

PLANNING BOARD NOVEMBER 9, MEETING MINUTES

- MEMBERS:** Harold Fabinsky, Chairman
 Nicholas Baich
 David Kaczor
 Alex Long
 Philip Murray
 David Mellerski, Alternate
- EXCUSED:** Dr. Gregory Bennett
 Henry Heppner
 Remy C. Orffeo, Acting Planning Coordinator
- OTHERS PRESENT:** 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.

The Chairman stated that alternate, Mr. Mellerski, will be voting this evening in the absence of Dr. Bennett and Mr. Heppner.

Upon a motion duly made and seconded, the reading of the September 2023 Planning Board Meeting minutes was unanimously waived as each Board Member had previously received a copy.

Mr. Kaczor made a **MOTION**, seconded by Mr. Mellerski, to **APPROVE** the September 14, 2023 meeting minutes as presented.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
KACZOR	AYE
LONG	AYE
MURRAY	AYE
MELLERSKI	AYE

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

The October Planning Board meeting minutes are not available this evening, due to the lack of a quorum at the October meeting. They will be reviewed and addressed at the next meeting of the Planning Board.

PUBLIC HEARINGS:

1. **7:00 P.M., Public Hearing**, 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. Pre-Application findings were made on 10/12/2023. Board to hold public hearing for merger of two lots and Preliminary Plat Plan approval. (SBL#s 153.19-1-11.2 & 153.19-1-14.3)

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

Attorney John Bailey weighed-in on this not being a subdivision. He noted that the requested merger will

take place, and that one sub lot number will be assigned by the Erie County to the parcel.

Mr. Kaczor made a **MOTION**, seconded by Mr. Baich, to **GRANT** the merger of the two lots, per the plans received on 8/07/2023.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
KACZOR	AYE
LONG	AYE
MURRAY	AYE
MELLERSKI	AYE

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

- 2. 7:00 P.M., Public Hearing, P.B. File #09-2018, 5245 Murphy Road, Natalie Development, proposed Senior Housing Complex, located on the east side of Murphy Road, Zoned SR (Senior Housing). Pre-Application Findings were made on 10/12/2023. Board to hold public hearing for Preliminary Plat Plan approval. (SBL#184.07-1-1.112)

The Chairman explained that the Board has taken the position of the Town Code, to not allow structures to exceed the height ordinance of 35-ft. The Developer has the option to ask for a Variance from the Zoning Board of Appeals. The Planning Board will await the decision from the Zoning Board of Appeals.

Deputy Attorney Bailey explained the time frame involved in this process. He suggested a motion to adjourn be made, noting that it is unknown if the project will be two, or three stories in height.

The Chairman asked those present for the public hearing to leave their contact information so they can be notified if the public hearing is rescheduled.

Mr. Kaczor made a **MOTION**, seconded by Mr. Mellerski, to **ADJOURN** the meeting.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
KACZOR	AYE
LONG	AYE
MURRAY	AYE
MELLERSKI	AYE

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

- 3. Set Public Hearing for Preliminary Plat Plan approval, P.B. File #17-2023, Coventry Lane, 2-Lot Subdivision, located at 65 & 66 Coventry Lane, Zoned R-1. Pre-Application Findings were granted 6/08/2023. (SBL#173.07-4-48)

APPEARANCE: Not necessary

Assistant Town Municipal Engineer, Thomas Ostrander, stated that the outstanding issues are resolved and the project is ready for Preliminary Plat Plan approval.

Building Inspector, Tom Minor, stated there are no problems to report.

Mr. Mellerski made a **MOTION**, seconded by Mr. Baich, to **AUTHORIZE** the Chairman to set a Preliminary

Plat Plan public hearing for "65 & 66 Coventry Lane" on December 14, 2023.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
KACZOR	AYE
LONG	AYE
MURRAY	AYE
MELLERSKI	AYE

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

REGULAR BUSINESS:

1. **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 the Site Plan and explained that this is a two phased construction of 4,200 square foot additions to an existing building and additional employee parking. He told the members that the work force will be increased with 15-new employees. In addition, the parking lot will be expanded.

Mr. Feyes confirmed that there are approximately 7-acres here; there will be two-building additions; the Conservation Board approved the Landscaping Plan; and the building is set back with no visibility.

Chairman Fabinsky established that there are no odors omitted from this business. He further commented regarding Orchard Park's need for Industrial Growth and its importance to the tax base.

Mr. Baich established that there are currently 80-individuals employed here. The expansion will increase the employee total to 95, and the total number of parking spaces available is 70. It is felt that this is sufficient. It is also felt that there is little impact on the residents as the expansion areas are not visible and are located near the nearby railroad tracks.

Mr. Kaczor feels it is great to see a business in Orchard Park expand. He also feels there will be little impact on the nearby residential area.

Mr. Kaczor made a **MOTION**, seconded by Mr. Mellerski, to recommend that the Town Board **APPROVE** the presented Site Plan and **AUTHORIZE** a Building Permit, to construct two 4,200 square foot additions to an existing building, per the plan received on 10/17/23, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF submitted on 9/20/2023 and a Negative Declaration is made.
3. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
4. No outside storage or display is permitted.
5. The Landscape Plan, received 10/17/23, meets all Green Space regulations with 80% total

greenspace. In accordance with Section 144-44(c)(1)(a)(2) a Certified Check amounting to 50% of the \$12,150 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$6,075) Conservation Board approval was granted on 11/7/23.

6. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
7. The applicant is to provide the Town of Orchard Park Assessor with an "independent" appraisal for the completed project by a Certified Commercial Appraiser
8. Engineering approval was granted on 11/09/2023.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
KACZOR	AYE
LONG	AYE
MURRAY	AYE
MELLERSKI	AYE

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

2. **P.B. File #31-2023, V/L Powers Road, Zoned R-2.** Gengo is seeking Planning Board Pre-Application Findings. The Zoning Board of Appeals granted a Variance on 8/15/2023 to divide property into (2) two-parcels with 97.72 width. (SBL#184.00-2-11.1)

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

Chairman Fabinsky discussed this request and asked Mr. Wood to explain the proposed project further to the Board.

Mr. Wood displayed an aerial map of the site noting that the two homes will be set 200-ft. back from the roadway, and that efforts will be made to preserve the existing trees. Tree clearing will be implemented for the driveway areas.

Mr. Kaczor feels the variance granted is not significant, and that this is a long back yard.

Mr. Long made a **MOTION**, second by Mr. Baich, that the following Pre-Application Findings are made based on the submitted Survey received 10/13/2023 and the applicant has detailed:

- The total acreage is 5.0 +/- 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 Powers 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 Short EAF, for this Unlisted SEQR Action.

Mr. Long made a **MOTION**, seconded by Mr. Baich, to set a Preliminary Plat Plan Public Hearing when the Chairman deems it appropriate.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
KACZOR	AYE
LONG	AYE
MURRAY	AYE
MELLERSKI	AYE

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

CONCEPT REVIEW:

1. **P.B. File#21-2023, V/L Angle Road, located on the east side of Angle Road, south of Michael Road and north of Milestrip Road, Zoned R-2.** Applicant to discuss a proposed 49-Lot Subdivision.

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

Mr. Wood stated that they are proposing a two-phase project to construct 49-Single Family homes, upon 42-acres of Vacant Land. Plan #1 shows the location of 34-lots, and Plan #2 shows the remaining 15-lots. It was noted that sewers currently are not available here, and that a creek runs through the property. Two options for sewers were explained by Mr. Wood. One option included using a neighbors' property to tie-in and access a current sewer.

Mr. Ostrander discussed the utilities and the topography of the site relative to drainage.

The Chair stated that he has concerns for engineering and the character of the neighborhood. He would like the drainage impact towards the proposed lots minimized.

Mr. Baich established that primarily 2,000-sq.ft. Ranch homes will be constructed with a minimum of 110-ft. frontage.

It was further learned that the Developer met with the neighbors to discuss their proposal. He told the members that they have a vision and goal to have higher standards for each home constructed.

Mr. Kaczor discussed controlling the growth in Orchard Park and noted that his concerns regarding this project include both Sewer and Milestrip Roads' capacity. He, also, asked the Applicants to submit designs for the homes, noting that he does not support cookie cutter homes.

The Applicant is advised to meet with Mr. Ostrander to proceed forward with his project.

There being no further business, the Chairman adjourned the meeting at 7:49 P.M.

DATED: 11/27/2023
REVIEWED:
Harold Fabinsky, Planning Board Chairman

Respectfully submitted,
Rose Messina,
Recording Secretary