

**PLANNING BOARD AUGUST PUBLIC HEARING MINUTES**

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

**OTHERS PRESENT:** Remy C. Orffeo, Acting Planning Coordinator  
Thomas Ostrander, Assistant Town Municipal Engineer  
Thomas Minor, Supervising Code Enforcement Officer  
John Bailey, Deputy Town Attorney  
Anna Worang-Zizzi, Recording 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 Chair stated that the Minutes from July’s Planning Board Meeting will be reviewed and voted on at the regular August Planning Board Meeting.

**REGULAR BUSINESS:**

- 1. P.B. File #11-2023, Two-Lot Subdivision, V/L, 8.97 +/- Acres Scherff Road, Zoned A-1. Alliance Homes (AAR Holdings) is seeking Preliminary Plat Plan Approval, per §121-10 of the Town Code. Pre-Application Findings were made, and approved by the Planning Board on 4/13/23. The Preliminary Public Hearing for this item was adjourned on 6/08/2023.

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

**PUBLIC HEARING:**

Counselor Bailey advised as there was no one present to speak, opening the floor was of no practical relevance and the hearing should be appropriately waived.

Mr. Heppner made a MOTION, seconded by Mr. Kaczor to waive the Public Hearing.

**THE VOTE ON THE MOTION BEING:**

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE
LONG	AYE
KACZOR	AYE
HEPPNER	AYE
MURRAY	AYE

**THE VOTE ON THE MOTION BEING UNANIMOUS, THE MOTION IS PASSED to WAIVE the Public Hearing.**

**BOARD DISCUSSION:**

Mr. Kaczor made a motion, seconded by Mr. Baich to GRANT Final Plat Plan Approval to this 8.97 +/- acres V/L, Two-Lot Subdivision based on the submitted Final Plat Plan received 7/31/2023 with the following conditions:

1. All public notices have been filed.
2. This is an Unlisted SEQR action based on the submitted Short EAF Parts 1 and 2 and a Negative Declaration was made on 7/13/2023.
3. Pre-Application Findings were made by the Planning Board on 4/13/23.
4. Preliminary Plat Plan Approval was granted on 7/13/23.
5. Public Hearing and Subdivision Development fees have been paid.
6. Recreation fees in accordance with Section 144-70E of the Town Code have been paid.
7. 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.
8. Engineering Final Plat Plan Approval was granted on 7/26/23 by Nussbaumer and Clarke (outside consultants).
9. The Erie County Division of Planning reviewed the submitted ZR1 form on 4/06/2023, and has no recommendation regarding the proposed action.

ON THE QUESTION:

Mr. Kaczor expressed concern about flag lots. He would like to recommend that the Town Board to review the Code as related to flag lots and update as necessary.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE
LONG	AYE
KACZOR	AYE
HEPPNER	AYE
MURRAY	AYE

**THE VOTE ON THE MOTION BEING UNANIMOUS, THE MOTION to GRANT Final Plat Plan Approval IS PASSED.**

Mr. Kaczor made a MOTION, seconded by Mr. Heppner, to recommend that the Town Board to review the Code as related to flag lots and update as necessary.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE
LONG	AYE
KACZOR	AYE
HEPPNER	AYE
MURRAY	AYE

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

There being no more business, the Chair Adjourned the meeting at 7:06 PM.

DATED: 8/9/2023  
REVIEWED: 9/6/2023

Respectfully submitted,  
Anna Worang-Zizzi,  
Recording Secretary

Harold Fabinsky, Planning Board Chairman