

PLANNING BOARD MARCH MEETING MINUTES

MEMBERS: Henry Heppner, Acting Chairman
Gregory Bennett
David Kaczor
Alex Long

EXCUSED: Harold Fabinsky, Nicholas Baich, Philip Murray, David Mellerski, Jr., Alternate

OTHERS PRESENT: Gene Majchrzak, Town Supervisor, Board Liaison
Remy C. Orffeo, Acting Planning Coordinator
Thomas Ostrander, Assistant Town Municipal Engineer
Steven Bremer, Supervising Code Enforcement Officer
John Bailey, Deputy Town Attorney
Rose Messina, Planning Board Secretary

The Chairman announced exit procedures in the event of a fire alarm and called the Planning Board meeting to order at 7:00 P.M. in the Orchard Park Community Activity Center. He stated 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, due to the absence of our regular Board members, Mr. Fabinsky, Mr. Baich, Mr. Murray, and Alternate member, Mr. Mellerski, we have a four-member Board this evening. The following options are offered;

1. We can hear the case and vote on the petition, and the Petitioner must accept the Board’s decision. If a vote results in a two/two tie, the motion will be defeated;
2. We can table the case and the Petitioner can postpone making his presentation until the next meeting of this body.

The Acting Chair stated that upon a motion duly made and seconded, the reading of the February and March 2022 Planning Board Meeting minutes is unanimously waived as each Board Member had previously received a copy.

Mr. Bennett made a motion, seconded by Mr. Kaczor, to accept the February 10, 2022 meeting minutes.

THE VOTE ON THE MOTION BEING:

BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
LONG	AYE

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

Mr. Bennett made a motion, seconded by Mr. Kaczor to accept the March 10, 2022 meeting minutes.

THE VOTE ON THE MOTION BEING:

BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE

LONG

AYE

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

REGULAR BUSINESS:

1. P.B. File #14-22, Oak Orchard Development, 4-Lot Subdivision, Located at the stub end of Grove Road, in the Riley Meadows West residential community, Zoned R-2. Applicant is seeking Planning Board Approval for Pre-Application Findings.

APPEARANCE: Mr. Andrew Romanowski, Alliance Homes
 Mr. Bill Burke, Alliance Homes

Mr. Romanowski explained the development of a proposed 4-Lot Subdivision, by extending a stub street located in the Oak Orchard Development (Riley Meadows West) by 300-ft. Each lot will be 60,000-sq.ft. in size. Several meetings have taken place with the Town Engineering Department to resolve any issues.

The Boards' questions established that more development is possible in the future, with similar style housing constructed.

Mr. Kaczor made a **MOTION**, seconded by Mr. Heppner that the following Pre-Application Findings are made, based on the submitted Sketch Plan received 3/11/2022 and the Applicant has detailed:

- The total acreage is 6.32 +/- acres.
 - The desired zoning classification is R-2.
 - The number of possible stages of completion is one (1).
 - The applicant's position with respect to title is "Owner".
1. All public notices have been filed.
 2. The zoning will remain as is.
 3. Access to surrounding properties is through Grove Road.
 4. Recreation fees will be provided in accordance with Section 144-70E of the Town Code and shall be paid, or provided, prior to the Final Plat Plan Public Hearing.
 5. Subdivision Development fees, per Section 144-70D of the Town Code, shall be paid prior to the Preliminary Plat Plan Public Hearing.
 6. Public Hearing fees shall be paid prior to the Preliminary Plat Plan Public Hearing.
 7. One (1) Street Tree per the Conservation Board's Street Tree Plan shall be provided for each lot per Section 120-3F of the Town Code.
 8. The applicant has completed and submitted the Short EAF, Part 1 for this Unlisted SEQR Action.

THE VOTE ON THE MOTION BEING:

BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
LONG	AYE

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

- 2. P.B. File #09-22, Kettles Korner, 3719 Abbott Road, located on the eastern side of Abbott Road, north of Route 20, Zoned B-2. Applicant is requesting a 2-year renewal to allow an Outside Display for a Car Show, Monday's, June through August of 2022 & 2023.

APPEARANCE: Ms. Joelle Janish, Kettles Korner, Owner/ Petitioner
 Ms. Cory Evenden, Kettles Korner Coordinator

Ms. Janish briefly explained the car cruise nights carried-out in the past to the Board, over the last several years. She is seeking a two-year renewal, and has no changes to report. There will be hot dogs offered outside and music until 8:30 P.M.

Building Inspector Steve Bremer confirmed that there are no reported issues, and that this event is well organized.

Mr. Kaczor commentated that this event is really done well and he has no questions.

Mr. Heppner made a **MOTION**, seconded by Mr. Kaczor, to **GRANT** Outside Display, for a Monday 5:30 P.M. to 8:30 P.M., weekly Classic Car meet, June through August, 2022 & 2023, in the parking lot of Kettles Corner, 3719 Abbott Road, based on the location plan received 2/25/2022 and the following conditions and stipulations are to apply:

- 1. This is a Type II SEQR action and therefore no SEQR determination is required.
- 2. There will be no additional outside lighting for the display or temporary structure.
- 3. There will be no banners or additional signage for this facility.
- 4. Security and sanitation facilities shall be provided by the Petitioner.
- 5. Granted for two years 2022 and 2023, based on the Town of Orchard Park Police Chiefs' approval for the second year, 2023.

THE VOTE ON THE MOTION BEING:

BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
LONG	AYE

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

- 3. P.B. File #11-22, Keystone Novelties, 3201 Southwestern Blvd., located on the north side of the Tops Plaza, Zoned B-2 (SBL #152.16-7-1.1). Applicant is requesting a 2-year renewal to allow an Outside Display from 6/22/2022 through 7/5/2022 for the sale of a Sparkler type firework.

APPEARANCE: No one is present.

Acting Planning Coordinator Orffeo confirmed with Town Deputy Attorney Bailey that the Petitioners' presence is not necessary for the Board to vote for a renewal.

The members established with Building Inspector Bremer that there have been no problems or Police comments regarding this event.

Mr. Bennett made a **MOTION**, seconded by Mr. Kaczor to **GRANT** an Outside Display Permit renewal, for Keystone Novelties to sell a “Sparkler” type firework in the Top’s Plaza, per the location plan received 3/7/22, and the following conditions and stipulations are to apply:

1. This is a Type II SEQR Action and, therefore, no SEQR determination is required.
2. There will be no additional outside lighting for the display or temporary structure.
3. There will be no banners or additional signage for this facility.
4. Sales are to take place in a 20 ft. x 40 ft. tent.
5. Hours of operation are 9:00 AM to 9:00 PM daily, except on July 3rd and 4th they will be open from 9:00 A.M. to 10:30 P.M. This renewal is for two years. The first year the operation will take place on 6/22/22 through 7/5/22. The Second year is based on the discretion of the Building Inspector.
6. If any issues or complaints arise, the Building Inspector is to submit a report to the Planning Board detailing the complaint.
7. The Petitioner is to have Security, similar to last year, present at the event.

ON THE QUESTION:

Mr. Heppner would like it clarified in the minutes that they are not selling fireworks, but a “Sparkler” type firework. He would also like the Petitioner to have Security similar to last year at the event.

THE VOTE ON THE MOTION BEING:

BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
LONG	AYE

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

4. P.B. File #09-18, Natalie Development, 5245 Murphy Road (former convent), located on the east side of Murphy Road, Zoned SR. Petitioner proposes to construct Senior Residential Apartment Units upon +/- 20-acres. Applicant is seeking Planning Board SEQR Determination. (SBL#184.07-1-1.112)

APPEARANCE: Mr. Chris Snyder, Passero Development
Mr. Jim Ritzenthaler, Passero Development

The Applicants displayed the projects’ Site Plan, explaining that they propose to construct 186-rental units. They also stated that all necessary approvals have been received. This includes the Erie County Water Authority for a downstream sewer study, and a retention area at back, to treat water directed to the creek. The Landscaping Plan was approved, conditionally with revisions, at the January 2020 Conservation Board meeting. Acting Coordinator Orffeo reminded the Applicants to send 10-copies of the updated Landscape Plan and Landscape Value Estimation Form to the Planning Office. The plan must be signed and stamped by a NYS Registered Landscape Architect. The Senior Apartments are not assisted living units. The existing structure at the site will be demolished.

Mr. Kaczor made a **MOTION**, seconded by Mr. Heppner, to recommend, that the Planning Board **DECLARE** this project an Unlisted SEQR Action based on the submitted Long EAF, and a **NEGATIVE DECLARATION** is hereby made on 4/14/22 with the following Stipulation(s):

1. Applicant must submit Approvals from ECDOH, ECDEP, and ECWA for Main Line Utility Connections and Site Utilities Layouts.

THE VOTE ON THE MOTION BEING:

BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
LONG	AYE

THE VOTE ON THE MOTION BEING UNANIMOUS, THE MOTION IS PASSED WITH A STIPULATION.

CONCEPT REVIEW:

1. P.B. File #32-2021, 3538 California Road, located on the southwest corner of California and Milestrip Roads, Zoned I-1 (SBL #161.05-3-1.11). Best Brothers Development to provide Planning Board with an update of this project. Town Board referred to Planning and Conservation Board on 9/1/2021.

APPEARANCE: Mr. & Mrs. Joshua Best, Best Brothers Development
Mr. Jason Burford, Greenman Pedersen

Mr. Burford stated that Best Brothers would like to construct a self-storage facility.

Mr. Best, with Mrs. Best’s assistance, explained the Site Plan and Elevations using a monitor. He discussed curb cuts, access ways and there being a Phase 2 to this project. It was also noted that the parking area of the property slopes. Mr. Best stated that the Conservation Board granted approval for their Landscaping Plan on 2/1/22, and that several Engineering reviews have taken place with adjustments made to their plan. An aerial photo of the site and project was displayed on the screen. Mr. Best indicated on the screen where the tallest part of the building is located. He told the Board that they are in the process of purchasing this property.

Mr. Heppner feels that this is an appropriate use for this property, and he is impressed with the project.

Mr. Kaczor also feels impressed with the presentation of the project.

Phase 2 was discussed briefly by the Board Members. It was learned that this is the fourth self-storage facility the Bests have developed. Lighting, and hours of operation, were discussed.

Mr. Long feels the presentation is very professional.

2. P.B File #13-22, V/L Sterling Drive, located on the west side of Sterling Drive, Zoned I-1 (SBL #152.19-1-30). Silver Grove Group is seeking a Building Permit and Site Plan Approval to construct a 5,340 Sq. Ft. Office Building.

APPEARANCE: Mr. Bill Burke, Alliance Homes

Mr. Burke distributed color photo sheets of the proposed subdivision to the Board. He noted that this is an attractive building with 22-parking spaces, and public water. Appointments are made in advance.

Mr. Heppner established there is no high volume of traffic created by this business. He feels this is a nice project.

Mr. Long established that there is space here to expand in the future. He feels the project is well thought out and a benefit to the Town.

- 3. P.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 to provide Planning Board with an update of this project.

APPEARANCE: Mr. Joseph Giannini

The following items were discussed with an update provided by Mr. Giannini on their status:

- Dumpster screening.
- Conservation Board approval of Landscaping Plan.
- Zoning Board of Appeals granted a Variance for a 4” setback.
- Approvals received for SHIPPO; Army Corps of Engineers finalized their permit for farm drainage ditch to wetland. There are no wetlands impacted at this site.
- Mr. Ostrander spoke regarding the biopond to be put in.
- FEMA, approval shortly.
- TIS resubmittal just made.
- The Orchard Park Engineer Department is reviewing the latest submission.
- Traffic Impact Study; to be prepared by a firm the Town of Orchard Park chooses, paid by Petitioner.
- Traffic is the big issue for this project. The Board wants it addressed to their level of satisfaction

- 4. Octavius Storage LLC, 3678 Southwestern Boulevard, north side of Southwestern Boulevard, west of Route 219, Zoned I-1. (SBL#161.06-2-15) Proposing to demolish existing building to construct Storage Units and an Office Building.

APPEARANCE: Mr. Jon Barniak, SRF Associates
 Ms. Amy Dake, SRF Associates
 Mr. Joseph McNeil, Petitioner

Mr. Barniak stated that this property was purchased 4-years ago with the intension of constructing 600-Storage Units. He distributed color photos of the site to the members, noting that he does not feel this will not change the character of the neighborhood.

Building Inspector Bremer agreed that the zoning classification here is appropriate for this project.

Mr. Heppner affirmed with the Petitioner that a market study was performed and there is a need for this business.

Mr. Kaczor discussed the topography of the site (which sits low) and also established that the 600-units will not be all constructed at once. The business will be closed from 12 A.M. through 6 A.M.

Mr. Heppner feels this is a reasonable project and that it will not impose on the neighboring area. South Benzing Road is located at the rear of this site.

There being no further business, the Chairman adjourned the meeting at 8:18 P.M.

DATED: 4/25/2022

REVIEWED: 4/25/2022

Respectfully submitted,
 Rosemary Messina
 Planning Board Secretary

Henry Heppner
 Acting Planning Board Chairman