**MEMBERS PRESENT:** Harold Fabinsky, Chairman

Nicholas Baich

Paul Bodden

Henry Heppner

David Kaczor

Julia Mombrea, Alternate

Philip Murray

**EXCUSED:** Joseph Liberti, (Leave of absence.)

Philip Murray

**OTHERS PRESENT:** Remy C. Orffeo, Acting Planning Coordinator

Steven Bremer, Supervising Code Enforcement Officer

Thomas Ostrander, Assistant Town Municipal Engineer

Timothy Gallagher, Deputy Town Attorney

Rose Messina, Planning Board Secretary

The Chair 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 Chair stated that our alternate member, Mrs. Mombrea, will be a voting member this evening, as Mr. Liberti has taken a leave of absence, and Mr. Murray is excused.

Upon a motion duly made and seconded, the reading of the October Planning Board Meeting minutes was unanimously waived as each Board Member had previously received a copy. Mr. Bodden advised an amendment to the meeting minutes.

Mr. Kaczor made a motion, seconded by Ms. Mombrea, to accept the October 8, 2020 meeting minutes as amended by Mr. Bodden; Page three, Item #2, third paragraph*,* remove *“R-2 zoning”*. Keep “Single-family homes are allowed”*.*

THE **VOTE** ON THE **MOTION** BEING:

FABINSKY AYE

BAICH AYE

BODDEN AYE

HEPPNER AYE

KACZOR AYE

MOMBREA AYE

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

**NEW BUSINESS:**

1. P.B. File #21-20, 4109 North Buffalo, located on the east side of N. Buffalo Road, south of Sunset Lane, Zoned B3. Dennis Salemi is requesting approval for an Outside Display. (SBL#161.14-2-10)

APPEARANCE: Mr. Dennis Salemi, Owner/Petitioner

Mr. Bodden is recusing himself from this case due to a business relationship with the Petitioner.

Mr. Salemi presented and explained his plans for an outdoor tent to accommodate his customers during

this busy season. He explained that the tent is needed now more than ever, as he must limit the number of customers in his store, under the COVID-19 Regulations.

The members confirmed the following information:

⦁ Chairman Fabinsky established that all COVID-19 regulations will be followed while maintaining the outdoor display.

⦁ Mr. Heppner verified that the tent size is 20‘x 40’.

⦁ Mr. Kaczor affirmed that the tent will be located outside of the stores’ entranceway. He also discussed the fact that the tent had been put up previously. Acting Planning Coordinator Orffeo explained that the Petitioner was confused with the process and the violation was not serious enough for a citation. Mr. Kaczor stated that he feels the tent request is not unreasonable.

⦁ Mrs. Mombrea discussed the location of the tent with Mr. Salemi. He explained that the tent will be placed at the front entranceway and have sides on it.

Mrs. Mombrea made a **MOTION**, seconded by Mr. Kaczor, to **GRANT** an Outside Display Permit, for “Research & Design”, based on the following:

1. All public notices have been filed.

2. This is a Type II SEQR action and therefore no SEQR determination is required.

3. The submitted letter of intent and location plan indicate there will be; a 20-ft. x 40-ft. tent.

4. Outdoor Display Schedule as follows:

11/18/2020 through 12/01/2020

12/18/2020 through 12/27/2020

01/21/2021 through 02/02/2021

5. All signage must be approved by the Building Inspector.

6. Social distancing guidelines will be followed.

7. If any issues or complaints arise, the Building Inspector is to submit a report to the Planning Board detailing the complaint.

**ON THE QUESTION:**  Mr. Heppner confirmed that the size of the tent is 20’ x 40’.

THE **VOTE** ON THE **MOTION** BEING:

FABINSKY AYE

BAICH AYE

BODDEN RECUSED

HEPPNER AYE

KACZOR AYE

MOMBREA AYE

THE **VOTE** BEING **ONE (1) RECUSAL** AND **FIVE (5) AYES**, THE **MOTION** IS **PASSED.**

2. P.B. File #26-2020, 3371 N. Benzing Road, Orchard Park Self-Storage, located on the east side of N. Benzing Road, south of Lake Avenue, Zoned I-1. Applicant is requesting temporary storage units be allowed. (SBL#152.18-1-2.1)

APPEARANCE: Mr. Joseph Lorigo, Attorney

Chairman Fabinsky stated that the Board would like further information regarding the proposed storage units. It is unclear as to what is temporary or permanent at the site.

Mr. Lorigo stated that Mr. Bremer indicated to him, that with no foundation, the shipping containers are considered “temporary” storage units.

The Board members determined that their review cannot take place without a Site Plan with clear dimensions, and a Letter of Intent. The Site Plan must show; emergency vehicle accessibility, the width and length of the storage units, and Code Compliance with the Town setback ordinance.

Mr. Bodden commented that it is obvious to him that Mr. Lorigo is not very well prepared. He further noted that before he can vote he needs a clearer Site Plan, with the particular storage units, the measurements, the setbacks, etc…

Mr. Lorigo stated that his submission is what Mr. Bremer suggested was needed. If he needs something more specific he certainly can get that done.

Mr. Baich is in agreement with Mr. Bodden. He feels there must be another survey.

Mrs. Mombrea agrees that a clear Site Plan is needed. She asked for the measurements of the units. It was established that they are 20-ft. long, by 10-ft. wide.

Chairman Fabinsky stated that in terms of temporary, that means they would not be permanent. Is there a specific time period? Can you give us a little more information on exactly what kind of purpose they would serve?

Mr. Lorigo noted that the units will remain as long as needed for storage purposes. They are not, technically, permanent structures.

The Chairman stated that the Board members will provide the Acting Planning Coordinator with their questions, and he will send the Petitioner a list of the items they want to see on the Site Plan.

Acting Planning Coordinator Orffeo established that there will be no additional lighting or signage.

Mr. Heppner made a **MOTION**, seconded by Mr. Bodden to **TABLE** the review of this case until receipt of a Site Plan, based on the members’ comments, is received by Mr. Orffeo.

THE **VOTE** ON THE **MOTION** BEING:

FABINSKY AYE

BAICH AYE

BODDEN AYE

HEPPNER AYE

KACZOR AYE

MOMBREA AYE

THE **VOTE** BEING **SIX (6) IN FAVOR,** THE **MOTION** IS **PASSED.**

3. P.B. File #11-18, “Smokes Creek Farms”, proposed twenty-two lot subdivision, Vacant Land located on the south side of Jewett-Holmwood Road, east of Deer Run, Zoned R-1. Applicant to extend decision date on project for sixty-three (63) days.

**APPEARANCE:** Mr. James Jerge, Petitioner/Property Owner

Mr. Jerge stated that the good news is that his attorney has informed him that they should have the sign-off paperwork from Erie County by the end of next week.

Acting Planning Coordinator Orffeo noted that there were map cover items that need minor adjustments, and he asked Assistant Town Municipal Engineer Ostrander to explain these to the Board.

Mr. Ostrander told the members that his notes to fix several minor items has not been attended to by the Petitioners’ engineering firm.

Mr. Jerge will bring this to their attention.

Mr. Baich made a **MOTION**, seconded by Mr. Bodden as follows:

The Planning Board, per Town Code Section 121-17, **ACCEPTS** the Petitioners’ request to extend the decision date in the Final Plat Plan approval process for 63-days.

1. All public notices have been filed.

THE **VOTE** ON THE **MOTION** BEING:

FABINSKY AYE

BAICH AYE

BODDEN AYE

HEPPNER AYE

KACZOR AYE

MOMBREA AYE

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

There being no further business, the Chairman adjourned the meeting at 7:30 P.M.

DATED: 12/07/2020

REVIEWED: 12/13/2020

Respectfully submitted,

Rosemary M. Messina

Harold T. Fabinsky, Planning Board Chairman Planning Board Secretary