

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:** Bernadette Clabeaux  
John Deluca, Alternate Member

**EXCUSED:** Richard Schechter, Amy Grosjean, David Ward, Kyle Witt, Thomas Jaeger,  
Melissa Lebedzinski

**OTHERS PRESENT:** Remy C. Orffeo, Acting Planning Coordinator  
Joseph Liberti, Town Board Liaison  
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.

**APPROVAL OF MINUTES:**

Mr. Deluca made a **MOTION**, seconded be Dr. Clabeaux.

**THE VOTE ON THE MOTION BEING:**

CLABEAUX	AYE
DELUCA	AYE
LEBEDZINSKI	*AYE
SCHECHTER	*AYE

\*Ms. Lebedzinski and Mr. Schechter voted via correspondence.

**THE VOTE ON THE MOTION BEING FOUR (4) IN FAVOR, THE MOTION IS PASSED.**

**OLD BUSINESS:**

Board discussion; Minionette Parks – Nothing new to report.

**NEW BUSINESS:**

1. C.B. File# 03-23, 3715 Southwestern Boulevard, located on the south side of Southwestern Boulevard, west of Taylor Road Zoned I-1. Joseph DeMarco Jr. is requesting a Special Exception Use Permit to allow a Drive-through and a Cannabis Dispensary. Applicant is seeking Conservation Board approval of submitted Landscape Plan. Note: Board Tabled this item at their June 6, 2023 meeting. (SBL#161.00-5-29).

**APPEARANCE:** Joseph DeMarco Jr. – Owner  
Jaqueline Montemage – Bammel Architects

Ms. Montemage explained that the proposed project was a 4,000-Sq.ft. Cannabis Dispensary which will need a Special Exception Permit for a drive through. Based on feedback from the Conservation Board, the

Applicant has added screening with trees around the enclosed dumpster. They are proposing 76% Greenspace.

Mr. Deluca confirmed with Deputy Town Attorney, John C. Bailey, that this Board can only consider landscaping. Mr. Deluca also confirmed with Acting Planning Coordinator, Remy Orffeo that the Greenspace percentage had been confirmed by the Architect.

Dr. Clabeaux inquired about trees being removed. Ms. Montemage stated that they were only removing one tree, and would be adding additional trees.

Mr. Deluca inquired if there is a signage package for this business. Mr. DeMarco explained that they have no plans for signage at this time, as New York State has many rules governing signage.

Mr. Deluca made a **MOTION**, seconded by Dr. Clabeaux to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 7/5/23, based on the following conditions and stipulations:

1. The Total Site Green Space is 76%, and exceeds the Town Requirement of 20%, Section 144-44) (c) (1).
2. The Landscaping Value Estimate of \$12,395 requires a Certified Check amounting to 50% of the total be deposited with the Town Clerk, prior to receiving a Building Permit. (\$6,197.50)
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. This motion does not endorse the building of a Cannabis Dispensary.
7. 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:

CLABEAUX	AYE
DELUCA	AYE
LEBEDZINSKI	*AYE
SCHECHTER	*AYE

\*Ms. Lebedzinski and Mr. Schechter voted via correspondence.

**THE VOTE ON THE MOTION BEING FOUR (4) IN FAVOR, THE MOTION IS PASSED.**

There being no further business the meeting adjourned at 7:15 P.M.

DATED: 8/10/2023  
REVIEWED: 10/03/2023

Richard Schechter, Acting Chairman

Respectfully Submitted  
Anna Worang-Zizzi,  
Recording Secretary