

PLANNING BOARD JUNE MEETING MINUTES

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

OTHERS PRESENT: 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, Recording Secretary

The Chairman announced exit procedures in the event of a fire alarm and called the Planning Board meeting to order at 7:02 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 June 2022 Planning Board Meeting minutes is unanimously waived as each Board Member had previously received a copy.

Mr. Heppner made a motion, seconded by Mr. Bennett, to accept the June 9, 2022 meeting minutes.

THE VOTE ON THE MOTION BEING:

FABINSKY
BAICH
BENNETT
HEPPNER
KACZOR
LONG
MURRAY
MELLERSKI, JR, ALTERNATE

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

REGULAR BUSINESS:

1. P.B. File #03-2022, V/L Bussendorfer Road, Proposed 2-Lot Subdivision, located on the east side of Bussendorfer Road, north of Armor Duells Road, Zoned R-2. (SBL# 172.00-2-8.21) Applicant has revised their Plan from 3-lots to 2 lots, and is requesting Planning Board Pre-Application Findings.

APPEARANCE: Mr. Jeremy Wassel, Ellicott Development

Mr. Wassel reported on the progress made since the last Planning Board meeting. He stated that, as the Board requested, the previous Three-Lot project is now reduced to two, Single-Family homes. They plan for the home owners to share one driveway to access the site through the Utility R.O.W. He also spoke regarding the drainage plan for the site.

Chairman Fabinsky established that Assistant Town Municipal Engineer, Thomas Ostrander believes the Utility access is not wide enough for sewer laterals and water lines. He concluded that they cannot share the utilities.

Mr. Heppner would like to have additional information, based on Mr. Ostrander's comments, regarding if there is sufficient room in the Utility R.O.W.

Chairman Fabinsky stated that he also desires this information,

Mr. Fabinsky made a **MOTION**, seconded by Mr. Bennett, to **TABLE** the review, pending additional information regarding the Two-Lot Subdivision's access through the Utility Companies' R.O.W.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BENNETT	AYE
HEPPNER	AYE
MURRAY	AYE
MELLERSKI	AYE

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

Acting Planning Coordinator Remy Orffeo noted that the applicant shall complete and submit the Long Form EAF, Part 1 and Part 3 for this Type 1 Action. Part 3 shall address any effect on the Town's Bussendorfer Drainage Infrastructure project.

Chairman Fabinsky repeated this directive to the Applicant.

2. P.B. File #16-22, 3864 Abbott Road, O'Neil's parking lot, located on the west side of Abbott, south of Southwestern Blvd. Road, Zoned B-2. (SBL# 161.00-5-11) Applicant is requesting Planning Board approval for an Outside Display to allow a Flea Market to operate at this site.

APPEARANCE: No one was present to speak for this project.

Mr. Heppner made a **MOTION**, seconded by Mr. Fabinsky to **TABLE** this case, and requests that the Building Inspector notify the Applicant regarding that the Planning Board has concerns for the debris that is present at this site.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BENNETT	AYE
HEPPNER	AYE
MURRAY	AYE
MELLERSKI	AYE

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

3. P.B. File #08-2020, Orchard Heights, 5200 Chestnut Ridge Road, located on the west side of Chestnut Ridge Road, south of New Armor Road, Zoned R-3, with SR designation. (SBL #184.08-1-1) Planning Board to review Site Plan submission for dumpster location. Note: a Certificate of Occupancy was withheld on 2/11/2021 pending resolution and determination of dumpster location.

APPEARANCE: Mr. Josh Klotzbach, Vice President of Construction, Hamister Group

Mr. Klotzbach stated that since their last meeting, Planning Board members have visited the project site and provided their input. He presented a revised plan indicating the proposed location of the 3-dumpsters, with the addition of nine, 6-ft. tall Blue Spruce Trees.

Chairman Fabinsky established with Mr. Klotzbach that all dumpsters will have plastic lids to reduce noise created during their emptying process. Mr. Klotzbach also verified that in the last two- months the practice at the site is to have dumpster pick-ups occur after 12:00 P.M. Chairman Fabinsky then asked Dr. Bennett to comment on his review of the site.

Dr. Bennett stated he found that; along with the “daily emptying of the dumpsters”, “daily deliveries” were also taking place with food items, and supplies. The *U.S Food* delivery trucks out-numbered the *Modern Disposal* refuse trucks, three to one, and they generate greater noise. He explained that a solution could not be found to lessen the noise of the *U.S Food* delivery trucks, nor does he know the schedule for the daily deliveries, but suspects that they are early in the day.

Dr. Bennett asked Mr. Klotzbach to provide the times that *Modern Disposal* had dumpster pick-ups in May. He spoke regarding the dumpster emptying, noting that he has no experience in this, and cannot envision a mitigation strategy for dropping the dumpster onto a hard surface, and wonders if one is even possible. He would like to know if mitigation was something considered by the Hamister Group. He further stated that the proposed location of the dumpster was chosen, as it offers the Hamister Group staff and employees safer, and easier access to the dumpster when getting rid of refuse. He also asked Mr. Klotzbach to comment on any trends he has seen with food disposables during the Pandemic.

In answer to Dr. Bennett’s questions Mr. Klotzbach responded; they have reduced *U.S Food* delivery trucks to one-day a week, on Wednesdays, at approximately 6:00 A.M. He further reported that the *Modern Disposal* dumpster pick-up times in the month of May were; 3:05 PM, 3:56 PM, 1:23 PM, 3:36 PM, 12:32 PM, (Memorial Day there was no pick-up) Their pick-ups now occur, typically, on Tuesday’s and Friday’s. He also described the efforts made by drivers of the *Modern Disposal* trucks to lessen noise by slowing down when using their hydraulic lift to raise, empty, and lower the dumpsters.

Mr. Klotzbach explained the advantages of the proposed revised location to the members, noting that there are approximately 92-employees that take out refuse to the dumpster, every day, 24-hours a day. The refuse is walked-out using a cart, or a 50-gallon container with wheels, to the dumpster. He further explained that the “Pandemic” created a situation where all the residents ate meals and snacks in their rooms each day. A significant increase in refuse developed with “disposables” i.e. food packaging, masks, gloves, gowns, and other items when residents had to isolate at the facility.

In addition, Dr. Bennett confirmed; that the (9), nine coniferous 6-ft. high trees shown on the original Landscaping Plan have been revised to “Blue Spruce”. He questions if the Landscaping Value Estimation form needs to be revised and resubmitted, based on the change of species, from White Pine to Blue Spruce. He discussed using a two-foot berm and requiring 16-feet at its base to provide a stable groundwork for the landscape items. He specifically would like to know if there are any other landscaping plans, such as berms or trees at the site, in relation to existing berms and plantings. He feels the 8-ft. fencing shown on the plan (dumpster enclosure) should be extended if the Salerno’s desire this.

Mr. Klotzbach responded that; he feels the change in species of the coniferous trees will be negligible and that it will not be necessary to revise the Landscape Value Estimation form. He is not aware of the current Landscaping Value Estimation amount that was submitted. He told the members that a 1-ft. berm will be constructed and (9) nine 6-ft. Blue Spruce trees will be planted to provide additional buffering. This is as high as they can make the berm due to an existing transformer located here. He estimates the base of the berm to be 8-ft. in size. He also discussed the parking at this site, along with the employee shifts that take place and noise created. He established that the parking plan is not affected by the dumpster location.

Chairman Fabinsky stated he appreciates the information that was provided from the Hamister Group and their trying to minimize impacts on the neighbors. He feels this is a difficult situation and he appreciates their sincerity.

Dr. Bennett stated that their on-site visit provided the Board with information that was previously not known; the daily noise from the *U.S. Food* truck deliveries that outnumbered the refuse trucks and generated greater noise. During the peak of COVID each resident was isolated and this contributed to the increase of individual food packaging, increased deliveries and more refuse pick-ups. Dr. Bennett stated that he can see how the residents' awareness with all the activities at this site was heightened during the Pandemic. He noted that the *U.S Food* delivery trucks out-numbered the *Modern Disposal* refuse trucks and they generate greater noise.

Dr. Bennett made a **MOTION**, seconded by Mr. Heppner, that given that the Town of Orchard Park's Engineering Department granted their approval for this project on 2/8/21 and, wherein the Planning Board recommended to the Town Board to grant Site Plan Approval and issue a Building Permit, with a Stipulation that a Certificate of Occupancy shall not be issued until the dumpster location is resolved, it is herein moved to recommend that the Planning Board **GRANT** the proposed location of (3) three Dumpsters, as provided on the Plans received on 4/14/22 with the following conditions and stipulations to apply:

1. This is an Unlisted SEQR Action with no SERQ Determination required.
2. Dumpsters shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code, per Site Plans received on 4/14/22.
3. As shown on the Site Plan submitted, 4/14/22, a 1-ft. berm and (9) nine 6-ft. Blue Spruce shall be planted no later than 9/30/22. The Landscape Value Estimation form shall be submitted to the Planning office. The Landscaping Value Estimate requires a Certified Check amounting to 50% of the total, and this shall be deposited with the Town Clerk prior to receiving a Building Permit.
4. With the Salernos' permission, the Project Sponsor shall extend the existing 6-ft. fence to the end of their property.
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 Town's 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.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BENNETT	AYE
HEPPNER	AYE
MURRAY	AYE
MELLERSKI	AYE

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

CONCEPT REVIEW: Informational Purposes – No Action will be taken.

1. P.B. File #17-22, V/L Southwestern Boulevard, located at the northeast corner of Southwestern Boulevard and South Benzing Road, Zoned I-1. (SBL# 161.06-2-9) West Herr Automotive Group is proposing to develop a 37,198 +/- sq. ft. automobile dealership.

APPEARANCE: Mr. Andrew Gow, Nussbaumer & Clarke

Mr. Gow stated that West Herr Automotive Group is proposing to construct a 37,198 +/- sq.ft. New Automobile Dealership at this site, with associated parking and utilities. The project is in the Town's I-1 Zoning District and is an allowable use, subject to the granting of a "Special Use Permit". He commented on the stormwater management plan for the site and noted that a Traffic Impact Study will also be performed and submitted. They have not met with the NYS DOT yet. However, a meeting was held with the Town Engineering Department and the Building Inspector to learn what is required for the project. The project proposes site egress and ingress using both Southwestern Boulevard and South Benzing Road.

The Board expressed comments regarding the near-by residential area, a small plaza area, and traffic safety. They await further information and submissions as this project is developed.

2. P.B. File #20-22 (20-18), Birdsong Subdivision, Part 8, 26-Lots, located at the Northeast corner of Freeman Road and Jewett Holmwood Road, Zoned CMO. (SBL# 173.00-1-34.2) Applicant has revised their Plan from 39-lots to 26-lots.

APPEARANCE: Mr. David Capretto, Developer/Property Owner
Mr. Jason Burford, GPI

Mr. Burford presented and explained a revised Site Plan for this subdivision, noting that the plan now has a single road into the site, with a cul-de-sac. He indicated that the number of Building Lots was reduced from 39, to 26, Single-Family homes. Plastic material for the construction of retaining walls is now prohibitive, and this is one reason why they needed to reduce the number of homes here. He further stated that they are adhering to the Conservation Management Overlay District (CMO) rules. However, they anticipate gaining back the 13-lots lost, along with another part in the subdivision where lots were reduced and lost and placing them in another portion of the Birdsong Subdivision. He noted that they will not exceed their EIS limit.

Mr. Murray discussed the original plan and the submitted SEQR at length. He feels a change in the plan sets a curiosity, and raises the question regarding if there is a change in the submitted SEQR document. Mr. Murray spoke in favor of a SEQR update.

Acting Planning Coordinator Orffeo noted that, typically, the policy of this Board is to call a reduction in the number of houses constructed "a betterment" for a project, as there will be less traffic impact, and drainage issues. He has not gone back and looked at the original SEQR for this project, based on the understanding that there will be less impact than the originally proposed project. He feels that if you go from 39-lots to 26-lots, obviously the traffic impact is going to be de minimis, as it will be less than the original plan. He spoke of Birdsong Part VI and noted that it was reduced from 24 to 4 homes, and that the Board did not look at the previously done SEQR, as it was common sense that the project would have less traffic and less drainage.

Mr. Heppner commented on cul-de-sacs and the water control at the site.

Chairman Fabinsky stated that we look forward to the project's development.

~~***3. P.B. File #05-22, 3678 Southwestern Blvd, located on the north side of Southwestern Blvd, to the west of U.S. Route 219, Zoned I-1. (SBL# 161.06-2-15) Octavius Storage LLC is proposing to demolish an existing building in order to develop storage units and an office building.~~

REMOVED FROM AGENDA.

There being no further business, the Chairman adjourned the meeting at 7:56 P.M.

DATED: 6/24/2022

REVIEWED: 6/30/2022

Respectfully submitted,
Rose Messina
Recording Secretary

Harold Fabinsky
Planning Board Chairman