

Minutes of the **July 11, 2023** 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, Chairperson
Amy Grosjean
David Ward
Thomas Jaeger
Melissa Lebedzinski
John Deluca, Alternate Member

EXCUSED: Bernadette Clabeaux, Joseph Liberti, Town Board Liaison

ABSENT: Kyle Witt

OTHERS PRESENT: Remy C. Orffeo, Acting Planning Coordinator
John C. Bailey, Deputy Town Attorney
Anna Worang-Zizzi, Recording Secretary

The Acting Planning Coordinator 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 Chair noted that the Alternate, Mr. Deluca will be a voting tonight in the absence of Dr. Clabeaux and Mr. Witt.

APPROVAL OF MINUTES: The July Minutes will be voted on at a later time.

OLD BUSINESS: Board discussion;

1. Discussion of minionette parks. – Nothing new to report.

NEW BUSINESS:

1. C.B File #16-2023, V/L Windward Road, located on the north side of Windward Road in the Sterling Park Business Park, Zoned I-1. The Applicant is seeking to construct a 45,000 sq. ft. 1-story Medical Building. Requesting Conservation Board review and approval of submitted Landscaping Plan. (SBL# 152.18-2-6)

APPEARANCE: Mr. Doug Feyes – Carmina and Wood Design

Mr. Feyes explained the proposed project to construct a new 45,000-sq.ft. Building upon a 2.9 acre Vacant Lot, located on the North side of Windward Road, Zoned I-1. He stated that this project meets the Town's Greenspace Requirements with 34.8% Total Greenspace, and 10.05% Interior Greenspace.

The Chair confirmed that Front Yard Parking is now allowed in an I-1 zone.

The Board confirmed the location and surrounding neighbors with the Applicant.

Mr. Deluca stated that the submitted Landscape Estimate seemed reasonable.

Mr. Deluca made a **MOTION**, seconded by Ms. Grosjean to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 7/18/23, based on the following Conditions and Stipulations:

1. The Total Site Green Space is 34.8%, and meets the Town Requirement of 20%, Section 144-44) (c) (1). The interior Greenspace is 10.05%.
2. The Landscaping Value Estimate of \$69,780 requires a Certified Check amounting to 50% of the total shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$35,250)
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 BEING:

SCHECHTER	AYE
GROSJEAN	AYE
DELUCA	AYE
JAEGER	AYE
LEBEDZINSKI	AYE
WARD	AYE

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

OTHER BUSINESS:

1. 36 Wildwood Lane, Tommaso & Beverly Briatico, requesting a 75-Year Conservation Easement for 6-Acres. C.E. File #85, Board tabled this item pending additional information. (SBL#198.00-2-55.2)

APPEARANCE: Tommaso Briatico – Owner

The Chair inquired if there were any changes.

The Applicant stated that he feels a lot has changed. He explained that he is seeking a 75-Year Easement, the Town Assessor has estimated the tax break to be approximately \$1,900 a year, and the property is approximately 75% wooded. He noted that it is bounded on all sides, and that Acting Planning Coordinator, Remy Orffeo sent him a correspondence indicating the land in question is "undevelopable" for this reason. The Applicant stated that he feels the land is developable because

neighbors could choose to sell and then the property could be accessed through those lots. The Chair noted the purpose of a Conservation Easement is to preserve greenspace from development. He believes that this land is undevelopable as it is presently configured, and therefore the Conservation Easement should be denied. He noted that the Conservation Board is an advisory board, so the Applicant could go to the Town Board for review even if the Conservation Board recommended denial.

Mr. Deluca feels that a tax break would be a detriment to the Town, due to the reduction of taxes in return for undevelopable land. He inquired if this Board had any ability to alter the amount of the tax break in the case the easement were granted. Acting Planning Coordinator, Mr. Orffeo indicated that was outside the scope of this Board.

The Applicant restated his opinion that the land was developable and that it would be a benefit to the community.

Mr. Ward feels that this land is removed from the possibility of development and is opposed to granting the Variance.

Ms. Lebedzinski was in agreement that the land is undevelopable unless it is sold.

Mr. Jaeger was in agreement with the rest of the Board. He commended the Board for committing time to this issue to try to accommodate the Applicant however feels there is no avenue to move forward.

The Applicant indicated that he would not pursue this further.

The Chair made a **MOTION**, seconded by Ms. Grosjean to recommend that the Town Board **DENY** the placement of 6.0 acres Vacant Land (SBL#198.00-2.552) as detailed on the submitted survey dated 10/17/2022, adjacent to 6646 Cole Road, into a 75-year Conservation Easement.

THE VOTE ON THE MOTION BEING:

SCHECHTER	AYE
GROSJEAN	AYE
DELUCA	AYE
JAEGER	AYE
LEBEDZINSKI	AYE
WARD	AYE

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

Mr. Orffeo noted for the record that the petitioner indicated he did not wish to proceed to the Town Board.

There being no further business the meeting adjourned at 7:21 P.M.

DATED: 9/1/2023
REVIEWED: 10/3/2023

Respectfully Submitted
Anna Worang-Zizzi,
Recording Secretary

Richard Schechter, Chairman