

**PLANNING BOARD JUNE MEETING MINUTES**

- MEMBERS:** Harold Fabinsky, Chairman  
Gregory Bennett  
Henry Heppner  
David Kaczor  
Alex Long  
Philip Murray
- EXCUSED:** Nicholas Baich  
David Mellerski, Alternate  
Remy C. Orffeo, Acting Planning Coordinator  
Rosemary Messina, Secretary
- OTHERS PRESENT:** Thomas Ostrander, Assistant Town Municipal Engineer  
Thomas Minor, Supervising Code Enforcement Officer  
John Bailey, Deputy Town Attorney  
Anna Worang-Zizzi, 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.

1. **7:00 P.M. PUBLIC HEARING, P.B. File #-11-2023, Two-Lot Subdivision, V/L, 8.97 +/- Acres Scherff Road, Zoned A-1.** Alliance Homes (AAR Holdings) is seeking Preliminary Plat Plan Approval, per §121-10 of the Town Code. Pre-Application Findings were made, and approved by the Planning Board on 4/13/23.

Mr. Long recused himself from the review of this case.

**APPEARANCE:** *Chris Wood, Carmina – Wood Designs*  
*Andy Romanowski, Developer – Alliance Homes*

Mr. Romanowski explained the location of the proposed project, where he would like to create two new Building Lots. One lot will be approximately 1.5+/- acres in size and the other will be 7.5+/- acres. They will leave as much natural vegetation as possible, and only clear-cut what is necessary. Both homes will be connected to the public water supply, and both will require a septic system.

Mr. Wood added that Scherff Road is a County road so they will need ECDPW approval, however that will not happen until the lots are subdivided.

Dr. Bennett explained that the Board members received a memo from the Town Engineering Department recommending *against* Planning Board approval at this time, due to the following:

- The memo stated that standard acceptance/approvals from ECDPW, ECDOH, and ECWA were missing or inadequate.
- The driveway needs “bump outs” as it is over 500 ft. from the fire hydrant.
- There is a water pressure issue.
- The lot configuration is against the character of the neighborhood.

Mr. Wood feels that “bump outs” are not required, as the house is less than 500ft from the road. He also stated that they had ordered a new hydro flow test that indicates the water pressure is acceptable, and, if it is not, they can add a Booster Pump. Mr. Wood feels they have responded adequately to the Engineering Department’s comments. He further stated they cannot get final approvals from the ECDPW and ECDOH until they subdivide the property.

Assistant Municipal Town Engineer, Tom Ostrander explained that the “bump outs” are required because of the distance from the house to the hydrant, not to the road. He further noted that the proposed location of the house is *approximate*, and the house may end up being even farther from the street and hydrant.

The Chair noted that the Board depends on the Town Engineering Department for a recommendation. He feels the Applicant needs to resolve these Engineering issues before the project can move forward. Mr. Wood stated his opinion that they had adequately responded to the Town Engineering Department’s concerns.

Dr. Bennett inquired about the timing of the outside approvals. Mr. Wood insisted that the outside approvals would be done after the property was subdivided. Mr. Romanowski feels that if the house is far enough back to require “bump outs” that would be done at the time the Building Permit was issued.

Mr. Murray stated his opinion that a project labeled “subdivision” was inherently residential and did not fit into the character of an Agricultural Zone. Mr. Wood feels that this subdivision is in keeping with the character of the street, it is in compliance with the zoning, and he noted that the lot was not currently used for agriculture. Mr. Romanowski stated that the proposed lot with limited frontage was not out of character with the neighborhood, and that other nearby lots were similarly configured.

The Chair requested that the Town Engineering Department work with the Applicant to resolve the issues discussed. The Chair also inquired about the minimum setbacks in this zone, which Mr. Wood explained were 75ft. Mr. Wood explained that because of the configuration of the minimum frontage lot, there was a side setback from the neighboring lot, of 30 feet, and they were proposing 100 feet and 468 feet from the road. He stated this project meets all zoning requirements.

The Chairman asked if there is anyone who would like to speak *in favor* of this project.

No one spoke

The Chairman asked if there is anyone who would like to speak *against* of this project.

*Mark Swetz*  
6869 Scherff Road  
Orchard Park, NY 14127

Mr. Swetz stated his property is five lots south of this project. He feels this project is against the character of the neighborhood.

*Greg Steinmetz*  
6733 Scherff Road  
Orchard Park, NY 14127

Mr. Steinmetz stated that his property was surrounded by this project. He stated he was not opposed to one house on this property, but feels that two will be imposing. He also had drainage concerns with the proposed new driveway.

Mr. Heppner made a MOTION, seconded by Mr. Murray\_ to adjourn, but leave open, the public hearing.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
MURRAY	AYE

**THE VOTE ON THE MOTION FIVE (5) IN FAVOR, THE MOTION IS PASSED.**

Mr. Wood stated his opinion that Preliminary Approval Public Hearing should be closed. He explained how swales direct the water and stated they would not cause drainage issues for the neighbor. The Chair feels that moving forward, the Applicant should focus on resolving engineering issues, and addressing the character of the neighborhood.

**REGULAR BUISINESS**

- 1. P.B. File #17-2023, Proposed Two-Lot Subdivision, 65 & 66 “Coventry Lane”, Zoned R-1. Applicant is seeking Planning Board approval of Pre-Application Findings. (SBL#173.07-4-48)

APPEARANCE: *Ralph Lorigo – Lawyer*

Mr. Lorigo explained that he represents the Owner. These houses were built in 1985, and the original owners have passed away and his client wishes to sell one of the two existing houses, and in order to do that, they need to subdivide. He explained the location of the sewer hookups, and stated that they are separate. He feels that the Town will benefit from the subdivision since they will be able to re-assess the value of the homes.

Municipal Deputy Town Engineer, Tom Ostrander explained that the sewer lines combine before they leave the property, which is against code. He also noted that the way the turnaround is currently located on the Applicant’s property, not the Town’s. The Applicant was given information about options for resolving those issues.

The Chair stated he is not opposed to this subdivision assuming these issues can be solved.

**THE VOTE ON THE MOTION BEING:**

- FABINSKY
- BAICH
- BENNETT
- HEPPNER
- KACZOR
- LONG
- MURRAY

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

- 2. P.B. File #18-2023, “Meadows Subdivision” located at Bridal Path Lane, west side of Freeman Road. Applicant is seeking approval of a Subdivision Identification sign, “Meadows of Highland”.

APPEARANCE:

**THE VOTE ON THE MOTION BEING:**

- |          |     |
|----------|-----|
| FABINSKY | AYE |
| BAICH    | AYE |
| BENNETT  | AYE |
| HEPPNER  | AYE |
| KACZOR   | AYE |
| LONG     | AYE |
| MURRAY   | AYE |

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

- 3. P.B. File 36-2021, Smarty Pants, located at 3940 California Road, Zoned B-2. Applicant is asking permission to add a fence, as required by NYS DOH for outside play activities.

APPEARANCE:

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
LONG	AYE
MURRAY	AYE

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

- 4. P.B. File #26-2022, Proposed Royal Wash Development LLC, V/L at Northeast corner of Abbott & Milestrip Roads, Zoned B-2. Applicant is seeking recommendation from the Planning Board to the Town Board for a "Special Exception Use Permit". (SBL#'s 152.17-1-8 & 9)

APPEARANCE:

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
LONG	AYE
MURRAY	AYE

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

**CONCEPT REVIEW:**

- 1. P.B. File #15-2023, Mr. Joseph Deck to discuss proposed project for V/L, 3636 South Benzing Road Zoned I-1.

There being no further business, the Chairman adjourned the meeting at 7:35 P.M.

DATED: 5/26/2023

REVIEWED:

Respectfully submitted,  
 Rose Messina  
 Recording Secretary

Harold Fabinsky, Planning Board Chairman