

Minutes of the **November 7, 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  
Thomas Jaeger  
Melissa Dennee  
John Deluca, Alternate Member  
Bernadette Clabeaux

**EXCUSED:** David Ward

**ABSENT:** Kyle Witt

**OTHERS PRESENT:** Remy C. Orffeo, Acting Planning Coordinator  
John C. Bailey, Deputy Town Attorney  
Rosemary Messina, Recording Secretary

The Chairman 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 voting tonight in the absence of Mr. Witt and Mr. Ward

**APPROVAL OF MINUTES:**

Ms. Dennee made a **MOTION**, seconded by Ms. Grosjean, to approve the October 3, 2023 meeting minutes as presented.

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

**OLD BUSINESS:**

Board Discussion; Parks.

**NEW BUSINESS:**

1. 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. (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 Landscape Plan to the Board.

- The members established that, \$12,150 is the total listed on the submitted Landscape Value Estimation form.
- Mr. Deluca questioned if this amount is appropriate, and if the Board had a benchmark they use to evaluate Estimation totals. It was noted that Board member Mr. Ward usually evaluates the forms received.
- The discussion concluded with Mr. Deluca offering to develop a benchmark for the Board to use.

Mr. Jaeger made a **MOTION**, seconded by Ms. Clabeaux, to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 10/17/23, based on the following conditions and stipulations:

1. The Total Site Green Space is 80% and meets the Town Requirement of 20%, Section 144-44) (c) (1).
2. The Landscaping Value Estimate of \$12,150 requires a Certified Check amounting to 50% of the total shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$6,075)
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 UNANIMOUS, THE MOTION IS PASSED.**

2. C.B. File #29-2023, V/L, located Burton at Powers Roads, Zoned R2 & A-1, (SBL#184.15-1-5.111). Cornell Cooperative is seeking to construct an 8,700-gsf. 1-story Building for Educational and Office space, with associated site improvements and parking spaces. Conservation Board to review submitted Landscaping Plan. Town Board referred to Conservation Board on October 4, 2023.

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

Mr. Wood presented and explained the Landscaping Plan for this project to the members.

Ms. Clabeaux established that the property is large and there is no farming carried on here.

With no other comments or questions on the presented plan and the Landscape Estimation form, the Chair called for a motion.

Ms. Dennee made a **MOTION**, seconded by Ms. Grosjean to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 9/29/23, based on the following conditions and stipulations:

1. The Total Site Green Space is 83% and meets the Town Requirement of 20%, Section 144-44) (c) (1).
2. The Landscaping Value Estimate of \$15,096.50 requires a Certified Check amounting to 50% of the total shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$7,548)
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 UNANIMOUS, THE MOTION IS PASSED.**

3. C.B. File #15-2023, 3636 South Benzing Road, Zoned I-1. Mr. Joseph Deck is proposing to construct a 1,600-sq.ft. warehouse/shop Building and Outdoor storage warehouse addition. Conservation Board to review submitted Landscaping Plan. Town Board referred to Conservation Board on October 4, 2023. (SBL#161.06-1-8).

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

Mr. Wood presented and explained the Landscaping plan for the proposed project. He discussed constructing a berm to provide screening the site from the neighboring residents. He also stated that they will try to maintain the natural vegetation that exists along the property line.

The Board agreed to accept \$52,345 as the Landscaping Estimation amount, as indicated on the submitted form.

Acting Planning Coordinator Orffeo discussed the berm to be constructed and the plantings to be put in here and their survival.

Mr. Jaeger made a **MOTION**, seconded by Ms. Clabeaux to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 10/10/2023, based on the following conditions and stipulations:

1. The Total Green Space meets the Town Requirement of 20%, per Section 144-44 (c) (1).
2. The Landscaping Value Estimate of \$52,345 requires a Certified Check amounting to 50% of the total shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$26,172.50)

3. All lighting is to be directed downward toward the site.
4. Dumpsters or mechanical systems at grade level are to be screened.
5. Approval is contingent upon acceptance by the Town Engineering Department.
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 UNANIMOUS, THE MOTION IS PASSED.**

There being no further business the meeting adjourned at 7:18 P.M.

DATED: 12/05/2023  
REVIEWED: 01/08/2024

Respectfully Submitted  
Rosemary Messina  
Recording Secretary

Richard Schechter, Chairman