

Minutes of the **February 1, 2022** meeting of the **Conservation Board of the TOWN OF ORCHARD PARK**, Community Activity Center, 4520 California Road, Orchard Park, New York at 7:00 P.M. Present were the following:

MEMBERS PRESENT: Richard Schechter, Chairman
Thomas Jaeger
Melissa Lebedzinski
David Ward
Kyle Witt
Amy Grosjean, Alternate member

EXCUSED: Remy C. Orffeo, Acting Planning Coordinator

OTHERS PRESENT: John C. Bailey, Deputy Town Attorney
Rose 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.

The Chairman welcomed a new member to our Board, Ms. Amy Grosjean, as our Alternate member. She will be a voting member this evening as Mr. Michael Bryniarski has resigned. In addition, Mr. George Schichtel, a founding member of this Board, has passed away. He was a great asset to this Board and a friend. The Chairman reflected on the loss of Mr. Schichtel and the loss of Board members Mr. Loesch, Mr. Newton, and Mrs. Ackerman. Other members spoke in memory of Mr. Schichtel, he will be missed dearly.

APPROVAL OF MINUTES: Ms. Lebedzinski made a **MOTION**, seconded by Mr. Witt to approve the October 5, 2021 meeting minutes.

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

1. C.B. File #05-2021, 3330 Orchard Park Road, V/L located on the west side of Orchard Park Road, south of Rte. 20, across from the Hammocks, Zoned B-2. (SBL#152.16-6-3 & 152.16-6-2). Petitioner is requesting Conservation Board review and approval of submitted Landscape Plan.

APPEARANCE: Joe Giannini, InSite Real Estate, Developer

Mr. Giannini presented and explained the Landscape Plan for a proposed Aldi's grocery store. He stated that a tree study was done at the rear of the property documenting the type and quantities of the existing trees, and that these trees will remain untouched. A wetlands delineation study was also performed, and they are awaiting the Army Corps of Engineers to confirm the delineation results. The ingress and egress will be located on Orchard Park Road, where the current traffic signal is located for the "Hammocks" and the "Tops' Plaza". Mr. Giannini stated that Mr. Robert Walter is the Registered LAS for this plan. The Landscaping Plan meets all Town Regulations regarding plantings and Landscape Islands. The Interior Parking Green Space requirement is 10%, and this has been met. The overall Green Space requirement is 20%; they exceed this requirement. The fill to be used at this site was discussed. Mr. Giannini stated that they have been before the Planning Board twice for a Concept Review, and that the Planning Board has issued their comments regarding this.

Mr. Ward discussed the large drop-off area at the site. However, Mr. Giannini could not confirm how many cubic yards of fill will be used at the site.

Chairman Schechter confirmed that the Architectural Overlay District reviewed this project and gave its approval.

Mr. Jaeger established that no submission has been made for Storm Water Management.

Mr. Ward spoke of installing an underground water irrigation system for the plantings.

Chairman Schechter stated that if approved tonight they could make it "Approved" based on receiving a revised plan to include an irrigation system installed at the site.

Mr. Witt made a **MOTION**, seconded by Mr. Ward, to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 3/23/21, based on the following conditions and stipulations:

1. The Total Green Space is 1-Acre which is above the Town Requirement of 20%.
2. The Landscaping Value Estimate of \$30,780 requires a Certified Check amounting to 50% of the total shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$15,390)
3. Dumpsters or mechanical systems at grade level are to be screened.
4. Approval is contingent upon acceptance by the Planning Board and Town Engineering Department.
5. Any changes required by the Town Engineering Department or Planning Board which effect the Landscaping shall necessitate further review and approval by the Conservation Board.
6. 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.
7. The Applicant must submit a revised Landscape Plan indicating a water irrigation system will be installed for the plantings. The Conservation Board would like to be advised if a resubmission is submitted with the irrigation system prior to going to the Planning Board for approval. A Board member or Mr. Orffeo may review the plan.

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

2. C.B. File #32-2021, 3538 California Road, proposed Self-storage Facility located on the southwest corner of California and Milestrip Roads, Zoned I-1. Best Brothers Development is requesting Conservation Board review and approval of submitted Landscape Plan. Town Board referred to Conservation Board on 9/1/2021.

APPEARANCE: Mr. and Mrs. Best – Petitioners

Mr. and Mrs. Best presented and explained the Landscaping Plan for the proposed self-storage facility. They noted that this is a family business, and that they own four other self-storage facilities. They are under contract to purchase this property, and close on the property in March. They explained that the topography of the site slopes, and makes it difficult to develop this site. They discovered that the previous owner had used fill to level the site, and they feel self-storage units would be a good use for this site. The site is approximately 6-acres, and they are planning on utilizing around 1.5-acres. They explained how the design of the buildings, facade, and landscaping will camouflage and beautify the self-storage units on this prominent corner in Orchard Park. It was established that there will be a mix of temperature controlled, and not temperature controlled, buildings. There will be a gateway with a key pad at the entrance way.

Mr. Ward established that this project would be completed in two phases. The development of Phase 1 will include most of the Landscaping. Phase 2 will be constructed about a year afterwards.

Mr. Schechter discussed having the Petitioner return with a revised Landscaping Plan without the "triangle area" of plantings included in Phase 1, and a revised Estimation Form with a lesser amount. Mr. Orffeo or a Board member will review and final approval will be granted at that point.

Ms. Lebedzinski made a **MOTION**, seconded by Mr. Witt, to **CONDITIONALLY GRANT APPROVAL** based on the following:

1. The Landscaping Value Estimate of \$23,030 requires a Certified Check amounting to 50% of the total, and shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$11,515)
2. Dumpsters or mechanical systems at grade level are to be screened.
3. Approval is contingent upon acceptance by the Planning Board and Town Engineering Department.
4. Any changes required by the Town Engineering Department or Planning Board which effect the Landscaping shall necessitate further review and approval by the Conservation Board.
5. 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 the Towns' 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.
6. Mr. Orffeo, or a Board member, will review the submission of a Revised Plan and updated Landscape Estimation Form as requested, and Final Approval will be granted with requested revisions received.

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

The meeting adjourned at 7:35 P.M.

DATED: 2/8/22
REVIEWED: 3/1/22

Respectfully Submitted
Rosemary M. Messina
Conservation Board Secretary

Richard J. Schechter, Conservation Board Chairman