

PLANNING BOARD MAY MEETING MINUTES

MEMBERS: Harold Fabinsky, Chairman
Henry Heppner
Gregory Bennett
David Kaczor
Alex Long
Nicholas Baich
Philip Murray
David Mellerski, Jr., Alternate

EXCUSED: Rosemary Messina, Planning Secretary

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
Anna Worang-Zizzi, Recording 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 upon a motion duly made and seconded, the reading of the April 2022 Planning Board Meeting minutes is unanimously waived as each Board Member had previously received a copy.

Mr. Kaczor made a motion, seconded by Mr. Baich, to accept the April, 14 2022 meeting minutes.

THE VOTE ON THE MOTION BEING:

FABINSKY AYE
BAICH AYE
BENNETT AYE
HEPPNER AYE
KACZOR AYE
LONG AYE
MURRAY AYE

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

REGULAR BUSINESS:

1. P.B. File #15-18, "Old Transit Road", Nexgen Development II LLC, proposed 26-Lot Subdivision, upon +/- 25-acres V/L located on the west side of Old Transit Road (former Nike Base), north of Michael Road, Zoned R-2. Planning Board to set Public Hearing date (6/9/22), for Preliminary Plat Plan Approval. Pre-Application Findings were made, and approved by the Planning Board, on 8/8/2019. (SBL #154.17-1-1.11).

APPEARANCE: Not necessary

Chairman Fabinsky explained that the Planning Board had reviewed this project in August of 2019. Under SEQR, they required the Applicant to submit specific criteria. However, there is no record of this criteria being received. Therefore, it is not possible to set a specific date for a Public Hearing at this time.

1. Regarding Planning Board File #15-18, Mr. Baich made a **MOTION**, seconded by Chairman Fabinsky, to allow the Planning Board Chairman to set a Public Hearing date for Preliminary Plat Plan Approval.
2. Pre-Application Findings were made and approved by the Planning Board on 8/8/2019.
3. Per the motion passed by the Planning Board at its 8/8/19 meeting, the Applicant shall submit a full EAF Parts 1, 2 and 3. Part 3 of the EAF shall include soil testing, one bore per Building Lot shall be performed by a Planning Board identified source for an objective independent report, with the cost to be paid by the Petitioner. The Town selected consultant will also provide a summary third party review of the Environmental Testing and the status of the site.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
LONG	AYE
MURRAY	AYE

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

2. P.B. File #32-2021, Best Brothers Development, 3538 California Road, located on the southwest corner of California and Milestrip Roads, Zoned I-1. Seeking Planning Board recommendation to Town Board for a Building Permit and Site Plan Approval to construct a Self-Storage Facility. Town Board referred to Planning and Conservation Boards on 9/1/2021. Conservation Board approved Landscaping Plan 2/1/22. (SBL #161.05-3-1.11)

APPEARANCE: Joshua Best – Owner

Mr. Best presented and explained the Site Plan and Elevations for this proposed two-phase project, noting that this will be their fifth Self-Storage Facility. He also stated that the construction of Phase 2 is planned for next year, and that the design of the project is influenced by Orchard Parks’ Town Hall. It was learned that they are awaiting two-outside approvals (ECWA and ECDEP) before Final Approval is granted by the Town Engineering Department. These two agencies are behind in work, but they anticipate receiving their necessary approvals next week. Mr. Best also stated that they received the Conservation Board approval for their Landscape Plan on 2/01/22.

Chairman Fabinsky commended the design of the project. He explained the Planning approval process for projects of this nature.

Mr. Heppner established that this project is allowed under the Town Code and that no Variances were required.

Mr. Kaczor stated that he was in favor of this project.

Mr. Baich inquired about the locations of the other storage facilities. It was learned that they are in neighboring Towns.

Mr. Kaczor made a **MOTION**, seconded by Mr. Fabinsky, to **RECOMMEND** that the Town Board **APPROVE** the presented Site Plan and **AUTHORIZE** a **Building Permit**, to construct five (5) Exterior Storage Buildings and two (2) Interior Storage Buildings, totaling 24,654-sq.ft. Buildings are for Self-Storage Units, per the plan received on 5/10/22, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF submitted on 2/17/22, and a **Negative Declaration** is made.
3. The site lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
4. No outside storage or display is permitted.
5. An updated Landscape Plan, received 5/10/22, meets all Green Space regulations with 73% Green Space. In accordance with Section 144-44(c) (1) (a) (2), a Certified Check amounting to 50% of the \$ 23,030 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$ 11,515) Conservation Board approval was granted on 2/01/2022.
7. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
8. This recommendation is "Conditioned" upon the Project Sponsor receiving outside approvals from the ECWA, ECDEP, and Town Engineering Approval.

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
LONG	AYE
MURRAY	AYE

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

3. P.B. File #07-22, West Herr is requesting to rezone V/L located on the north side of Webster Road, between Breem Street and Deacon Road, Zoned R-2. Applicant is requesting Planning Board review and recommendation to Town Board to Rezone an 8.76-Acre parcel from R-2 Residential, to B-2 Commercial, for the purpose of vehicle storage, lot expansion, and make a SEQR Declaration, with Stipulations and a Coordinated Review. (SBL# 161.07-7-13.1)

APPEARANCE: Andrew Gow - Developer, Jim Mulka - Representative

It was explained that the Plans have not changed since their last appearance before the Board. The Applicant is seeking a Negative Declaration in order for the EDC to evaluate their application. The Applicant is not seeking Site Plan Approval at this time.

Mr. Heppner inquired about changes from the initial proposal to the current proposal, and the position of the project with relation to Residential areas, and the access points of the lot.

The Applicant explained that the EDC desires to minimize the impact on wetlands, therefore, the number of parking spaces is reduced from 1,000 to approximately 800 +/- . It was also established that the footprint of the project has been moved further from the Residential area. It is now over 1,000-ft. from the Residential area. There will be no visual change from Webster Road. Access will be through

Southwestern Boulevard, not through Webster Road, meaning no construction vehicles would drive on Webster Road.

Mr. Murray inquired about the approximate number of vehicles that can be stored in this lot. It was established that there are 897-parking spaces planned.

Mr. Fabinsky noted that, should the EDC require the Applicant to provide "Wetland Mitigation" the Board, typically, would be looking for mitigation to be within the Town of Orchard Park, to maintain Green Space.

Mr. Kaczor made a **MOTION**, seconded by Mr. Baich, that;

1. This is an Unlisted Action for SEQR purposes and a Full EAF is required.
2. The Orchard Park Planning Board will seek Lead Agency Status with a Coordinated Review.
3. This Action is deemed a Conditional Negative Declaration with approval required by the NYS DEC.
4. At the conclusion of the 30-day Lead Agency Status Period, a Public Comment Period will be held.

ON THE QUESTION:

Mr. Heppner clarified that, should this motion be approved, it simply gives the Applicant the ability to go before the EDC. Should they receive approval from the EDC, they would need to appear back before the Planning Board to seek Site Plan Approval.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
LONG	AYE
MURRAY	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. (SBL#184.07-1-1.112) Proposed Senior Housing status update.

APPEARANCE: None

Regarding Planning Board File #09-22, Mr. Heppner made a MOTION, seconded by Chairman Fabinsky, to direct the Planning Department to send a certified copy of the April 14, 2022 Planning Board Minutes and specifically Item #4 (SBL # 184.07-1-1.112) to the applicant. The approval is to be used for the applicant to receive outside agency approvals.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
LONG	AYE

MURRAY

AYE

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

CONCEPT REVIEW:

1. P.B. File #19-2022, 275 Thorn Avenue, located on the south side of Thorn Avenue, east of Duerr Road, Zoned B-2. Applicant is requesting to construct a Warehouse/Office Building, with associated Parking and Site Improvements. (SBL# 172.11-1-5)

APPEARANCE: Chris Wood – Architect, Darrel Gaspe - Owner

Mr. Wood explained they are proposing a combined Office Building and Warehouse, near the Village Line. Currently there are three (3) buildings on the Site, which will be demolished. He distributed renderings which were not Site specific, but provided the Board with an idea of how the Building Elevations might look. He explained the property was zoned R2 and under that Zoning Classification a warehouse would not be allowed but they had verified that this combination would be allowed.

Mr. Baich inquired about the size and usage of the space. It was established that the building would be around 10,000-sq. ft., divided into several bays, and would be geared towards plumbers, landscapers, and other small contractors to store their equipment.

Chairman Fabinsky asked to see where the parking would be, and the location of the on the lot. Mr. Wood explained parking would be at the side, and they do not wish to push the building back farther on the lot as they may wish to add more buildings in the future.

Mr. Kaczor stated his opinion that this project would be an improvement on the current buildings.

Mr. Heppner stated he is in favor of the project, however would like to see landscaping. And clarified that outside storage would not be allowed.

Chairman Fabinsky inquired clarified details on the drawing.

Mr. Murray inquired in reference to possible future buildings, and if this would be a phased project. He also inquired if tenants were lined up. Mr. Wood explained that right now they are only planning one phase. They do not have tenants lined up but feel these bays will rent quickly.

It was the consensus of the Board that they would like to see this project move forward.

Mr. Kaczor would like to present work that the Economic Development Committee has done with regards to Zoning at a future time. The Board Members discussed some scheduling concerns. It was decided Mr. Orffeo would discuss scheduling with the Town Board.

There being no further business, the Chairman adjourned the meeting at 7:45 P.M.

DATED: 5/18/2022

REVIEWED: 5/20/2022

Respectfully submitted,
Anna Worang-Zizzi
Recording Secretary

Harold Fabinsky
Planning Board Chairman