

PLANNING BOARD FEBRUARY MEETING MINUTES

MEMBERS: Harold Fabinsky, Chairman
Nicholas Baich
Henry Heppner
David Kaczor
David Mellerski, Alternate

EXCUSED: Gregory Bennett
Alex Long
Philip Murray
Thomas Ostrander, Assistant Town Municipal Engineer

OTHERS PRESENT: Gene Majchrzak, Supervisor, Town of Orchard Park
Remy C. Orffeo, Acting Planning Coordinator
Richard Mrugalski, Principal Engineer Assistant
Thomas Minor, Supervising Code Enforcement Officer
John Bailey, Deputy Town Attorney
Rose Messina, 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.

Upon a motion duly made and seconded, the reading of the January 2023 Planning Board Meeting minutes was unanimously waived as each Board Member had previously received a copy.

Mr. Baich made a motion, seconded by Mr. Mellerski to accept the January 12, 2023 meeting minutes as presented.

THE VOTE ON THE MOTION BEING:

FABINSKY AYE
BAICH AYE
HEPPNER AYE
KACZOR AYE
MELLERSKI AYE

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

The Chairman explained the Public Hearing procedure to those present and noted that each person is allowed (4) four-minutes to speak, "for" or "against" the project. The Affidavit of Publication and Posting, published January 2023 was presented and filed with the Board by the Planning Board Secretary.

PUBLIC HEARING:

- 1. 7:00 P.M., P.B. File #14-2022, "Oak Orchard Development", 4-Lot Subdivision, Located at the stub end of Grove Road, in the Riley Meadows West residential community, Zoned R-2.** Petitioner is requesting Planning Board Final Plat Plan Approval for this four (4) Lot Subdivision. Pre-Applications Findings were made on 4/14/2022, Preliminary Plat Plan Approval was granted on 10/13/2022.

APPEARANCE: Mr. Chris Wood, Carmina – Wood Designs

Mr. Wood stated that he is appearing before the Board requesting that Final Plat Plan approval for this project be granted. He noted that several Planning Board members, along with Assistant Town Municipal Engineer, Thomas Ostrander walked the property together to review drainage concerns brought up by neighbors at the Preliminary Plat Plan public hearing. All Engineering comments have been addressed in their updated submittal to the Planning Office of 2/9/23. In addition, all outside approvals have been granted, for this project. Mr. Wood explained that the project involves the extension of a dead-end street known as "Grove Road". They are proposing to construct four (4), single-family homes, with each building lot totaling approximately 60,000-sq.ft in size. He feels that the low number of homes proposed will help with wildlife displacement that was expressed by a resident.

Mr. Baich established that they propose to plant several pine trees, with a minimum height of 5-ft. on the south side of the site to assist with screening.

Assistant Planning Coordinator Orffeo asked that Mr. Wood explain the tree line concerns and what they will do to protect this.

Mr. Wood stated that the existing hedge row of trees (tree line) is located along the south property line. He presented a map depicting their location and noted that the clearing limits are shown on the updated plan. He discussed protecting them during the construction of the project, and noted that tree removal will occur with only as far as they need to in developing the infrastructure.

Mr. Kaczor asked that the Board be updated on the drainage concerns for this site. It was noted that Assistant Town Municipal Engineer Thomas Ostrander (not present this evening) had reported that Riley Meadows West drains into a channel that goes directly to Armor Duells Road. He also reported that the project site is approximately 10-ft. higher than the existing Riley Meadows West Subdivision, and that the standing water that the neighbors report is most likely created by "ATV's" traveling through the property.

Mr. Kaczor made a **MOTION**, seconded by Mr. Mellerski, to **OPEN** the public hearing.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
HEPPNER	AYE
KACZOR	AYE
MELLERSKI	AYE

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

The Chairman asked if there is anyone who would like to speak *in favor* of this project.

IN FAVOR:

Mr. Chris Wood, Carmina - Wood Designs
487 Main Street Suite 500
Buffalo, New York 14203

Mr. Wood is a resident of this subdivision, and he supports the project.

The Chairman asked if there is anyone who would like to speak *against* this project.

AGAINST:

Mr. Bryan Forbes

*2 Grove Road
Orchard Park, New York 14127*

Mr. Forbes does not support the project. He discussed his, and several other neighbors' concerns, which included the disturbance of the existing tree line here and snow removal storage. They are not opposed in general but do want assurances that their concerns are addressed.

Mr. Wood explained that there is approximately 100-ft. between the tree line and the project property, that there may be snow issues for Lots 22 and 23, and that they plan to plant additional trees to buffer animals.

*Mrs. Bernadette Clabeaux
5098 Murphy Road
Orchard Park, New York 14127*

Mrs. Clabeaux stated that she has concerns regarding the buffer

*Mr. Greg Clabeaux
5098 Murphy Road
Orchard Park, New York 14127*

Mr. Clabeaux stated he has concerns regarding drainage at the site.

Mr. Wood indicated on a map that the drainage will flow to the west and that a swale will direct it away before it gets to their properties.

Mr. Kaczor made a **MOTION**, seconded by Mr. Heppner, to **CLOSE** the public hearing.

Chairman Fabinsky stated that he appreciates the concerns brought up by the neighbors. He further stated that he accompanied Mr. Ostrander to the project site to review the issues reported to the Board and is satisfied that the project will have no adverse impact on the area.

ON THE QUESTION:

Principal Engineer Assistant, Richard Mrugalski, concurs with the opinion that "ATV's" tore up the property and created the standing water at the project site.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
HEPPNER	AYE
KACZOR	AYE
MELLERSKI	AYE

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

Mr. Kaczor, Made a **MOTION**, seconded by Mr. Baich, to **GRANT** Final Plat Plan Approval to this 6.32 +/- acres V/L, 4-lot subdivision based on the submitted Final Plat Plan received 2/07/2023 with the following conditions:

1. This is an **Unlisted SEQR** action based on the submitted Short EAF Part 1, and a Negative Declaration was made on 10/13/2022.

2. Pre-Application Findings were made by the Planning Board on 4/14/2022.
3. Preliminary Plat Plan Approval was granted on 10/13/2022.
4. Public Hearing and Subdivision Development fees will be paid.
5. Recreation fees, in accordance with Section 144-70E of the Town Code must be paid prior to the issuance of a Building Permit.
6. One (1) Street Tree per the Conservation Board Street Tree Plan shall be provided on the lot per Section 120-3F of the Town Code.
7. Town Engineering Final Plat Plan Approval has been granted on 2/09/2023.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
HEPPNER	AYE
KACZOR	AYE
MELLERSKI	AYE

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

REGULAR BUSINESS:

1. P.B. File #04-2023, Corner of Abbott Road & Vistula Avenue, Race Storage Sheds requesting a renewal of an updated plan for shed Outside Display.

APPEARANCE: Mr. Benjamin Race, Petitioner/Property Owner

Mr. Race presented and explained an updated plan for his Outdoor Shed renewal. He noted two changes he would like to implement are; (1) increase the number of sheds on display from (1) one, to (7) seven, and (2) relocate the shed display to the property across the street, as he now owns the vacant lot adjacent to his residence. As the Owner of both parcels, Mr. Race has combined them into one single-lot.

The members' questions and comments established the following;

- landscaping will be added to enhance the property,
- the vacant lot is a larger display area than the previous rental one,
- signage will meet the Town Code,
- the neighbors were spoken to and no objections were voiced, (letter of support was submitted)
- intend to keep property appealing,
- high end product,
- drainage was discussed and the Petitioner will work with Town Engineering to insure proper drainage

Mr. Fabinsky, made a **MOTION**, seconded by Mr. Kaczor, to **GRANT** a Permit for an Outside Display, for a maximum of (7) seven sheds, with review and renewal every two-years, based on the location plan received 3/13/23, 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. Signage for the Outside Display will be limited to one sign.
- 4. The applicant is the owner of this property, having purchased it and combined it with his adjacent owned parcel.
- 5. The Outside Display for the year 2024 will be upon the approval of the Building Inspector.
- 6. All public notices have been filed.
- 7. Drainage, as instructed by the Town Engineering Department, will be put in to direct the water to the road drain on Vistula Avenue.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
HEPPNER	AYE
KACZOR	AYE
MELLERSKI	AYE

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

CONCEPT REVIEW: No action will be taken

- 1. **P.B. File #02-2023, 3964 California Road, located on the west side of California Road, south of Southwestern Boulevard, Zoned I-1.** Joseph DeMarco Jr. is requesting to construct an 11,400-sq. ft. Warehouse/Office Building, Zoned I-1. (SBL #161.03-1-8)

APPEARANCE: Mr. Chris Wood, Carmina – Wood Designs
Mr. Joseph DeMarco, Jr., Petitioner

Mr. Wood presented and explained the proposed project to construct an 11,400-sq.ft. Warehouse Office Building to the Board. He stated that the building will be for cold storage only and there will be no utilities. They desire to park vehicles, and have additional storage for “Wings” items. The existing trees will remain to screen the building at the front of the property.

Mr. Mrugalski stated that Town Engineering has no issues with this project.

Mr. Minor noted he has no issues.

Mr. Heppner stated he feels this is a nice project.

Mr. Kaczor feels this is a great way to clean-up the site, and he is happy to see the effort to make things look great for the neighbors with no Variances needed. He spoke regarding the screening of the front of the site and having continuity.

Chairman Fabinsky established that no repair work will be carried on in this building. It is strictly for storage. The building is not a pole barn.

Acting Planning Coordinator Orffeo noted that the small parcel will be merged with the adjoining parcel, as the zoning is already correct.

2. P.B. File #34-2022, V/L Taylor Road storage facility, located on the east side of Taylor Road, north of the intersection of Taylor Road and New Taylor Road, Zoned R-D. Nick Pittas is proposing to construct a self-storage facility with an office. (SBL# 161.19-2-1)

APPEARANCE: Mr. Chris Wood, Carmina – Wood Designs

The Board Members advised that they do not feel a storage facility is appropriate at this location. They asked Mr. Wood to advise his client to find another use for this property.

3. P.B. File #27-2022, Birdsong Part 2, located at the terminus of Rock Dove Lane. Birdsong Lakes LLC, David Capretto is requesting to rezone property from R-1, to R-1 CMO, (Conservation Management Overlay District).

The Applicant removed themselves from the agenda.

There being no further business, the Chairman adjourned the meeting at 7:54 P.M.

DATED: March 2, 2023

REVIEWED: March 2, 2023

Respectfully submitted,
Rose Messina
Recording Secretary

Harold Fabinsky, Planning Board Chairman