

**PLANNING BOARD AUGUST MEETING MINUTES**

- MEMBERS:** Harold Fabinsky, Chairman  
Nicholas Baich  
Gregory Bennett  
David Kaczor,  
Henry Heppner  
Alex Long  
David Mellerski, Jr., Alternate
- EXCUSED:** Philip Murray  
Steven Bremer, Supervising Code Enforcement Officer
- OTHERS PRESENT:** Remy C. Orffeo, Acting Planning Coordinator  
Thomas Ostrander, Assistant Town Municipal Engineer  
John Bailey, Deputy Town Attorney  
Rose Messina, Recording Secretary

The Chairman announced exit procedures in the event of a fire alarm and called the Planning Board meeting to order at 7:03 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 Chairman stated that the July 2022 Planning Board Meeting minutes will be voted on at the next Planning Board meeting. He further stated that the Alternate member will be a full voting member this evening due to the absence of Board member Mr. Murray.

1. **P.B. File #05-2022, Woodridge Park Association, 10 Hastings Drive, Zoned R-3.** Applicant is requesting Planning Board approval of proposed Subdivision signage, per §144-37 B (1) of the Town Code. The Zoning Board of Appeals granted an Area Variance on 6/21/22 for size of signage. The review of this item was tabled at the Planning Board meeting on 7/14/22.

**APPEARANCE:** Representative from Santoro Signs

The members discussed the presented plan and if there was a need for the Zoning Board of Appeals Variance that was granted on 6/21/22 for this signage.

Mr. Kaczor stated that he had spoken with Mr. Santoro regarding the proposed signage request, prior to this meeting. He feels that there are three options for the Applicant: reduce the size of the sign; do not add the brick work; or use a smaller sign with an ornate design.

Mr. Baich stated that he would like the sign placed in the Landscaping Island area so it does not get damaged by snow plowing.

Mr. Bennett feels removing 6-inches off the bottom and from the sides, will create a more attractive sign.

Mr. Mellerski feels the sign should be 6-ft. x 8-ft. in size.

Chairman Fabinsky encouraged the Applicant to return with a revised plan. He feels the sign is attractive. It was established that the sign is externally illuminated.

Mr. Baich made a **MOTION**, seconded by Mr. Fabinsky that the Applicant is to return with a revised plan, indicating the size of the signage and its location.

THE VOTE ON THE MOTION BEING:

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

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

- 2. **P.B. File #13-22, V/L Sterling Drive, Silver Grove Financial, located on the west side of Sterling Drive, south of Windward Drive, Zoned I-1.** (SBL# 152.19-1-30) Applicant is Seeking Planning Board recommendation to Town Board for a Building Permit and Site Plan Approval to construct a 5,340 sq. ft. Office Building.

APPEARANCE: Bill Burke, Alliance Homes

Mr. Burke explained that Silver Grove Financial has outgrown its location in the Village of Orchard Park, and that they desire to construct a 5,340-sq-ft. Office Building on property that they own located in Sterling Park.

Chairman Fabinsky stated that the Town Engineering Department is awaiting external agency approvals before they are able to grant their approval for this project. He also stated that he finds the Landscaping Plan approved by the Conservation Board "sufficient" but would encourage the petitioner to work with Conservations to add additional trees for the benefit of the community. Mr. Burke was comfortable doing so. The chair suggested that two stipulations be added to the Boards' motion:

- 1. To have additional trees planted here for the benefit of the Community,
- 2. When the external approvals are received, Town Engineering approval is required.

Mr. Kaczor agrees with the Chairman, and feels a lot of growth has taken place here (Sterling Park) and he would like to improve the area with the planting of additional larger trees.

Mr. Baich congratulated the Applicant on their success in Orchard Park.

Mr. Heppner made a **MOTION**, seconded by Mr. Kaczor to recommend that the Town Board **APPROVE** the presented Site Plan and **AUTHORIZE** a Building Permit, to construct a 5,340-square foot office building, per the plan received on 3/11/2022, based on the following conditions and stipulations:

- 1. All public notices have been filed.
- 2. This is a Type 1 SEQR Action, based on the Short EAF and a Negative Declaration is hereby 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 6/14/2022, meets all Green Space regulations with 67% Green Space. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$20,220 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$10,110) Conservation Board approval was granted on 7/5/2022.
- 6. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
- 7. The applicant is to provide the Town of Orchard Park Assessor with an independent appraisal for the completed project by a Certified Commercial Appraiser.
- 8. Planning Boards' recommendational approval is pending Engineering approval, which is awaiting submission of all outside Agencies' approvals.
- 9. Approval is "conditioned" upon consulting with the Conservation Board to determine if additional trees can be incorporated into the previously approved Landscape Plan.

THE VOTE ON THE MOTION BEING:

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

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

- 3. **P.B. File #23-22, 101 Sterling Drive, "Memory Care Facility", located on the east side of Sterling Drive, north of Milestrip Road, Zoned I-1.** (SBL #152.19-1-25.2) Applicant is seeking Planning Board approval of an increase of 5 parking spaces off the existing parking circle.

APPEARANCE: Mr. James Hannon, Representative for Memory Care Facility/Pellegrino Landing

Mr. Hannon presented and explained the proposed Site Plan for the construction of (5) five additional parking spaces to be located in the front circle area. He told the Board that they are needed for "short-term" parking situations, such as with vendors and emergency vehicles. They presently have 5-spaces here, and two are for handicap parking.

The members reviewed the Site Plan. It was established that the proposed parking spaces are located 50-ft. back from the driveway line. However, there may be a conflict between the proposed new spaces and an existing tree.

Acting Planning Coordinator Remy Orffeo feels that the "drip line" area for this tree must be staked-out and no construction is to take place within the drip line. He also feels this should save the tree.

Mr. Hannon discussed what could be done if there is a conflict with the drip line, and asked if replacing the tree is an option.

Mr. Orffeo established that it is not known at this time if the tree is in conflict with the construction.

Chairman Fabinsky expressed wanting a solution. He feels the Conservation Board should be consulted regarding the drip line and the issue resolved with a tape measure.

Mr. Fabinsky made a **MOTION**, seconded by Mr. Heppner to **RECOMMEND** that the Planning Board **APPROVE** the presented Site Plan and **AUTHORIZE** the construction of five (5) new parking spaces, per the plan received on 7/25/2022, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an unlisted SEQR Action and therefore no determination of significance is required.
3. Approval is based on the Site Plan submitted on 7/25/2022.
4. The drip line outline for the existing tree will determine an approval, as long as there is no intrusion.

THE VOTE ON THE MOTION BEING:

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

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

**CONCEPT REVIEW – no action will be taken**

1. **P.B. File #33-21, Jim’s Steakout, 3185 Orchard Park Road, located on the east side of Orchard Park Road, north of Delta Sonic. (currently site of Tabernacle Food Panty). Zoned B-2.** (SBL#152.16-4-14) Applicant is requesting to locate a restaurant with a drive-thru at this location.

APPEARANCE: Mr. James Incorvaia, Applicant/Owner Jim’s Steakout  
Mr. Shawn Richter, Mr. Eric Richter, of Jim’s Steakout

The Applicant’s displayed the proposed Site Plan, and handed out information to the Board members for their review. It was learned that the current building was used as a food pantry, and at one time was a Long John Silver’s restaurant with a drive-through. The building will be demolished, and a new larger building will be constructed with a drive-through. This restaurant will be the same configuration as the Seneca Street and Transit Road Jim’s Steakout operations.

The NYS DEC storm regulations were briefly discussed and it is not known what the hours of operation will be for this location.

The Board feels this is a good project and they welcomed this business to Orchard Park.

There being no further business, the Chairman adjourned the meeting at 7:52 P.M.

DATED: 7/25/22

REVIEWED: 7/29/22

Respectfully submitted,  
Rose Messina  
Recording Secretary

Harold Fabinsky, Planning Board Chairman