

PLANNING BOARD JANUARY MEETING MINUTES

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

EXCUSED: David Mellerski, Alternate
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.

The Chairman introduced Principal Engineer Assistant, Richard Mrugalski, who is filling in for Thomas Ostrander, during his absence. He also introduced our new Supervising Code Enforcement Officer, Thomas Minor.

Upon a motion duly made and seconded, the reading of the December 2022 Planning Board Meeting minutes was unanimously waived as each Board Member had previously received a copy.

Mr. Kaczor made a motion, seconded by Mr. Murray to accept the December 8, 2022 meeting minutes as presented.

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 BUISINESS:

1. **P.B. File #28-2022, "New York Beer Project". V/L Windward Road, located at the northwest corner of Windward Road in the Sterling Business Park off of Milestrip Road, Zoned I-1.** Applicant is seeking Planning Board recommendation to the Town Board, for a Building Permit, and Site Plan

Approval, to construct a 32,000-gsf. Two-story Building. A "Special Exception Use Permit" was granted by the Town Board in April 2020 to operate a Restaurant, and the Conservation Board granted approval for a Landscaping Plan, with revisions to be made, on 11/1/22. (SBL# 152.14-5-1.2)

APPEARANCE: Mr. Kevin Krupski, Petitioner/Owner
Mr. Alex Amering, Costich Engineering

Mr. Amering told the members that the Petitioner was granted a "Special Use Permit" by the Town Board in April 2020, to operate a restaurant with their proposed NY Brewery project. In addition, on 11/01/2022 the Conservation Board recommended approval of their Landscaping Plan requiring the submission of an updated Plan that, (1) meets the Town Code Buffer requirement of a "60-foot buffer" between a Commercial project and Residential property, and (2) to provide additional screening for their project. The updated Landscape Plan was received on 1/11/2023. It was, also, learned that a Tree Survey was performed for this property that indicates a number of the trees here are mature trees that contribute to the natural buffer. Mr. Amering explained the proposed Lighting Plan, noting that all lighting will be facing downward. He, also, discussed the Architectural color renderings submitted that reflect a "Lodge/Lake Adirondack" theme. The front of the building has a round-about designed to assist with customer drop-off, and ride sharing. There is a service area at the rear of the building for deliveries. He noted this is a two-story building, with a 4,090-sq. ft. outdoor covered patio, and an open fire-pit. The second floor will be used for various functions, such as receptions. He also explained that the Sterling Business Park property has all utilities available and these are extended to this parcel. He further stated that a Stormwater Management Plan was submitted for this project.

The Board members discussed further details, such as the parking spaces provided at the site. It was noted that the Town Parking Ordinance requires 211-parking spaces for this project, and that the Petitioner exceeds this requirement by proposing to construct 313-parking spaces. In the future, if they need additional parking spaces, they can be put in. Snowfall storage areas are shown on the Site Plan, and it was learned that if excessive snowfall occurs, the snow will be trucked off-site for storage.

Mr. Bennett discussed details involved with the restaurant further, and established that there are other NY Beer Project locations in Lockport, New York, Victor, New York, and Orlando, Florida.

The Chairman discussed the residential property bordering this project on the north and the Towns' Ordinance requiring a 60-ft. buffer between the Residential Property, and the proposed project.

Mr. Kaczor stated that he feels a heavily wooded area currently exists between the project site and the Residential Zoning area. He further established that the Petitioner is looking to commence with this project, sometime in March/April 2023 beginning with pavement work. Mr. Kaczor stated that he feels the submittals for the project are exceptional, attractive, and functional. Especially, the proposed entranceway.

The Chairman discussed the fact that there are two minor issues that kept this project from having "Engineering Final Approval". Principal Engineer Assistant, Richard Mrugalski explained what is needed.

The Chairman feels that the Engineering issues need to be addressed and resolved, prior to any Town Board action.

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 a 32,000 gsf. Two-story Building, per the plan received on 12/28/2022, 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 Full EAF and a Negative Declaration was made on

10/14/2021.

- 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 1/11/2023, meets all Green Space regulations. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$59,680 Landscaping Estimate Value shall be deposited with the Town Clerk (\$29,840). Conservation Board approval was granted on 11/01/2022.
- 6. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
- 7. The applicant is to contact the Town of Orchard Park Assessor’s Office and provide an “independent” appraisal for the completed project by a Certified Commercial Appraiser.
- 8. The Town Board granted this project a “Special Use Permit” for the restaurant in April 2020.
- 9. Final Engineering Approval is required prior to the issuance of a Building Permit.

ON THE QUESTION: Mr. Murray verified that the project does not have Engineering 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.

- 2. **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.** Chairman to set February 9, 2023 as public hearing date for this 4-Lot Subdivision.

APPEARANCE: Mr. Chris Wood, Carmina – Wood Designs

Mr. Wood stated that he is appearing before the Board to ask for Final Plat Plan approval for this project.

Chairman Fabinsky verified with Mr. Mrugalski that Engineering feels this project is ready for Final Plat Plan approval, and that the public hearing can be scheduled.

Mr. Bennett made a **MOTION**, seconded by Mr. Kaczor, to **AUTHORIZE** scheduling the **FINAL** Plat Plan Public Hearing for February 9, 2023.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE

LONG
MURRAY

AYE
AYE

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

CONCEPT REVIEW: No action will be taken

- *** 1. **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).**

APPEARANCE: No one. This project was removed from the agenda by the Petitioner.

The Secretary was asked to add the following to the list of questions regarding this project to be addressed by the Petitioner;

- a. *Desire Public Safety comments*
- b. *Desire Highway comments*
- c. *Principal Engineer Assistant Mrugalski requests drawings of the CMO driveways and what will be done with snow storage issues that may develop.*
- d. *Chairman Fabinsky wants to know if this proposed CMO will change the character of the neighborhood.*

The Board **UNANIMOUSLY TABLED** their review.

- 2. **P.B. File #33-22, V/L Windward Drive, located on the South side of Windward Road in the Sterling Drive Industrial Park, Zoned I-1.** Applicant is requesting a Building Permit and Site Plan Approval to construct a 30,000 square foot, 1-story Medical Building. (SBL # 152.18-2-5)

APPEARANCE: Mr. Chris Wood, Carmina – Wood Designs
Mr. Dave Huck, Regent Companies, Petitioner/Owner of Sterling I LLC

Mr. Wood gave an overview of this project, noting that the proposed Medical Building will have 150-parking spaces, with a total of 35% Green Space, and 10% Interior Green Space provided. Building elevations were submitted for the Board Members’ review.

Chairman Fabinsky and the Board spoke of this project as a great fit to this Industrial Park, and wanting to have “more than a few trees” at the site that are “taller than bushes”.

There being no further business, the Chairman adjourned the meeting at 7:41 P.M.

DATED: 01/26/2023
REVIEWED: 02/07/2023

Respectfully submitted,
Rose Messina
Recording Secretary

Harold Fabinsky, Planning Board Chairman