

MEMBERS PRESENT: Harold Fabinsky, Chairman/Joseph Liberti/Philip Murray/David Kaczor
Henry Heppner/Nicholas Taneff /Nicholas Baich, Alternate

OTHERS PRESENT: John P. Bernard, Planning Coordinator
Len Berkowitz, Deputy Town Attorney
Andrew Geist, Building Inspector
Thomas Ostrander, Assistant Town Municipal Engineer
Danielle Ostrander, Secretary

EXCUSED: Paul Bodden

The Chair called the Planning Board meeting to order at 7:00 P.M. by stating 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 Chair stated that that alternate, Mr. Baich, will be voting this evening in the absence of Mr. Bodden.

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

Mr. Murray made a motion, seconded by Mr. Heppner to accept the May 10, 2018 meeting minutes as presented.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE
TANEFF	AYE

THE VOTE BEING UNANIMOUS, THE MOTION IS PASSED.

1. P.B. File #19-12, Derrick, One-Lot Subdivision, 6140 Benning Road, 12.13-Acres Vacant Land, located on the West side of Benning Road, Zoned A-1. (SBL#198.00-2-52.2) Requesting Final Plat Plan Approval for a proposed one-lot subdivision. Pre-Application Findings were made on 8/08/13, and Preliminary Plat Plan Approval was granted on 11/13/13.

APPEARANCE: Mr. Michael Derrick, Petitioner/Property Owner

Mr. Derrick told the Board that he is seeking Final Approval for the proposed division of his property to create a one-lot subdivision.

The Board members had no questions.

Planning Coordinator John Bernard told the Board that Town Engineering Approval has been granted, and all fees were received.

Mr. Kaczor made a **MOTION**, seconded by Mr. Heppner, to **GRANT** Final Plat Plan Approval to this 1-lot subdivision based on the submitted Final Plat Plan received 6/13/18 with the following conditions:

1. This is an Unlisted SEQR action based on the submitted Short EAF Parts 1 and 2, and a Negative Declaration was made on 11/13/13.
2. Pre-Application Findings were made by the Planning Board on 8/08/13.
3. Preliminary Plat Plan Approval was granted on 11/13/13.
4. Public Hearing and Subdivision Development fees have been paid.
5. Recreation fees in accordance with Section 144-70E of the Town Code have been paid.
6. One (1) Street Tree per the Conservation Board Street Tree Plan shall be provided on the lot per Section 120-3F of the Town Code.
7. Town Engineering Final Plat Plan Approval has been granted on 8/1/18.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE
TANEFF	AYE

THE VOTE BEING UNANIMOUS, THE MOTION IS PASSED.

2. P.B. File #36-15, Sheffer Farms, Phase 1, 4.95-Acres out of a 24-Acre Vacant Land Parcel, west side of California Road near Stepping Stone Lane, Zoned R-4. Applicant is seeking Final Site Plan Approval of Phase 1, Fourteen (14) Townhouse Units, out of a Fifty-Two (52) Unit Townhouse Development.

The Petitioner withdrew this item from tonight's agenda.

3. P.B. File #13-10, The Reserve CMO, V/L, 95.7+/- Acres located on the east side of Freeman Road, north of Jewett Holmwood Road, Zoned CMO, R-1. Town Board rezoned this property to a Conservation Management Overlay District (CMO) on 9/05/12. Applicant is seeking Planning Board review and Pre-Application Findings of an updated Pre-Application Plan for 93-Sub Lots. Planning Board previous Pre-Application Findings were made on 2/13/13 for "Birdsong West CMO" for this parcel.

APPEARANCE: Mr. Ken Zollitsch, Greenman Petersen Inc.
Mr. Thomas Johnson, Thomas Johnson Homes
Mr. Kevin Johnson, Thomas Johnson Homes

Mr. Thomas Johnson told the Board that this project started nearly ten-years-ago and was known as "Birdsong West". In the last few months he, and Angelo Natalie, became its Principle Owners. The Town Board granted a "Conservation Management Overlay District" designation (CMO) on 9/5/12, and the Planning Board made Pre-Application Findings on 2/13/13.

In an effort to improve the development, Mr. Johnson and Mr. Natalie reduced the number of Building Lots and are seeking Pre-Applications Findings for a Revised Plan presented to the Board.

Mr. Zollitsch discussed improvements for Storm Water Control at this site. He stated there will be a total of 93-lots.

The Board members' questions established the following:

- Mr. Taneff established the project will most likely use Freeman Road for the ingress/egress of construction trucks.

- Mr. Baich established that the homes to be constructed will be 2,000 to 3,000 sq. ft. in size.
- Mr. Liberti established that at least 50% Green Space will exist at the site. The lots will range in size from a minimum of 8000-sq.ft., typically 9,000-sq.ft., and up to 13,500-sq.ft. The site consists of approximately 122-acres, and no Variances are requested at this time for this project.

Planning Coordinator John Bernard explained that the Town original CMO setback requirements were revised and are part of this plan.

- Mr. Murray discussed the phasing and water management of the development with the Applicants. He feels the SEQR process is essential with this.
- Mr. Heppner would like to see the water management plan for each phase. He established that the "Birdsong Nature Park" is close-by for use by this development. It may be possible to add a trail connection to the Nature Park from this development.
- Mr. Kaczor cautioned the Applicants not to put "a ten-pound sausage into a five-pound bag". He also expressed his feelings on the existing Patio Home project in Orchard Park, noting that this project did not meet the original concept of what Orchard Park wanted to achieve.

Mr. Johnson addressed the concerns voiced by Mr. Kaczor.

Mr. Kaczor concluded that he feels Mr. Johnson will build a quality product and living area, with creativity.

- Planning Coordinator John Bernard discussed the Applicant's future submission of housing elevations for the Planning Board to approve. He feels they should give thought to the style of the homes and their features.

Mr. Johnson noted it is a challenge to have continuity and diversity.

- Assistant Municipal Engineer Thomas Ostrander told the Petitioners that drainage control is the first item addressed for any project.

Mr. Fabinsky made a **MOTION**, seconded by Mr. Liberti, that the following Pre-Application recommendations are made based on the submitted Sketch Plan received 7/25/18 and the applicant has detailed:

- The total acreage is 122.2 +/- acres.
 - The desired zoning classification is CMO, R-1.
 - The number of possible stages of completion is three.
 - The applicant's position with respect to title is Purchase Contract.
 - A wetlands delineation will be completed and the wetlands will be detailed.
 - Existing topography has been shown on the plan.
1. The zoning will remain as is.
 2. Access to surrounding properties will be addressed through Freeman Road, Stoney Brook Drive, and Rock Dove with appropriate continuity to Phase, which was proposed as Phase 1 to Freeman, Phase 2 to Stoney Brook Drive, when that phase is approved, and to Phase 3 to Rock Dove, when that phase is approved.

- 3. Recreation fees will be provided in accordance with Section 144-70E of the Town Code and shall be paid, prior to the Final Plat Plan Public Hearing.
- 4. Subdivision Development fees, per Section 144-70D of the Town Code, shall be paid prior to the Preliminary Plat Plan Public Hearing.
- 5. Public Hearing fees shall be paid prior to the Plat Plan Public Hearings.
- 5. One (1) Street Tree per the Conservation Board's Street Tree Plan shall be provided for each lot per Section 120-3F of the Town Code.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE
TANEFF	AYE

THE MOTION BEING UNANIMOUS, THE MOTION IS PASSED.

The Chairman stated that we will make a separate motion for SEQR.

Mr. Liberti made a **MOTION**, seconded by Mr. Fabinsky, that the Applicant shall complete and submit the Full EAF Parts 1, 2, and 3, with Part 3 to address issues such as Wildlife, Wetlands, Impact on Services, Construction Impacts on the Neighborhood, Storm Water Drainage, Watershed Details, and Traffic for this Type 1 SEQR Action. The Planning Board will seek Lead Agency Status with a Coordinated Review.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE
TANEFF	AYE

THE MOTION BEING UNANIMOUS, THE MOTION IS PASSED.

There being no further business, the Chairman adjourned the meeting at 7:45 P.M.

DATED: August 20, 2018
REVIEWED: September 30, 2018

Respectfully submitted,
Rosemary M. Messina
Planning Board Secretary

Harold T. Fabinsky,
Planning Board Chairman