

PLANNING BOARD OCTOBER 12, MEETING MINUTES

- MEMBERS:** Harold Fabinsky, Chairman
Nicholas Baich
Dr. Gregory Bennett
- EXCUSED:** Henry Heppner
David Kaczor
Alex Long
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
Rosemary 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.

He stated that, due to Board members' absences, we do not have a quorum this evening. As a result, we can offer Applicants an opportunity to present their project and an absent members of the Board can review the recorded proceedings and appropriate documents and render their votes either remotely or at the next scheduled meeting.

The Chairman stated that the September meeting minutes are not available.

REGULAR BUSINESS:

1. P.B. File #25-23, V/L Angle Road, James & Deborah Smith, located on the west side of Angle Road North of Milestrip Road, Zoned R-2. Planning Board to accept Pre-Application findings for a merger of two lots. (SBL#s 153.19-1-11.2 & 153.19-1-14.3)

APPEARANCE: Mr. & Mrs. Smith, Applicant/Property Owners

Mr. Smith explained that he inherited a parcel from his father, and that he would like to merge the parcel with an adjacent lot he owns to create one saleable 5.88 +/- Acre Building Lot.

Attorney John Bailey established that this project is ready for Pre-Application Findings.

Chairman Fabinsky established that a stamped survey was submitted to the Assessors' Office on 3/9/2023.

Mr. Orffeo established that there are no structures located on either of the parcels that the Smiths are proposing to merge. The property will total to almost 6-acres in size, after the merger.

It was further established that the frontage on one lot is 80-ft. wide, by 40-ft. deep, and that the other lot is 200-ft. wide, by 1,200-ft. deep.

Mr. Baich initiated a **MOTION**, seconded by Mr. Fabinsky that the following Pre-Application Findings be made based on the submitted Survey received 8/7/2023 and the applicant has detailed:

- The total acreage is 5.88 +/- acres.
- The desired zoning classification is R2 Zone.

- The number of possible stages of completion is one (1).
 - The applicant's position with respect to title is "Owner"
1. All public notices have been filed.
 2. The zoning will remain as is.
 3. Access to surrounding properties is through Angle Road.
 4. 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.
 5. Subdivision Development fees, per Section 144-70D of the Town Code, shall be paid prior to the Preliminary Plat Plan Public Hearing.
 6. Public Hearing fees shall be paid prior to the Preliminary Plat Plan Public Hearing.
 7. The Applicant shall complete and submit the Short EAF, for this Unlisted SEQR Action.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE

THE VOTE ON THE PROPOSAL BEING UNANIMOUS, APPROVAL IS RECOMMENDED PENDING CONFIRMATION BY A REMOTE OR IN-PERSON VOTE FROM AN ABSENT BOARD MEMBER.

It was confirmed that a new Subsection-Bock-Lot number would be issued for a newly created Building Lot pending confirmatory approval.

2. P.B. File #09-2018, 5245 Murphy Road, Natalie Development, located on the east side of Murphy Road, Zoned SR (Senior Housing). Planning Board to accept Pre-Application Findings and set a Public Hearing. (SBL#184.07-1-1.112)

APPEARANCE: N/A

The chair asked for a motion for Pre-Application Findings and to have authorization to set a public hearing.

Dr. Bennett made a **MOTION**, seconded by Mr. Baich that the following Pre-Application Findings are made based on the submitted Sketch Plan received 10/17/22 and the applicant has detailed:

- The total acreage is 19.89 +/- acres.
 - The desired zoning classification is SR (Senior Housing)
 - The number of possible stages of completion is one (1).
 - The applicant's position with respect to title is "Owner"
1. All public notices have been filed.
 2. The zoning will remain as is.
 3. Access to surrounding properties is through Murphy Road.

4. 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.
5. Subdivision Development fees, per Section 144-70D of the Town Code, shall be paid prior to the Preliminary Plat Plan Public Hearing.
6. Public Hearing fees shall be paid prior to the Preliminary Plat Plan Public Hearing.
7. The Applicant has completed and submitted the Long EAF, for this Unlisted SEQR Action.
8. Board Member to authorize Chairman to set a Public Hearing when he deems appropriate.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE

THE VOTE ON THE PROPOSAL BEING UNANIMOUS, APPROVAL IS RECOMMENDED PENDING CONFIRMATION BY A REMOTE OR IN-PERSON VOTE FROM AN ABSENT BOARD MEMBER.

CONCEPT REVIEWS:

1. Removed from agenda.
2. P.B. File #28-2023, Arch Cutting Tools, 5720 Ellis Road, located on the north side of Ellis Road, Zoned I-1. Applicant is seeking to construct a 4,200 square foot Warehouse addition to an existing building, and additional employee parking (former North American Carbide). (SBL# 161.03-1-13.1 & 161.03-1-14.1)

APPEARANCE: Mr. Chris Wood, Carmina – Wood Designs
Mr. Doug Feyes, Carmina – Wood Designs

Mr. Wood presented and explained the proposed building addition and the construction of additional parking spaces at this site.

Chairman Fabinsky noted a concern for residential neighbors and a stipulation in original project approval to protect neighborhood character. The petitioner clarified that the nearest neighbor is 1,200-ft. away from the proposed project site.

Representatives from Arch Cutting Tools told the Board members that they need additional space.

Chairman Fabinsky explained the Planning process to those present. He also stated that he would like a full Board presence for their presentation.

There being no further business, the Chairman adjourned the meeting at 7:23 P.M.

DATED: 10/17/2023
REVIEWED: 10/29/2023

Respectfully submitted,
Rosemary Messina
Recording Secretary

Harold Fabinsky, Planning Board Chairman