently and historically. Ms. Dujanovich stated that the proposed project will change the banquet space which is currently metal. Mr. Anderson stated that the project will add some windows on the front and side of the building allowing natural light into the building. Mr. Anderson stated they proposed to put a clear story in as well as painting and repair to the building. Mr. Anderson noted that the color pallet had not yet been determined and that the Board would have input into that. Mr. Anderson stated it would be a 'refresh' of the existing butler building to become a premier wedding venue in WNY. Mr. Anderson pointed that the front elevation would open up along the patio. Down the property line, would have a view of planting, however they wished to have natural light into that section as well.

Chairman Jaeger questioned the material of foundation and if anything would be done to the concrete, like rubbing. Mr. Bernard noted that the foundation has approximately 5 feet of exposed concrete in some places. Mr. Anderson stated that the finish of the concrete had not been finalized, but some decorative feature would be used, whether it been a rub or bullet form but it will be pleasing to the eye.

Chairman Jaeger interjected that the members had jumped into the details of the building. Chairman Jaeger stated that the Board would review the portions of the project once they have clarity on the larger issues and be assured that it is a valid project. Chairman Jaeger did not wish to hold up the project and would like to discuss the finite details such as the mullions. However Chairman Jaeger stated that the presentation had been helpful with clarity on the project.

Ms. Dujanovich pointed out the two choices in colors for the paint for the back building, one being a rust color the other being a dark grey on the provided renderings. Ms. Dujanovich wanted to give the Board an idea of what the petitioners were considering for color pallets. Ms. Dujanovich stated that she was requested to bring samples of proposed lighting fixtures, but does not have a rendering of the lighting as of yet.

Chairman Jaeger reiterated that until the Board could go back and talk with other representatives of the Town that they would not need to see the details of the project. Once The Board had a better understanding of the project being approved due to site and the property line, the review of the project could move forward with the design details.

Mr. Bernard advised that as the project continues and develops that the details of the project can written down and submitted to the Board. For example, the front patio; once bricks from the Legion will come down the understanding of the patio will be different than it is in present day.

Mr. Anderson stated that the front area will be the first thing you see and the final project will be beautiful.

Mr. Bernard stated that the Architectural Overlay Board will want to discuss the color pallet, material to be used, adjacent properties, site plan, any photos, type of windows, the concrete, the patio, the lighting, and parking lot. Chairman Jaeger also stated that some of the points will be covered by the Conservation Board.

Mr. Bernard stated that the petitioners should generate a proposal about the how many people the building can accommodate comparatively to the capacity of the parking, with the off property parking capacity. Ms. Dujanovich stated that any written parking agreements with other properties will be submitted. Mr. Wood stated that they would have a parking calculation once the number of seats in the restaurant can be established and the criteria finalized to base the calculations on. Mr. Wood stated that he will have a site plans with marked parking spaces once the calculations can be made.

Mr. Bernard questioned the potential for outdoor live music at the venue. Mr. Orffeo stated that would be one of the points that the Planning Board would address. Mr. Bernard stated that he was offering the question as a 'heads up.'

Ms. Dujanovich stated that at other restaurants that they own, have agreements that live music is held only in conjunction with area festivals. Ms. Dujanovich stated that live outdoor music would not be a standard for the project in question. Ms. Dujanovich stated live music could be an option of weddings held inside the banquet facility. Mr. Bernard stated that historically the question had come up in regards to the noise ordinance. Mr. Anderson stated that the project will be more tailored to family. Mr. Anderson noted that with the screening and the covered patio that noise will be 'turned in on themselves.' Mr. Anderson stated that the petitioners are aware of the size of the project and will continue to be as considerate of their neighbors as possible.

Chairman Jaeger questioned if there was anything in the introduction letter concerning the 'grandfathered clause' and the property line. Mr. Wood stated that he had letter from Mr. Bremer that was not included in the introduction packet.

Mr. Anderson gave an overview of the proposed project. Mr. Anderson had drawings and site layouts as visual aids for the Board Members. Mr. Anderson noted a current 1,100 square foot, 2 story portion of the former Legion, where both floors will be used. The first floor will consist of doorway with some retail space. The two existing fireplaces are to remain for a historic look. The existing kitchen is to be expanded 1,000 square feet. The existing banquet hall is 4,900 square feet and will be getting a major upgrading/ beatification. The spaces that are being added include the atrium at 2,900 square feet and designed to be an extension of the Legion space. The current back wall of the Legion will be opened up. The floor level of the atrium will the same as the floor level of the Legion. To create the indoor space where clients can get food and eat at the tables. Both the elevated and lower patios are designed to function as an extension of the atrium, where people can eat outside. The patio will have both bench and table seating as well as planters and a lot of greenery. The outdoor area will also have a regulation size of bocce court. The manufacturing end of the project will be a 4,000 square foot brewery.

Chairman Jaeger questioned what the neighboring property was, whether it was residence. Mr. Anderson used the site plans to point out where the parking will be with some green space for a 'buffer'. Mr. Bernard quested which bar was going to be opened to the patio. The Legion bar or the banquet bar. Mr. Anderson and Ms. Dujanovich clarified that the 'Legion' bar would be the one that would be altered into a retail space. The second floor would be reserved for potential bridal rooms for wedding receptions. The connection between the existing bar and the atrium would become the new bar area. That area will be one seamless open space. The bar within the banquet facility will be renovated.

Chairman Jaeger pointed out that the bricks at the front of the building will be coming down. He also questioned the petitioners what would be put in place of the brick. Ms. Dujanovich stated that she had not decided but would like to add greenery to the space with possible bench seating. Ms. Dujanovich stated that they wished to keep the area open so that the building can be seen from the road. The front of the banquet space has a lot of windows. The intent is to keep the view for the inside guests open to view the patio.

Mr. Bernard requested a rendering or plan submitted to the Architectural Overlay Board to review. Mr. Wood stated that a street scape will be submitted.

Mr. Bernard questioned the 'drop off' between the walk way and the bocce court. Mr. Bernard estimated it to be about a 3 foot drop off. Mr. Anderson pointed out that there is a proposed 2'-11" elevation between the atrium level and the patio level. Chairman Jaeger questioned the transition between the two elevations. Mr. Anderson used the visual aids to point out the different elevations and the sloped walk way. Mr. Anderson also added that there is enough room (less than 1:20) to create a sloped walk way instead of a ramp. The sloped walk way will transition from the lower patio to the atrium level. The lower patio is at the same elevation as the banquet room and atrium will be at the same level as the legion. Anyone who has limited mobility will be able to circulate throughout the space.

Chairman Jaeger at this point opened the floor to Board Member comments.

Mr. Bernard would like to see a proposal of outside lighting. Mr. Bernard also mentioned garbage storage, in where a brewery may produce more garbage than the former occupants, as well as how to blend the dumpsters into the property. Mr. Wood pointed out some old sheds on the property that will be removed allowing for a space for dumpsters that would be hidden from view, as well as some screening. Mr. Wood stated that the brewery will have an overhead door for deliveries and pickups. The spent grain is resold and picked up.

Mr. Bernard and Chairman Jaeger advised the petitioners that any mechanical equipment will need to be screened. Mr. Anderson noted that kitchen equipment and most other mechanical equipment would be located on the roof of the building and screened. Mr. Anderson assured The Board that the petitioners were working with a company on this concern. Mr. Bernard requested a near complete design when the petitioners meet the Architectural Overlay Board.

Mr. Honer questioned the connection between buildings. Mr. Anderson explained that it would be a cedar planked roof that will blend with the same elevation as the atrium. The slope of the roof will all be the same level. Mr. Anderson covered some of the design details seen on the renderings. Mr. Honer suggested rocks for a potential traffic barrier between the street and the building, referencing accidents that had occurred in the past.

Ms. Dujanovich noted that the walk way will serve as a connection between all the buildings keeping a synergy between buildings. The walk way will also serve as protection from the weather for employees moving between buildings. Ms. Dujanovich pointed out 'loungy' oversized steps that could be used for seating around the patio and bocce court. Mr. Anderson pointed out that the venue will be used year round and that the covered walkways will create ease of movement between buildings.

Mr. Sako commended the proposed layout of the building. He looked forward to seeing more plans with design specifics. Mr. Sako questioned the type of signage that will be used for the business. Ms. Dujanovich stated that signage had not been finalized, however the petitioners work with a branding company and would be discussing any signage with them. The petitioners stated that the other restaurants they own have vinyl signs. Ms. Dujanovich stated that signage would be classic and minimal. Mr. Wood stated that once signage is finalized the petitioners would submit the proposal to the Board. Ms. Dujanovich stated that any signage would be placed on the building.

Mr. Krog also expressed concern with screening of mechanical, and requested a proposal of that. Mr. Krog also questioned the integrity of cedar siding in this climate so close to a road. Mr. Wood and Mr. Anderson pointed that cedar siding would not start until the elevation change (approx. 5 feet between grade and where the singles would start) above the concrete foundation.

Chairman Jaeger stated that at next meeting the Board would like to see design for the details of the project. Chairman Jaeger stated that the Board would like to speak to someone from a legal standpoint about the setbacks and property lines. Once the Board speaks to the Town Attorney and the Planning Board, the members would like to meet with the petitioners again. Chairman Jaeger stated they would like to table the project until the Board speaks with town officials.

Mr. Orffeo discussed the sequence of Boards for the petitioners. Mr. Orffeo requested a street scape for the project, in order to get to the Conservation Board within the next month. Mr. Orffeo speculated to bring the petitioners in front of the Planning Board in April and back to the Architectural Overlay Board also in April.

Mr. Wood stated that the 'grandfather' clause gave a year time line to be opened, in order to maintain the same use as the former building. Mr. Orffeo stated the Town Attorney could be contacted for a possible extension of the clause. Ms. Dujanovich also noted they would be sensitive to paying for an unopened business with a lengthy opening process.

Chairman Jaeger questioned what documentation the petitioners had that granted the 'grandfather' clause. Mr. Wood stated that he would forward a letter from Steve Bremer to the Mr. Orffeo to circulate to the Board Members. Ms. Dujanovich stated that the petitioners had met with Steve Bremer in order to begin the process of this project with fewer hurdles.

Mr. Bernard requested that Mr. Wood stake off the Rite of Way on the property. Mr. Wood stated that he would email a survey to Mr. Bernard.

Mr. Bernard made a **MOTION** to table the project seconded by Mr. Sako.

MOTION IS UNANIMOUSLY PASSED.

Mr. Bernard made the **MOTION** to adjourn the meeting, seconded by Mr. Honer.

MOTION IS UNANIMOUSLY PASSED

Being no further business, the meeting adjourned at 7:45 P.M.

DATED: 2/22/21
REVIEWED: 4/22/21

Respectfully submitted,
Natalie A. Nawrocki Secretary

Thomas Jaeger, Chair