

PLANNING BOARD SEPTEMBER MEETING MINUTES

MEMBERS: Henry Heppner, Acting Chairman
Nicholas Baich
David Kaczor
Julia Mombrea
Philip Murray
Karen Byrne, Alternate

EXCUSED: Joseph Liberti, is on a leave of absence.
Harold Fabinsky, Chairman

OTHERS PRESENT: Remy C. Orffeo, Acting Planning Coordinator
Steven Bremer, Supervising Code Enforcement Officer
Thomas Ostrander, Assistant Town Municipal Engineer
John Bailey, Deputy Town Attorney
Rose Messina, Planning Board Secretary

The Acting 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 Acting Chair noted that this evening we do not have a full Board. Therefore, our Alternate, Ms. Byrne will be a voting member.

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

Mr. Baich made a motion, seconded by Ms. Mombrea to accept the March 11, 2021 meeting minutes as presented.

THE VOTE ON THE MOTION BEING:

BAICH	AYE
HEPPNER	AYE
KACZOR	AYE
MOMBREA	AYE
MURRAY	AYE
BYRNE	AYE

THE VOTE BEING UNANIMOUS, THE MOTION IS PASSED.

Ms. Mombrea made a motion, seconded by Mr. Baich to accept the April 8, 2021 meeting minutes as presented.

THE VOTE ON THE MOTION BEING:

BAICH	AYE
HEPPNER	AYE
KACZOR	AYE
MOMBREA	AYE
MURRAY	AYE
BYRNE	AYE

THE VOTE BEING UNANIMOUS, THE MOTION IS PASSED.

Mr. Baich made a motion, seconded by Ms. Byrne to accept the May 13, 2021 meeting minutes as presented.

THE VOTE ON THE MOTION BEING:

BAICH	AYE
HEPPNER	AYE
KACZOR	AYE
MOMBREA	AYE
MURRAY	AYE
BYRNE	AYE

THE VOTE BEING UNANIMOUS, THE MOTION IS PASSED.

The Acting Chair stated that this is not a public hearing, the Planning Board is reviewing the Petitioners' proposal, and will make a recommendation to the Town Board on this project. There is a public hearing scheduled at the Town Board meeting on September 15th. At that meeting, the public will have the opportunity to speak in favor, or against, this project. He also verified with the Planning Secretary that all public notices have been made.

1. P.B. File #27-2021, Webster Road, V/L located on the south side of Webster Road, west of North Buffalo Road, Zoned R-3. "Prodigy Webster Road, LLC", is requesting to rezone this parcel, from R-3 to B-3, for the purpose of constructing a Wayland Brewery annex building and parking lot. (SBL#161.00-3-28.1) Town Board referred to Planning and Conservation Boards on 8/4/21.

APPEARANCE: Mr. Chris Wood, Carmina • Wood • Morris
Mr. Tom Bestpath, Property Owner

Mr. Wood presented and explained the proposed plans for a 2,400-sq.ft. Annex Building and Parking Lot to be constructed on Vacant Land, south side of Webster Road for Wayland Brewery, located at the former American Legion Post site, north west corner of Webster Road and North Buffalo Street. The building will be used for the storage of banquet materials. There will be no manufacturing or any activity at this site. The proposed 139-space parking lot will provide additional parking spaces for their brewery and restaurant customers. Mr. Wood stated that they need the property rezoned from R-3, to B-3. He reviewed a color aerial photo of the site, super imposed on the subject property, indicating several B-3 parcels located near this site. He further stated that Site Lighting will be kept to a minimum.

The members discussed the Zoning Request from R-3 to B-3, as follows:

- The proposed east end of the parking lot is approximately 300-ft. from the facility. The Board does not want people parking along the side of the road, and also feels there should be sidewalks put in. The Petitioner is open to constructing sidewalks on one side to cross the roadway to the Wayland Brewery.
- The constructing of a berm and the planting of trees was discussed as ways to break-up the look of the proposed parking lot and annex building. This will also keep vehicle headlights from shining on residential properties. Mr. Wood stated that they are scheduled to go before the Conservation Board for review of a proposed Landscaping Plan for this site.
- It was learned that the agreement with the adjacent neighboring Church, regarding the use of their parking spaces, never came to fruition. However, the other business properties that were spoken of for shared parking spaces remain viable and there may be lease agreements in place.

- Mr. Murray feels the proposed rezoning will change the character of the neighborhood, as it is an encroachment on the residential neighborhood.
- Mr. Kaczor, and other members of the Board, expressed that they do not feel the rezoning will change the character of the neighborhood.
- Thomas Ostrander, Assistant Town Municipal Engineer, explained the type of buildings that can be constructed in a R-3 Zone.
- Ms. Byrne discussed the importance of lighting and sidewalks as individuals make their way down the street. She confirmed that the Petitioner will provide this, and also a Lighting Plan for the site.

Mr. Kaczor made a **MOTION**, seconded by Ms. Byrne to **RECOMMEND** that the Town Board **APPROVE** the requested rezoning of 1.7-Acres +/- Vacant Land located on the south side of Webster Road, west of North Buffalo Road, from R-3 to B-3, by "Prodigy Webster Road LLC" for the purpose of constructing a 2,400 sq.ft. Brewery Annex Building and a 139-car parking lot for the nearby Wayland Brewery at 3740 N. Buffalo Road based on the following:

1. This is an Unlisted SEQR action based on the submitted Short EAF, and a Negative Declaration shall be made.
2. Fees shall be paid in accordance with Section 144 Attachment (C) of the Town Code prior to publication of the Public Hearing Notice.
3. This recommendation is contingent upon the applicant completing the project as proposed on the Preliminary Development plans, and shall revert to its original zoning classification if the project is not completed per Section 144-67 of the Town Code.
4. Recommendation includes the construction of a berm, with proper screening provided with plants and trees, the proper lighting with down shields is to be put in place, and sidewalks are to be constructed along Webster Road leading to the Wayland Brewery main Building for the safety of residents and customers.

THE VOTE ON THE MOTION BEING:

BAICH	ABSTAINED
HEPPNER	AYE
KACZOR	AYE
MOMBREA	AYE
MURRAY	NAY
BYRNE	AYE

THE VOTE BEING (4) FOUR AYES, (1) ONE NAY, AND (1) ONE ABSTENTION, THE MOTION IS PASSED.

There being no further business, the Acting Chairman adjourned the meeting at 7:26 P.M.

DATED: 9/30/2021

REVIEWED: 12/9/21

Respectfully submitted,
Rosemary M. Messina
Planning Board Secretary

Henry Heppner
Acting Planning Board Chairman