

Minutes of the **December 6, 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
Bernadette Clabeaux
Melissa Lebedzinski
David Ward
Kyle Witt
Daniel Couch, Alternate member

EXCUSED: Amy Grosjean

OTHERS PRESENT: Remy C. Orffeo, Acting Planning Coordinator
Joseph Liberti, Town Board Liaison
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 stated that Mr. Couch, the Alternate member, will be voting this evening in the absence of Ms. Grosjean.

The Chairman is recusing himself in "New Business", item #1. Mr. Ward will be the Acting Chair in this matter.

APPROVAL OF MINUTES: Mr. Couch made a **MOTION**, seconded by Mr. Jaeger, to approve the November 1, 2022 meeting minutes as presented.

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

NEW BUSINESS:

1. C.B. File #33-2021, Jim's Steak-Out, 3185 Orchard Park Road, located on the east side of Orchard Park Road, north of Delta Sonic, (former Tabernacle Food Panty), Zoned B-2. Jim's Steak-Out is requesting to locate a restaurant with a drive-thru at this location. Applicant is seeking Conservation Board approval of submitted Landscaping Plan. (SBL#152.16-4-14)

APPEARANCE: Mr. Chris Wood, Carmina-Wood Designs

Chairman Schechter told the Applicants that he would like three (3) revisions made to the submitted Landscaping Plans; (1) Have the plans contain the Green Space information, (2) Show Landscape Value Estimation figure and (3) Correct the name and address for the *Town of Orchard Park* on the plan. If the

Board conditionally approves the plan this evening, the Applicants can send in updated plans and not have to return.

Mr. Wood presented and explained the proposed project to the members. He stated there will be a total of 32-parking spaces constructed here. He also told the Board that an easement is in place with the Full Gospel Tabernacle Church to use the Jim's Steak-Out driveway in accessing the Church property. Mr. Wood further stated that the Tabernacle driveway access is for convenience reasons, and their members will not park in the Jim's Steak-Out parking lot. Jim's Steak-Out is to maintain the driveway, including snow removal at the site.

Mr. Schechter made a **MOTION**, seconded by Mr. Jaeger, to **CONDITIONALLY APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, subject to the (3) modifications as discussed based on the following conditions and stipulations:

1. The Total Site Green Space is .13%-acres.
2. The Landscaping Value Estimate of \$22,705 requires a Certified Check amounting to 50% of the total shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$11,352.50)
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. Petitioner is to send six (6) revised copies of the Landscape Plan with the correct name of "Town of Orchard Park" and its address, the percentage of Green Space and the Landscaping Value Estimation amount shown on the plan.

THE VOTE ON THE MOTION:

SCHECHTER	AYE
JAEGER	AYE
CLABEAUX	AYE
LEBEDZINSKI	AYE
WARD	AYE
WITT	AYE
COUCH	AYE

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

2. C.B. File #24-2022, Chase Bank, 3201 Southwestern Boulevard, Tops Plaza, Zone B-2. (SBL#152.16-7-1.1). Chase Bank, is requesting to locate and construct a 3,500-sq.ft. Chase Bank in the Tops' Plaza. Applicant is seeking Conservation Board approval of submitted Landscaping Plan.

APPEARANCE: Mr. Matt Tomlinson, Marathon Engineering
Mr. John August, Chase Bank

Acting Chairman Ward asked the Applicants to present their project and Landscaping Plan to the Board.

Mr. Tomlinson explained that Chase Bank would like to construct a new 3,500-sq.ft. Building with 34-parking spaces. There will be no drive-up teller service window. However, there will be a drive through "ATM" machine.

Mr. August told the Board that this parcel is separately owned, and not connected to the plaza.

The members discussed the proposed Landscaping Plan, traffic created with the Bank, the Green Space Islands, the dumpster area, and snow storage removal.

Mr. Ward established that the submitted Landscape Estimation Form is on the "high side" for shrubbery. However, Mr. Tomlinson explained that top soil and pavement costs are merged into this figure.

Ms. Clabeaux verified what the vertical lines (yellow slashes) were on the plan.

Mr. Jaeger established that a Storm Water Retention plan was approved when the previous engineering occurred for this plaza.

Mr. Ward made a **MOTION**, seconded by Jaeger to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 11/14/2022, based on the following conditions and stipulations:

1. The Total Site Green Space is to be advised.
2. The Landscaping Value Estimate of \$39,600 requires a Certified Check amounting to 50% of the total shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$19,800)
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.

THE VOTE ON THE MOTION:

SCHECHTER	ABSTAINED
JAEGER	AYE
CLABEAUX	AYE
LEBEDZINSKI	AYE
WARD	AYE
WITT	AYE
COUCH	AYE

THE VOTE ON THE MOTION BEING UNANIMOUS, WITH ONE (1) ABSTENSION, THE MOTION IS PASSED.

OTHER BUSINESS:

1. Street Tree Committee

No discussion was held this evening.

The meeting adjourned at 7:15 P.M.

DATED: 12/21/2022
REVIEWED:

Respectfully Submitted
Rosemary M. Messina
Conservation Board Secretary

Richard Schechter, Chairman