**PLANNING BOARD APRIL MEETING MINUTES**

**MEMBERS:** Harold Fabinsky, Chairman

Gregory Bennett

Henry Heppner

Alex Long

Philip Murray

**EXCUSED:** David Kaczor

Nicholas Baich

David Mellerski, Alternate

Thomas Ostrander, Assistant Town Municipal Engineer

**OTHERS PRESENT:** Gene Majchrzak, Supervisor, Town of Orchard Park

Remy C. Orffeo, Acting Planning Coordinator

Thomas Minor, Supervising Code Enforcement Officer

John Bailey, Deputy Town Attorney

Anna Worang-Zizzi, 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 March 2023 Planning Board Meeting minutes was unanimously waived as each Board Member had previously received a copy.

Mr. Heppner made a motion, seconded by Dr. Bennett to accept the March, 2023 meeting minutes as presented.

THE VOTE ON THE MOTION BEING:

FABINSKY AYE

BENNETT AYE

HEPPNER AYE

LONG AYE

MURRAY AYE

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

**REGULAR BUSINESS:**

1. P.B. File #11-2023, V/L Scherff Road, 8.97-acre parcel, Zoned A-1, SBL#198.00-5-24.113. Alliance Homes is requesting to develop a 2-Lot Subdivision, with one lot 1.39-acres, and the other, 7.38-acres in size, with Pre-Application Findings to be made by the Planning Board.

Mr. Long recused himself from the review of this case.

APPEARANCE: *Andy Romanowski – Alliance Homes*

*Chris Wood – Aspen Engineering*

Mr. Wood explained that this parcel is approximately 9 acres and they are seeking to split it into two lots, which would comply with the Zoning rules for this zone and will not need any Variances. He showed images of the existing and proposed property lines.

The Chair established that the land is currently vacant.

Dr. Bennett clarified frontage requirements with the Applicant. This project will meet or exceed those requirements.

Mr. Murray inquired about the possibility of future subdivisions of this property. The Applicant explained that it would not be possible as there would not be enough frontage.

The Chair asked for any input from the Building Inspector, who had no comment.

Mr. Heppner made a MOTION, seconded by the Chair, that regarding Planning Board Subdivision File #11-23, the following Pre-Application Findings are made based on the submitted Sketch Plan received 3/29/23 and the applicant has detailed:

* The total acreage is 8.97 +/- acres.
* The desired zoning classification is A-1.
* The number of possible stages of completion is one (1).
* The applicant's position with respect to title is “Owner”.

1. The applicant has submitted the Short EAF Part 1 for this UNLISTED SEQR action.

2. All public notices have been filed.

3. The zoning will remain as is.

4. Access to surrounding properties is through Scherff Road.

5. Recreation fees will be provided in accordance with Section 144-70E of the Town Code and shall be paid, or provided, prior to the Final Plat Plan Public Hearing.

6. Subdivision Development fees, per Section 144-70D of the Town Code, shall be paid prior to the Preliminary Plat Plan Public Hearing.

7. Public Hearing fees shall be paid prior to the Preliminary Plat Plan Public Hearing.

8. One (1) Street Tree per the Conservation Board's Street Tree Plan shall be provided for each lotper Section 120-3F of the Town Code.

THE VOTE ON THE MOTION BEING:

FABINSKY AYE

BENNETT AYE

HEPPNER AYE

MURRAY AYE

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

**CONCEPT REVIEW:**

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: *David Capretto – Capretto Homes*

*Jason Burford – GPI*

The Applicant read a list of questions prepared by the Acting Planning Coordinator on the Board’s behalf and the Applicant’s responses, are summarized below:

1. What is the size of the homes? *Ranches will be around 2,500 sg. ft., and two story houses about 2,800 to 2,900 sq. ft.*
2. What will the frontage and depth be? *The minimum frontage will be 100ft, and the depth will be 170ft.*
3. What is the estimated price of the homes? *$600,000 to $650,000*
4. Is the market saturated for CMO homes? *The Applicant feels that there is a market for owners who want a luxury home, but without the maintenance of a larger lot.*
5. What is the design of the homes? *The Applicant showed renderings. The Applicant noted the homes would be similar in design to other homes in Birdsong.*
6. There should be no cul de sacs used in the design plan. *They have been eliminated, and additional access points added.*
7. What is the greenspace for the project? *Roughly 56% of the project is greenspace.*
8. Wetland areas are not to be included in the land given to the Town. A minimum of 25 Acres is to be provided to the Town. *The Acreage available to the Town is 29 acres, with an additional 14 acres which are described as wetlands.*
9. Will wetland mitigation be needed? *It will be minor.*
10. Is there storm water control? *This is to be designed, however, initially there are two storm water ponds planned.*
11. Is Rock Dove Lane the only access into the Site? *It is currently, however three additional access points are planned.*
12. The Board members have traffic concerns. *The Applicant stated that the Traffic Impact Statement for Birdsong was updated about 10 years ago. He noted that this plan only increases the total number of lots in Birdsong by 10.*
13. What is the distance to the current homes on Rock Dove Lane? *The distance is 250 ft. There is definition between the existing homes and this district in the form of existing undeveloped vegetation and a creek.*

The Chair feels this is different from other phases of Birdsong, and believes that it should be a Type 1 SEQR action. He noted the lot-size, the general layout and the change in zoning. The Applicant noted that there are planned reductions in the number of homes being developed in other parts of Birdsong.

Mr. Heppner inquired about the planned access points. He also mentioned the possibility of increased traffic, and stated his opinion that the larger homes planned were more in keeping with the neighborhood than smaller homes would be. The Applicant explained that in the event the planned access points were not meeting up to currently developed roads, they would bring them to the property line, so that they could be easily extended as more of the area was developed.

Mr. Murray inquired about the number of phases, with which phases would access points be developed, and when site prep would be done. He also inquired about any change in pricing compared to the surrounding subdivision. The Applicant explained there would be a minimum of two phases and a maximum of three. There would be one access point developed in Phase 1, and at least one more during Phase 2. The Applicant further explained that this area would be developed slowly as demand allowed, at a pace of 10 to 12 homes per year.

The Chair emphasized the importance of access points, noting that Emergency Services can have difficulty if a road becomes blocked and there is not another access point. He also inquired about any issues with the Homeowner’s Association. The Applicant explained that this CMO district would not be associated with the current Homeowner’s Association, however they have never had any conflicts with the current Homeowner’s Association.

Acting Planning Coordinator, Remy Orffeo asked the Applicant to review a response on the current SEQR.

2. P.B. File #10-2023, V/L located on Burton Road Zoned A-1. Cornell Co-Operative Extension of Erie County is requesting an Outside Display for a 30 x 30 roofed Shelter with no walls or floor for shade.

APPEARANCE*: Diane Held – Cornell Cooperative*

*Mike Lukaszewski – Bammel Architects*

The Applicant confirmed that they are separate from Providence Farms, and explained that they are seeking to install a shelter.

The Chair noted that the size had increased from the originally proposed 30 foot x 30 foot, to a 30 foot x 60 foot structure.

The Applicant explained that they do test gardens, seed research, hold classes etc. The shelter would keep participants of these events out of the sun and weather. It would be a similar to shelters found in parks, but with a dirt floor. The size increase was to accommodate more people during their classes.

Dr. Bennett inquired if it would be a wood structure. The Applicant answered affirmatively.

Mr. Murray inquired about the purpose for the shelter and about parking. The Applicant explained that it would be used for demonstrations, gardening workshops etc. The parking area is currently gravel, and more details would be forthcoming as part of the Site Plan review for the planned building

Mr. Heppner stated his support for the project, however he will want to see more detailed parking information going forward.

Acting Planning Coordinator, Remy Orffeo stated that he had conferred with the Building Inspector, and there were no code issues at either size proposed for the pavilion, and he feels the applicant should be able to approach the Building Department for a Building Permit without issue.

The Chair noted that moving forward he would like more information on parking. He also stated his support for the project. The Chair encouraged the Applicant to work with Providence Farms, located adjacently, and to allow them to make use of this shelter. The Applicant noted, that while Providence Farms is a separate entity, it is likely that they will utilize this shelter.

Mr. Heppner made a MOTION, seconded by Dr. Bennett, that whatever action needs to be taken for the Petitioners to approach the Building Inspector be allowed. There being no objections, the Motion is PASSED.

There being no further business, the Chairman adjourned the meeting at 8:01 P.M.

DATED: 4/21/2023

REVIEWED: Finalized 5/10/23

Respectfully submitted,

Anna Worang-Zizzi Recording Secretary

Harold Fabinsky, Planning Board Chairman