

Minutes of the **March 5, 2019** meeting of the **Conservation Board of the TOWN OF ORCHARD PARK**, Municipal Center, Engineering Conference Room, S4295 South Buffalo Street, Orchard Park, New York at 7:00 P.M. Present were the following:

MEMBERS PRESENT: Richard Schechter, Chairman/ Thomas Jaeger/Alex Long/
George Schichtel/ David Ward/Michael Bryniarski, Alternate
EXCUSED: Nan Ackerman
OTHERS PRESENT: John Bernard, Planning Coordinator
Leonard Berkowitz, Deputy Town Attorney
Rosemary Messina, 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 Chairman stated that the Alternate Member, Mr. Bryniarski will be a voting member this evening due to Mrs. Ackerman's absence.

APPROVAL OF NOVEMBER 2018 MINUTES:

Mr. Ward made a **MOTION**, seconded by Mr. Jaeger, to **APPROVE** the November 6, 2018 meeting minutes.

THE MOTION IS UNANIMOUSLY PASSED.

1. Conservation Board members to discuss renewal of Conservation Easements expiring this year as follows:

- a. **CE File #19, 6807 Gartman Road; Kevin Brown, 9-Acres**
- b. **CE File #22, V/L Scherff Road; Rose & Patrick McCarthy, 10-Acres**
- c. **CE File #25, 5425 Chestnut Ridge Road; Robert M. Laurie, 25-Acres**
- d. **CE File #27, 7370 Milestrip Road; Peter & Rosemary Messina, Jr., 5-Acres**
- e. **CE File #28, 7360 Milestrip Road; Peter Messina, Sr., 5-Acres**
- f. **CE File #29, 6813 Chestnut Ridge Road; Geraldine Kozlowski, 7-Acres**
- g. **CE File #30, 7380 Milestrip Road; Russell & Lorraine Bieler, 5-Acres**
- h. **CE File #32, V/L Seufert Road; Darryl & Courtney Gonzalez, 10-Acres**
- i. **CE File #33, V/L Gartman Road; Dolores Zilliox, 23.45-Acres**
- j. **CE File #38, 6164 Bunting Road; Robert J. & Patti A. Woodward, 9-Acres**
- k. **CE File #42, 7245 Gartman Road; Wayne Bieler, 5-Acres**

Chairman Schechter stated that these Conservation Easements were approved fourteen-years ago. The Code Enforcement Officer has verified nothing has changed on these properties. Therefore, Chairman Schechter would like to recommend that the Town Board approve the Conservations Easements, "A" through "K", with the exception of "I". "I" desires to have the Easement continue for a one-year extension and the law does not allow for this.

Mr. Schechter made a **MOTION**, seconded by Mr. Ward, that the Conservation Easements identified as "**A through K**" have been reviewed by the Conservation Board members, and they **RECOMMEND APPROVAL** of the Easement requests, with the **EXCEPTION OF "I"**, for an **ADDITIONAL 14-YEARS** for a full 29-years from the original approval.

THE MOTION IS UNANIMOUSLY PASSED.

2. C.B. File #16-18, 3315 Abbott Road, Vastola Heating & Cooling, Zoned B-2. Seeking Conservation Board review and approval of submitted Landscaping Plan, per Section 144-44C of the Town Code for a +/- 7,000-sq.ft. addition with associated parking.

APPEARANCE: Mr. Chris Wood, Carmina • Wood • Morris
Mr. Robert Walter, LAS

Mr. Wood presented and explained the Landscaping Plan to the members.

The members confirmed that there are less than forty-parking spaces at this site.

Mr. Schichtel verified that the plans were stamped and sealed by the LAS and stated that he feels the plans look good to him. Screening is provided for the adjacent neighbor.

Mr. Ward felt the plans looked good.

The Chair stated that if any changes occur with the plan after its review by other Boards and/or Town Engineering that they return to this Board for further review.

Mr. Schechter made a **MOTION**, seconded by Mr. Jaeger, to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 2/15/19, based on the following conditions and stipulations:

1. The Total Green Space is 34.5%, and meets the Town Requirement of 20%.
2. The Landscaping Value Estimate of \$16,850 requires a Certified Check amounting to 50% of the total shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$8,425)
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 MOTION IS UNANIMOUSLY PASSED.

3. C.B. File #37-14, 4596 & 4968 Chestnut Ridge Road, Miranda Holdings, Zoned B-2. Seeking Conservation Board review and approval of submitted Landscape Plan, per Section 144-44C of the Town Code for a 2,000-sq.ft. Tim Horton's Restaurant with drive-thru, and a 1,232-sq.ft. retail area with associated parking.

APPEARANCE: Mr. Chris Wood, Carmina • Wood • Morris
Mr. Robert Walter, LAS
Mr. Miranda, Property Owner/Developer

Mr. Wood presented and explained the Landscaping Plan for the proposed project. He told the Board that they plan on submitting revised plans to the Town Engineering Department this week. He does not feel there will be issues with the updated plans.

The Chair inquired if they have been before the Planning Board. Mr. Wood noted that they earlier had been before the Planning Board with a different plan.

Chairman Schechter stated that we do not know what other Boards will do when they review this project.

Mr. Jaeger stated he, also, is not sure if the plan will be revised after it appears for review before another Board.

It was established that there are 21-spaces for parking at this site.

Mr. Ward discussed the proposed landscaping on the project sites' Southern boundary. His discussion with Mr. Walter concluded that they will add to the buffer/plantings further with higher density four-foot shrubs (vehicle height) between the drive-through lane and the detention basin. There is an existing four-foot fence that was also discussed.

The Chair asks that Mr. Walter make these changes and return to the Board with a revised plan.

The Chair tabled this review, pending receipt of an updated plan.

The meeting adjourned at 7:17 P.M.

DATED: March 7, 2019
REVIEWED: May 7, 2019

Respectfully Submitted,
Rosemary M. Messina Secretary

Richard Schechter, Chairman